

Organised crime in Southern Africa

First annual review

Contents

Acknowledgements	iii
Executive summary	iv
Introduction	1
Background	3
Methodology	7
Definition	7
Research methods	9
The research questions	11
Research challenges	11
Criminal activities undertaken by organised criminal groups since 2005	12
Smuggling and illegal importation of goods and counterfeit commodities	13
Cigarette smuggling	15
Firearms smuggling	17
Audiovisual piracy	18
Counterfeit medicines and cosmetics	19
Fuel smuggling	20
Liquor smuggling	20
Counterfeit currency	21
The drug markets	23
Cannabis	23
Cocaine	27
Amphetamines and methamphetamines	30
Heroin	31
Subutex (buprenorphine)	32
Khat	33
Smuggling of stolen motor vehicles	35
Armed robberies	41
Smuggling of endangered species and rare resources	53
Poaching	53
Abalone poaching	56
Timber	59
Mining	59
Financial crime and money laundering	65
Lesotho	65
Zambia	67
Mauritius	68
Swaziland	68

South Africa	69
Malawi.....	73
People smuggling and human trafficking.....	75
Mozambique	75
South Africa	76
Tanzania	76
Mauritius	76
Malawi.....	77
Lesotho.....	77
Swaziland.....	78
Zambia.....	78
Botswana.....	78
Stock theft and cattle rustling.....	81
Stock theft.....	81
The corruption and organised crime nexus	85
South Africa	85
Zambia.....	86
Tanzania.....	88
Mauritius	89
Swaziland.....	89
Findings and recommendations	93
Vulnerability.....	93
Crime statistics	93
Centralised crime database	94
Specialised organised crime units.....	94
Dedicated and specific organised crime legislation.....	94
Regional cooperation.....	94
Language problems and inconsistent email and phone communication	94
Extradition matters	94
Regulating the motor vehicle industry	94
Prosecutorial incongruity	95
Intelligence gathering	95
Laws and policy	95
Porous borders	95
Corruption and state capture	95
War rooms.....	95
Harmonising law enforcement cooperation.....	95
Investigative and intelligence skills	95
Lack of adequate training and education on organised crime and money-laundering issues.....	96
Paralysis of the criminal justice system	96
Calls to legalise marijuana cultivation	96
Institutional factors	96
Cross-border enforcement agreements	96
Weak law enforcement on national roads	97
Fraudulent documentation	97
Country-specific laws	97
Conclusion.....	97

Acronyms

ADSU	Anti Drug Smuggling Unit
AGOA	Africa Growth Opportunity Act
ATM	automated teller machine
BAT	British American Tobacco
BATSA	British American Tobacco South Africa
BDF	Botswana Defence Force
CCM	Chama Cha Mapinduzi
CD	compact disc
CID	Criminal Investigation Department
DRC	Democratic Republic of Congo
DSO	Directorate of Special Operations
DVD	digital video disc
EMV	Europay MasterCard Visa
EROC	Enhancing Regional Responses Against Organised Crime
GRV	Goods Received Voucher
ICAC	Independent Commission against Corruption
IOM	International Organisation for Migration
LRA	Lesotho Revenue Authority
MEDIMOC	Medimoc Sarl-Empresa de Importacao e Exportacao de Medicamentos
MPS	Malawi Police Service
NBC	National Bank of Commerce
NCA	Norwegian Church Aid
NCBs	national central bureaus
NCIS	National Central Intelligence Services
NDF	Namibian Defence Force
NTA	National Transport Authority
PEPs	politically exposed persons
PIN	Personal Identity Number
PCC	Permanent Co-ordinating Committee
SABRIC	South African Banking Risk Information Centre
SACU	Southern African Customs Union
SADC	Southern African Development Community
SARPCCO	Southern African Regional Police Chiefs Cooperation Organisation
SAPS	South African Police Service
SIU	Special Investigation Unit
TANAPA	Tanzania National Parks Authority
TAWICO	Tanzanian Wildlife Company
VCD	video compact disc
VIN	vehicle identification number
ZAWA	Zambia Wildlife Authority
ZRA	Zambian Revenue Authority

Acknowledgements

The Organised Crime and Money Laundering Programme (OCML) at the Institute for Security Studies extends its sincere appreciation to all those involved in the production of this report. Special thanks are extended to the Southern African police officers, government officials, representatives from civil society, private sector and ordinary citizens who made this research possible by responding to enquiries, questions and participating in focus groups, workshops and one-on-one interviews. Thanks also to the members of the Southern African Police Cooperation Organisation's (SARPCCO) Permanent Coordinating Committee (PCC) who reviewed the report.

We also wish to extend a special thank-you to the following people:

- The former Inspector-General of the Zambia National Police Service, Ephraim Mateyo, who launched the research project at an inception workshop held in April 2008 in Livingstone, Zambia
- The members of the PCC, SARPCCO Subregional Bureau, ISS staff and field researchers for their participation at the Livingstone workshop which led to the finalisation of the research methodology and working definition of organised crime for data collection
- The subregional bureau of SARPCCO in Harare: Vilio Hifindaka, the former head of the SARPCCO Secretariat, Chilika Simfukwe, his successor, and

Poobalan Savari, a specialised desk officer, for their encouragement, liaison with police agencies across the region and advice on methodologies and data collection

- Charles Goredema, head of OCML, for his supportive engagement with the project steering committee, policing agencies and research staff
- Nobuntu Mtwana and Bongeka Mdaniso, programme administrator and assistant, for relentless assistance in organising logistics for field research, workshops and conferences, and Nobuntu for helping with the layout of this report
- Jackson Madzima, Alice Mafuleka, Anna Zongollowicz, Salomão Mungoi, Amanda Lucey and Gabriel Limaverde, field researchers of the EROC project, for their energetic data collection and without whose hard work, research reports and input, this report would have been impossible
- Etienne Hennop and Masautso Phiri, for their short-term consultancies which resulted in insightful research reports enriching the contents of this report
- Fiona Adams, our copy-editor, for her patience and dedication

We further wish to acknowledge with gratitude the generous support received from the government of the Federal Republic of Germany, without which the research project on organised crime would not have been possible.

Executive summary

In 2005 representatives of the Institute for Security Studies (ISS) and the Secretariat of the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) discussed the lack of reliable information and research on organised crime and how it impacted on law enforcement in southern Africa. The lack of credible homegrown research data ultimately led to the conceptualisation of a joint research project between the Cape Town-based ISS Organised Crime and Money Laundering Programme and SARPCCO. The Enhancing Regional Responses Against Organised Crime (EROC) Project commenced in January 2008 and concludes in December 2010. The objectives of the research are to:

- Provide in-depth information on contemporary organised criminal activities in the sub-region to policy and decision makers
- Analyse the transnational dynamics of organised criminal groups and networks
- Determine whether, and to what extent, links exist between organised crime and terrorism
- Consider and document the role that corruption plays in organised crime, and
- Evaluate the capacity and effectiveness of law enforcement agencies in the sub-region to overcome organised crime

This report comprises the research findings of the first year of data collection (2008) for the EROC project. It is the first of three such reports that will be published by the ISS in collaboration with SARPCCO. It looks at selected organised criminal activities and observed levels of prevalence in 12 southern African countries. Research questions, methodologies, limitations and

ethical considerations are discussed in detail. Due to the lack of statistical and quantitative data, the report relies mostly on qualitative methodologies. Representatives of law enforcement agencies, government departments and para-statal, civil society, business and professional associations, academics, prisoners, former gang members and members of the broader communities whose lives have been affected by organised crime, were consulted in one-on-one interviews, focus groups, observations and workshops. A team of field researchers led by a research coordinator collected the data presented and analysed in this report. The research was informed by a working definition of organised crime which was jointly developed by the heads of criminal investigation departments in southern Africa and the research team.

The report shows that the more serious forms of crime in terms of the monetary value involved or the potential harm they cause have a transnational dimension, both in terms of being committed by people of varying nationalities and in terms of affecting more than one country. It has been established that organised crime in most countries is underpinned by corruption, which is either a facilitating activity or an organised criminal activity in its own right.

The geo-political and economic environments of individual countries amplifies the significance of specific criminal activities, the commonest forms of which have been identified as stock theft, theft/hijacking of motor vehicles, cultivation of marijuana and a broad spectrum of economic crimes. Further, the research has shown that although economic crimes may not be as prevalent as other forms of crime, statistically their impact on the society and the economy are far reaching. Furthermore, the effectiveness of law enforcement against organised crime has been put in the spotlight.



Photo: Institute for Security Studies

Introduction

INTRODUCTION

Due to the regional nature of the study, this report is structured into sections that deal with specific organised criminal activities and observed levels of prevalence. This approach is preferable to a country-by-country analysis as the report intends to provide an understanding of regional and transnational patterns of organised crime rather than a comparative country analysis. Country-specific

variations, permutations and incidences of criminal markets are considered in separate reports.

The annual report begins with an introductory chapter, which provides a brief background to the Enhancing Regional Responses Against Organised Crime (EROC) project. Research questions, methodologies, limitations and ethical considerations are discussed thereafter. The main body of the report is structured into chapters on the main organised criminal markets, identified on the

Figure 1: Map of Southern Africa



basis of the activities around which they are centred. They are:

- Smuggling and illegal importation of goods and counterfeit commodities
- Drug trafficking
- Smuggling of stolen motor vehicles
- Armed robberies
- Smuggling of endangered species and rare resources
- Financial crime and money laundering

- People smuggling and human trafficking
- Stock theft and cattle rustling
- Corruption

The final chapter consists of preliminary findings and recommendations. Although the report attempts to provide a broad overview of regional organised crime trends in the region, it does not purport to cover every criminal market. It is confined to what appear to be the major crime markets in the surveyed countries.

Background

A 2005 United Nations report on Crime and Development in Africa concluded that ‘...Africa may have become the continent most targeted by organised crime’.¹ Among other things, it states: ‘International drug seizures indicate that Africa is increasingly being used to route drugs destined for other markets...’² In the wake of that sordid observation, Southern African governments acknowledged the corroding impact that organised crime had on governance, business and development. In the SADC Protocol on Combating Illicit Drugs, Southern African Heads of State endorsed the following statement:

...the region is being increasingly used as a conduit for illicit drugs destined for international markets ... illicit drug trafficking generates large financial gains and wealth enabling trans-national criminals and organizations to penetrate, contaminate and corrupt the structures of governments, legitimate commercial and financial business and society at all levels.³

Organised crime does not just revolve around drugs. The expansion of the criminal market in the SADC region has also been driven by increases in armed robbery, the smuggling of commodities such as firearms, endangered species, diamonds and other precious stones, and by one of the most prominent organised criminal activities in Southern Africa, namely the smuggling of stolen motor vehicles. Even the facilitation of illegal migration (which may or may not include trafficking of human beings) has now become part of the activities of some of the regional criminal groups and networks.

Contemporary forms of organised white-collar crime appear to combine fraud, corruption and money laundering in interconnected webs of deceit. Economic crime in Southern Africa, as in other parts of the continent,

appears to be assisted by two prominent factors. The political systems inherited from colonial public administrations have a tendency to be secretive, even where this is not necessary. Corporate governance in the private sector across the region is, in many respects, poor. Sometimes the complexity of the schemes by which financial and economic crimes are committed makes it difficult to detect the fraud, corruption or money laundering features. Capacity to respond to criminal activity is a major issue.

Political leaders have been considering the modalities of closer economic integration among SADC countries for some time. While the discussions continue, organised criminal groups appear to have created a ‘free-trade zone’ for illicit commerce in the sub-region through various trans-national networks. It is widely accepted that organised crime has expanded significantly even though its actual extent and impact in the sub-region are not documented. To our knowledge, the only survey that has attempted to establish the sub-regional position emanated from an ISS project in 2000.⁴ This project was limited to soliciting and documenting police perceptions about organised crime patterns in Southern African countries, captured through a questionnaire completed by nine law enforcement agencies. While this limited exercise yielded useful information, it was clearly inadequate. Far more detailed information and analyses from law enforcement and other sources are required if the envisaged research is to be an effective resource for law enforcement.

Organised crime is a relatively new phenomenon to law enforcement in Southern Africa. The 2000 ISS research project found that of the nine police agencies surveyed, five had no definition of organised crime, while the definitions used in the remaining four were varied. It was also apparent that, even where a definition had been adopted, organised crime was difficult to track and

quantify. The UN Report on Crime and Development in Africa found that it is 'difficult to establish the existence of organised crime on the basis of official data, in Africa or elsewhere'.⁵ This can be attributed to poor recording and documentation practices.

It is widely believed that, in most of Southern Africa, organised crime markets evolved during the 1980s. Foreign nationals from Greece, Italy, Lebanon, India, Israel and European countries arrived in Congo, Zambia, Angola and Zimbabwe. Small trading or import and export businesses were used as a guise for illicit criminal activities. Some of these foreign nationals were mere fortune seekers while others had firm links with criminal networks abroad. They soon made contact with local African entrepreneurs, smugglers and criminals to explore both legal and illegal business opportunities. The locals opened a network of contacts through which they could illegally obtain goods such as cobalt and other metals, ivory, diamonds or drugs such as mandrax. A marriage of convenience bore fruit for both the local operators and the foreign fortune-hunters. The locals supplied the goods for which the foreigners paid either in hard currency or in arms, and the foreigners then smuggled the goods to South Africa or international markets.⁶

The tightly-controlled security situation and discriminatory apartheid laws made it risky for Africans to enter South Africa to make contact with local criminal groupings and/or to find markets for their goods. White foreigners from Zambia and the former Zaire as well as Portuguese nationals living in Angola or Mozambique faced no such challenges. It is thus a widely held view that the cooperation during the mid-1980s between African smugglers who supplied illegally obtained goods and foreigners who acted as buyers and sellers represented the birth of organised criminal networks, which were to become very sophisticated and well organised over the next decades.⁷

The early organised-crime syndicates of the 1980s appear to have been engaged in cross-border criminal activities with South African counterparts. They varied in size but tended to be small and showed no particular structure or hierarchy. Members would co-operate on specific ventures on an *ad hoc* basis. There was usually no kingpin or mafia-styled 'boss' involved. Ivory, copper, cobalt and large quantities of mandrax were transported via the main transport highways leading from Zambia to South Africa. Cash flow problems led to barter negotiations in which motor vehicles stolen in South Africa became the key commodity. The vehicles were driven across borders in payment for smuggled goods.

With an ever-growing demand for stolen motor vehicles, the incidence of car hijackings grew towards

the late 1980s. By then, transnational organised crime had become a lucrative enterprise throughout Southern Africa. Border controls became more relaxed and the discriminatory laws were repealed with the advent of a democratic dispensation in South Africa. This may have led to an even faster expansion of organised crime in the region.⁸

Law enforcement initiatives to curb the phenomenon were initially delayed. Regional police agencies were caught unprepared and no adequate legislation was in place to deal with the growing threat. Even the international community failed to recognise the growing threat of organised crime in sub-Saharan Africa. Up until the late 1990s Interpol's drug trafficking analysis unit suggested that hard drugs such as heroin and hashish were smuggled to Europe from Asia via the former Eastern bloc countries and North Africa.⁹ There were indications by the late 1990s that certain countries in Southern Africa, including South Africa, Mozambique, Tanzania, Angola and Namibia, had become ports of transshipment in the international drug trade.

Growing concern among regional police agencies over the epic proportions of cross-border crime led to the formation of the Southern African Police Chiefs Cooperation Organisation (SARPCCO) in 1995. The initial group of policing agencies from Angola, Botswana, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe that established SARPCCO were subsequently joined by Mauritius and the Democratic Republic of Congo (DRC). The ministers responsible for policing in each of the member states adopted the police chiefs' recommendations during the initial meeting at the Victoria Falls in Zimbabwe in the first week of August 1995. This led to the establishment of a permanent SARPCCO secretariat with its seat in Harare, Zimbabwe.

SARPCCO is the primary vehicle for regional and cross-border crime operations in Southern Africa. In 1997, Interpol established an Interpol Sub-Regional Bureau for Southern Africa in Harare, which also serves as the Secretariat of SARPCCO and assists with evaluating crime trends, facilitating co-operation between police agencies and performing other tasks.

The objectives of SARPCCO set out in its constitution include:

- Promoting, strengthening and perpetuating co-operation and fostering joint strategies for the management of all forms of cross-border and related crimes with regional implications
- Preparing and disseminating relevant information on criminal activities when necessary to benefit members in their attempts to contain crime in the region



Photo: Institute for Security Studies

- Regularly reviewing joint crime management strategies with the purpose of accommodating changing national and regional needs and priorities
- Efficiently operating and managing criminal records and efficient joint monitoring of cross-border crime by taking full advantage of the appropriate facilities available from Interpol
- Making relevant recommendations to governments of member countries in relation to matters affecting effective policing in the Southern African region
- Executing any relevant and appropriate acts and strategies for the purpose of promoting regional police co-operation and collaboration, as dictated by regional circumstances¹⁰

The task of combating organised crime effectively in poorly-resourced countries is a challenging one and Southern African countries are no exception. As the former Head of the Sub-regional Bureau of Interpol in Harare, Commissioner Frank Msutu observed:

There are very clear relationships and interlinking factors between crime syndicates operating in southern Africa. It is not a secret to law enforcement agencies in the region that the criminals in the region have better co-operation links than the police officers. They seem to know who to contact at all times and budgetary constraints, foreign currency shortages, visa problems or governmental authority to travel do not control their movements.¹¹

Poor information on organised crime in the sub-region undermines law enforcement agencies' ability to effectively identify and combat it, both at the national and sub-regional levels. SARPCCO is keenly aware that law enforcement agencies will not be able to implement the UN Convention against Transnational Organised Crime (the Palermo Convention) if they do not have adequate, up-to-date information on organised crime. Against this background, the SARPCCO Secretariat and the ISS agreed to collaborate to facilitate a better understanding of organised crime in Southern African countries, in a joint project called Enhancing Regional Responses Against Organised Crime (EROC).

This project envisages a rigorous process of profiling organised crime, which has not been systematically performed at the sub-regional level. The intention is to engage in a process that is likely to produce effective strategic initiatives against organised crime rather than sporadic initiatives. The project seeks to provide information on the major organised criminal activities identified, on the identity, structure and *modus operandi* of organised crime groups and networks, and on law enforcement measures in SARPCCO member states. Using that information, the project will assess the extent of the organised crime threat.



Photo: www.redimages.co.za

Methodology

DEFINITION

Organised crime comprises, by implication, the observed activities of organised criminal groups. Such groups consist of several persons who commit serious crimes over time for profit. However, the meaning of organised crime differs from country to country due to the divergent ways in which it is encountered. The lack of consensus is also attributable to the treatment of organised crime as being synonymous with the Mafia. Governments, law enforcement agencies and the public frequently equate organised crime with the work of the Mafia or of other 'ethnically' defined formations functioning in the underworld. This attitude is sometimes politically convenient in some countries, especially where the issues of immigration and ethnic integration are contentious and potentially politically lucrative.

Yet, as Alan Block pointed out in his analysis of New York's cocaine industry at the beginning of the last century:

...it was fragmented, kaleidoscopic, and sprawling. It was organized and coordinated not by any particular organization, but by criminal entrepreneurs who formed, re-formed, split and came together again as opportunity arose and when they were able.¹²

Block's analysis is still pertinent today as countries have a tendency to equate organised crime with some 'alien conspiracy' while in reality, it exhibits all the signs of being conducted by criminal entrepreneurs who form, re-form, split and come together according to circumstances rather than according to 'national', 'ethnic' or 'racial' considerations.¹³ Yet, as will become evident in the case of Southern Africa, the 'alien conspiracy' is alive and kicking,

especially with reference to Zimbabwean immigrants, South African gangs, Nigerian drug dealers and others.

Organised crime is a relatively new concept in Southern Africa. As such, it still evokes challenges of interpretation. Goredema asserts that organised criminal groups in Southern Africa bear little resemblance to the Mafia. In fact, they tend to function 'in loose and shifting associations and alliances with others or in a network without a clear hierarchy'.¹⁴ Although there is a paucity of literature on organised crime in Southern Africa, many authors offer their own interpretation of the concept. According to Standing,¹⁵ these authors all share a common understanding of the concept based on a paradigm anchored in the belief that the term 'organised crime' depicts a homogenous, structured group of criminals that exists outside the parameters of the formal economy.

Gastrow has provided a different perspective by acknowledging that the concept is as applicable to a group as it is to an activity:

Organised crime consists of those serious criminal offences committed by a criminal organisation, which is based on a structured association of more than two persons acting in concert over a prolonged period of time in pursuit of both their criminal objectives and profits.¹⁶

Gastrow added the additional concept of 'criminal syndicate', which implies that organised crime can also be seen as an activity.

A crime syndicate is a criminal organisation, engaged in the commission of serious criminal offences, which is based on a structured association of more than two persons acting in concert over a prolonged period of time in pursuit of both their criminal objectives and profits.¹⁷

By introducing the second concept, Gastrow distanced himself from the traditional, American-influenced approach to 'organised crime', which focuses on certain typical traits such as a clear structure and the commission of serious offences. Traditional definitions often overlook the fact that not only seasoned criminals, but law enforcement agencies, too, can be involved in organised criminal activities. South African researchers tend to differentiate organised crime as involving domestic criminals or foreign nationals. The latter category refers to what is generally known as 'transnational organised crime'. This form of organised crime relates to a culturally homogenous group derived from their country of origin, e.g. the Italian or Russian Mafia or the Chinese Triads.¹⁸ Standing argues that South African commentators imply that transnational organised crime is more sophisticated than its local variant.¹⁹

Gastrow, in the 2001 questionnaire to elicit police perceptions of organised crime, implied a distinction between indigenous and transnational organised criminal groups. He described indigenous organised criminal groups as follows:

'Indigenous organised criminal groups' are those that are made up primarily (but not exclusively) of nationals from your country and that are involved mainly (but not exclusively) in criminal activities within your borders.²⁰

The following definition was given for transnational organised crime groups:

Those that are made up primarily (but not exclusively) of foreign nationals or of individuals who originate from countries other than the respondent country and who are involved in cross-border crimes.²¹

Since the early 1990s, organised crime has been identified as a growing security concern throughout Southern Africa. All states in the sub-region have either signed the Palermo Convention or have undertaken to do so in due course. However, no regional definition of organised crime exists as yet. It is hoped that the EROC project will contribute to the formulation of a definition.

Reaching consensus on an internationally agreed definition of organised crime proved a most difficult endeavour at the 1999 and 2000 meetings of the UN Ad-Hoc Committee in Vienna to negotiate the Palermo Convention. According to Gastrow,²² participants compromised in the end. Multi-national perceptions of the concept pointed towards very divergent perspectives on its salient features. The Palermo Convention does not define organised crime; instead, it provides a definition

of an organised criminal group, and then criminalises participation in such a group.²³

Article 2 of the Palermo Convention stipulates:

- (a) 'Organized criminal group' shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) 'Serious crime' shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- (c) 'Structured group' shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.²⁴

Article 5 provides:

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - (a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
 - (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
 - (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
 - a. Criminal activities of the organized criminal group;
 - b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
 - (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.
2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.²⁵

Most SARPCCO member countries are yet to define organised crime for their internal purposes and often rely on the working definitions of the UN or the European Union, which are in themselves linear or incomplete.

During the EROC inception workshop held at the Chrismar Lodge, Livingstone, Zambia, from 21–23 April 2008, the heads of criminal investigations departments of all SARPCCO member countries and the ISS research team agreed that organised crime is identified by the following essential attributes:

- It is committed by two or more perpetrators, who are aware of each other's existence and general role, and who are acting in concert
- It is serious
- It is committed repeatedly
- The crimes are motivated by the pursuit of material and financial gain

It was accepted that organised crime might also have the following characteristics, but that none was essential to its nature:

- It is committed by a criminal group that is structured like a business
- It is committed by a group in which there is a division of labour
- The leaders of the criminal group have disciplinary authority over other members of the group
- It is facilitated by the use, or threatened use, of violence, blackmail, extortion, intimidation or corruption
- It is accompanied and supported by money laundering
- It traverses national and international boundaries
- It is committed by the use of sophisticated or complex transactions

The above definition was subsequently discussed at inception roundtable workshops held in Swaziland, Lesotho, Namibia, Malawi, Mozambique, Tanzania and Mauritius. It was agreed to use it as a working definition for the purposes of data collection for the EROC project.

RESEARCH METHODS

After receiving the endorsement of SARPCCO police chiefs at the Lusaka Annual Meeting in August 2007, and after the subsequent staff recruitment, project research started in May 2008. The 12 SADC countries covered by this project were divided into five clusters to streamline territorial research areas and tasks to be allocated to the commissioned researchers recruited. The clusters agreed on were:

- Zambia, Tanzania and Mauritius (Cluster A)
- Namibia, Botswana and Zimbabwe (Cluster B)
- Mozambique and Malawi (Cluster C)
- Angola (Cluster D)
- South Africa, Swaziland and Lesotho (Cluster E)

Ms Annette Hübschle, a senior researcher in the ISS, is co-ordinating the research. She drew up the research methodology that was subsequently adopted by the inception workshop, and is responsible for its implementation. She was tasked with supporting the work of the field researchers and with collating and verifying data for regional analysis and for a regional report. Annette is also responsible for implementing the research strategy agreed on between the ISS and SARPCCO. The field researchers were recruited by open advertisement, short-listing and subsequent interviews. The following researchers were appointed:

- Ms Alice Mafuleka (Cluster A): a researcher with a social science research background, based in Lusaka, Zambia.
- Ms Anna Zongollowicz (Cluster B): At the beginning of the research she was based in Gaborone, Botswana. She has experience in researching organised crime and armed conflict.
- Mr Gabriel Limaverde (Cluster C): A Brazilian national, he was based in Maputo, Mozambique, and came to the project with considerable crime research experience.
- Mr Leon Kukuk (Cluster D): He is experienced in investigative journalism and conducting research in conflict-torn regions and at the start of the project was based in Huambo, Angola.
- Mr Jackson Madzima (Cluster E), Jackson is a full-time researcher in the ISS, based in Cape Town. He joined the ISS from the Botswana Police Service and has spent five years on secondment to SARPCCO.
- Ms. Amanda Lucey, a former intern in the Cape Town office of the ISS, was commissioned to assist Jackson in the research in South Africa.

Collaboration between SARPCCO and the ISS on this project is conducted formally through a Project Steering Committee and informally through telephonic and e-mail contact. It has been regular and useful in facilitating progress, particularly with the briefing workshops and research meetings. On several occasions the ISS Project Head, Mr Charles Goredema, and the research co-ordinator, Ms Annette Hübschle, met with the Head of the SARPCCO Secretariat, Mr Vilio Hifindaka, and with the other SARPCCO contact person on the Committee,

Mr Poobalan Savari, to discuss and harmonise the implementation of various activities.

The project was formally launched by the Inspector-General of the Zambian National Police Service, Mr Ephraim Mateyo, at the workshop held at the Chrismar Lodge, Livingstone, Zambia, in April 2008. Zambia held the presidency of SARPCCO at the time. The workshop was jointly organised by the SARPCCO Secretariat, the Permanent Co-ordinating Committee (PCC) of SARPCCO and the ISS. The PCC comprises all heads of criminal investigations departments (CIDs) from SARPCCO member countries and is answerable to the police chiefs.

Apart from launching the project, the workshop's objective was to familiarise members of the PCC with all aspects of the project and to provide them with an update on progress. The workshop presented an opportunity to introduce the newly recruited field researchers to the Secretariat and the PCC. In two days of frank discussions, the PCC members shared their views on many key issues such as the definition of organised crime, questionnaires to be used, methodologies and ethical issues. It was agreed that information from police agencies should be accessed through the heads of the CID in each country, who would assign 'authorised contact persons' to assist. It was also agreed that close contact would be maintained between researchers and national crime bureaus (NCBs) in each SARPCCO member country.

After the project launch at the end of April 2008, each researcher was required to devote about four weeks to preparing a 'scoping report', mapping out the terrain in the respective countries of their clusters, paying particular attention to relevant socio-economic and political issues and official perceptions about crime. With the exception of Zimbabwe's, these reports were completed and submitted to the research coordinator in the first week of June 2008. The reports were analysed and the results affected how the field research in the different countries progressed. Based on an assessment of the situation prevailing in Zimbabwe between April and December 2008, it was decided to delay data collection and field research in that country. The political climate and the uncertainty after the elections there created a dangerous environment for research on issues relating to security and crime.

The researchers were expected to begin their field research from mid June. During this first phase of field research, they collected data in the country in which they were based. Research plans, work plans and logistical preparations were undertaken in collaboration with the research coordinator and the programme administrator. Researchers submitted monthly reports detailing findings and research, as well as methodological and ethical challenges. The reports proved to be a useful tool in assessing gaps in information.

The Livingstone workshop also agreed that the ISS research coordinator and the SARPCCO Secretariat would provide field researchers with bureaucratic, research and logistical support. This process began in Mozambique, South Africa and Angola in May. In June, it continued in Botswana. Annette Hübschle travelled to Namibia in July with the researcher assigned to that country, where they met with a network of journalists, law enforcement and government officials and representatives from civil society. With the help of the Royal Swazi Police Service, Annette and Jackson Madzima convened a networking workshop in Mbabane, Swaziland in August. Following the resignation of researcher Gabriel Limaverde for personal reasons, Annette provided induction training to Mr Salomão Mungoi, the newly appointed field researcher for Mozambique and Malawi. In September, Annette travelled with Ms Alice Mafuleka to Tanzania and Zanzibar. The CID of the Tanzanian police helped to set up a briefing session with police and law enforcement stakeholders. The researchers then undertook data collection for five weeks in Dar es Salaam, Zanzibar and the Makufe National Park. Salomão and Annette travelled to Lilongwe, Blantyre and Lake Nyasa, Malawi in late September. In October, Annette assisted Anna and Salomão with data collection in Namibia and Mozambique respectively. Alice and Annette undertook a scoping trip to Mauritius during November.

The geographical expanse of Clusters A and E meant it was thought prudent to augment the project team by engaging short-term researchers to conduct detailed studies of activities in the border areas of Zambia and South Africa. The project team felt that this would ensure that trends of cross-border organised crime were taken into account from an early stage. Mr Masautso Phiri was contracted to cover the Zambian border points Nakonde and Mpulungu in the Mbala region, and the borders with Tanzania at Zombe/Kasesya and Lumi/Mozi. Mr Ettienne Hennop was requested to undertake a two-month study of organised crime trends at South Africa's border posts and international ports of entry. This included visits to border posts along South Africa's long borders, the major ports of Durban, Port Elizabeth and Cape Town and the international airports of Cape Town and Johannesburg.

For the purposes of the EROC project, the specific contact point for accessing official information from police agencies in each country is the NCB of each police agency. Each bureau was expected to facilitate access to information in the possession of law enforcement agencies and other authorities that could be relevant to the project. The project team, together with the NCBs, organised a series of networking workshops with law enforcement officials and other relevant sources of information in every country. Workshops were convened in Lesotho,

Malawi, Mauritius, Mozambique, Namibia, Swaziland and Tanzania. Participants were briefed on the background of the project, the research questions, methodologies and ethical and security concerns. The workshops succeeded in facilitating access to key stakeholders to be contacted in follow-up interviews and focus groups. They also provided opportunities to discuss the expectations of participants and the institutions they represented. A common expectation was that feedback on research findings would be provided.

Meetings were held with the heads of central banks, customs agencies, border control units, attorneys-general, prosecutors-in-chief, departments of home affairs, state security agencies, wildlife boards and others. The research team held a review workshop in Windhoek, Namibia on 8 and 9 October 2009 attended by the field researchers, the project head, the SARPCCO contact person, the research coordinator and Namibian police officers. Among the priority crimes highlighted were drug trafficking, the smuggling of counterfeit goods, arms trafficking, vehicle theft and the smuggling of rare and endangered resources, cigarette smuggling and automated teller machine (ATM) bombings/armed robberies. Researchers reported preliminary findings and the challenges faced. Experts briefed the researchers on specific aspects of organised crime research.

THE RESEARCH QUESTIONS

To produce useful regional reports that analyse organised crime in the sub-region, it was essential that information obtained from the various SARPCCO member countries could be compared. It was therefore imperative that the research in all countries was conducted using the same methods and criteria while still allowing for peculiarities and differences among the countries. The project partners agreed on an approach that relied on a combination of country-specific field research, regional profiling and co-ordination of research activities. Organised crime activities that are of common concern to SARPCCO member countries were identified by answering the following research questions:

- What kinds of criminal activities have been undertaken by organised criminal groups since 2005?
- Who made up these groups and how were they structured?
- What methods are these organised criminal groups using?
- To what extent are the activities of organised criminal groups transnational and what links exist with individuals or groups from other countries?
- What is the relationship between corruption and organised crime and how does the one impact on the other?

- What factors make the countries susceptible to the organised criminal activities identified?
- Are there any links between organised criminal groups and terrorism?

Data is collected from a wide range of sources, through:

- Interviews with law enforcement and criminal justice experts
- Interviews with relevant non-governmental organisations and community-based organisations
- Interviews with imprisoned criminals
- Interviews with members of gangs/syndicates
- Analysis of court hearings
- Analysis of secondary sources and media reports
- Analysis of police statistics and other 'grey material'
- Ad-hoc surveys/questionnaires
- Expert working groups/seminars
- Information from 'informal' sources of information²⁶

This report is partly based on both the official and unofficial views of several government officials on organised crime, as well as on regular observations across the region.

RESEARCH CHALLENGES

The research team encountered a number of challenges, which have been resolved wherever possible. The major shortcomings in 2008 were:

- The lack of research in Zimbabwe, due to the political environment prevailing in the aftermath of the elections of March 2008 and June 2008
- The early resignation of the researcher responsible for Angola, which was primarily attributable to the slow pace of getting the project off the ground there
- The rather lukewarm and limited support for the project from a police agency, ostensibly because of its preoccupation with preparations for impending sporting tournaments in June 2009 and June/July 2010

As the political and economic environment improved, research got under way in Zimbabwe. The researcher for Angola was replaced by Shawn Blore, who had done substantial work on corruption in the exploitation of precious resources in Angola in the past five years.

Citing personal reasons, Ms Anna Zongollowicz chose not to renew her contract at the end of the contract period in January 2009. The project team reassigned Jackson Madzima to undertake research in Botswana and Zimbabwe, while Annette Hübschle conducted field research in Namibia in 2009. Salomao Mungoi was reassigned to take up Swaziland in addition to Mozambique

and Malawi. Amanda Lucey conducted field research in Lesotho.

The lack of standardised police data in the region was a further impediment to research. The categorisation of statistics differs between the various police and law enforcement agencies. In some cases, record-keeping or data capture was rudimentary. Police data is disintegrated and stored in hard copy format.

Researchers encountered challenges when attempting to quantify crime data, as the possibility of double counting could not be eliminated.

Organised crime is evidently regarded as sensitive in many areas of the region. Researchers also reported suspicion and apprehension by some police officers about sharing confidential information. Despite the constant assurances of confidentiality and anonymity, some official respondents remained uneasy. Although all the police chiefs of SARPPCO member countries had endorsed the project, perceptions persisted that the curiosity of researchers about police operations was not welcome. Permission to get data from crime intelligence units had to be specifically sought from the offices of several police chiefs.

Crime impacted on the research on two occasions. A field researcher lost her own laptop and one belonging to the ISS when her house in Gaborone, Botswana, was burgled. This underscored the importance of securing research data, including notes from interviews, and encrypting reports and notes. The driver of a courier vehicle delivering computer software for one of the laptop computers was robbed of both the software and the vehicle outside the residence of the Project Head in Cape Town. Police protection was offered to the researchers when they travelled to crime 'hotspots'.

Lack of proficiency in indigenous languages may have slowed down the pace of data collection in some countries. Efforts were made to employ local research assistants during the remaining project period. The inherent secrecy of most organised criminal activities has resulted in investigative knowledge of typologies and trends of organised crime being very limited. Difficulties in penetrating crime syndicates, specifically non-indigenous ones and those that take refuge in foreign communities, were a common aspect.

The activities discussed in the following chapters are not listed according to any order of priority or prevalence.

Smuggling and illegal importation of goods and counterfeit commodities

The smuggling and illegal importation of goods and of counterfeit commodities is one of the most prevalent organised criminal activities in the region. Smuggling of commodities involves their illegal transportation across borders in order to evade taxes. Organised crime exploits the differential tax regimes of commodities such as cigarettes, alcohol and petroleum. At the simplest level, this involves individuals and companies not declaring imports or exports and either bribing officials or ingeniously transporting goods through official or illegal entry points. An enduring and significant problem since 2005 is the smuggling of cigarettes and spirits (alcohol) from Zimbabwe through Mozambique, destined for South Africa. Most of it is achieved through bribing some of the officials mandated to monitor and regulate cross-border trade.

Organised crime is involved in the smuggling of highly-taxed goods from Mozambique into Swaziland en route to RSA. Both legitimate business and criminal syndicates operating from Mozambique, which is not a member of the Southern African Customs Union (SACU), use Swaziland in accessing the SACU market. What distinguishes the one sector from the other is whether or not they avoid payment of duty. Most of the goods carried on this route are not consumed in Swaziland because of its small market.

The most common goods smuggled in the region are:

- Drugs (these are discussed in a separate chapter)
- People (discussed in a separate chapter)
- Vehicles and vehicle parts (discussed in a separate chapter)

- Petrol and diesel
- Firearms
- Counterfeit bank notes
- Counterfeit audiovisual materials
- Electronic goods
- Pharmaceutical and cosmetic products
- Sugar
- Cattle
- Flour
- Construction materials
- Meat
- Fruit and vegetables
- Cigarettes, tobacco and tobacco products
- Alcohol

Smuggling is one of the most common organised criminal activities in Malawi. Observations in Salima district confirmed the regular use of Lake Malawi by boats from Mozambique transporting tons of dried fish to Malawi. The boats return with consignments of sugar and alcoholic spirits. The lake's shores are not controlled by customs or immigration officers. On the Malawi side, the nearest police station is almost 20 km from the lake. The back and forth movement of consignments of dried fish, sugar and spirits between Salima and Mozambique could easily conceal the smuggling of goods of greater commercial value, such as drugs, gold and ivory. The lake is one of the weakest points along Malawi's borders because of the underresourced marine patrols. The lake has many undesignated 'docking' points. The Malawi Police recognises the weakness of its marine wing, whose mandate includes patrolling the lake.

Case study: Smuggling across border posts

Details of the following smuggling methods are mostly based on data from Mozambique and Zambia. Where appropriate, data from elsewhere was considered. Smuggling methods are similar across the region.

Small-time smugglers

Ressano Garcia and Ponta de Ouro are the official border posts between South Africa and Mozambique. People travel by taxi (public transport) from South Africa to Mozambique, carrying lots of bags of luggage. Customs officials verify and check each taxi at the border posts. After the vehicle has been checked, the customs official proposes the value of the bribe in accordance with the value of the goods and the quantities carried. After passengers negotiate their contributions towards the bribe among themselves, the bribe is given to the customs official. A similar procedure is found at airports, where bribes are paid directly to customs officials.

Professional smugglers

More costly bribes must be paid when goods are smuggled by truck. The head of the local network of compromised customs personnel will negotiate the bribe with the smuggler. The revenue from bribes is collected in a so-called 'blue bag'. The day's takings are distributed among all the officers on duty on a pro rata basis, according to rank. If officers refuse to participate in the 'blue-bag mafia', colleagues stigmatise and undermine them and often they are transferred to other posts. Ultimately, it is believed, the blue-bag mafia 'swallows' most newcomers or honest officials.

Fixed taxes

Many lodge owners and staff cross between South Africa's KwaZulu-Natal province and Mozambique at the Ponta de Ouro border post. Border officials on both sides operate on the basis of trust, with persons moving about freely without being searched. The importation of goods merits no attention, as 'fixed taxes' have been instituted between custom officials and the importers. In the past decade, luxurious lodges have mushroomed in Ponta Malongane, Ponta Mamole, Santa Maria, Malibangala and Morungulo beaches in southern Mozambique. It is estimated that almost 90 per cent of them were built with construction materials smuggled from South Africa.

Seasonal loopholes: Christmas

Large groups of tourists visit Mozambique, Namibia, Tanzania, Malawi and South Africa in convoys or caravans during the summer vacation. They carry with them boats, jet skis, diving, camping and fishing equipment, quad bikes etc. This poses a great challenge to the already reduced number of customs and immigration officials. Verification of equipment and goods often tends to be superficial. Large volumes of maritime products, drugs, firearms and stolen vehicles are smuggled during this period.

Time loopholes: closing time at borders

At the Namaacha border post between Swaziland and Mozambique, villagers smuggle meat and alcoholic beverages. These goods are cheaper on the Swazi side. The smugglers conceal the smuggled goods in old, dilapidated vehicles. When the border's closing time approaches, they send someone to check (or check themselves) with a 'connecting officer' whether the time is right for crossing. Once this is confirmed, vehicles will cross the border without the requisite search. The 'taxes' are paid at a local restaurant, shebeen or pub after working hours. The meat is sold to butcheries and restaurants in Maputo and Matola and the alcohol to bars and clubs in the same cities.

Children

Smugglers recruit young village boys to conceal and carry counterfeit or illegal goods across borders. In return for food or money, the boys cross undetected through official border posts or along non-official crossings.

Unofficial/ungazetted border crossings

Crossing the many porous borders throughout the region is easily done, primarily because of the long stretches that are uncontrolled.

Canoes and boats

Canoes and boats carry goods across major lakes and rivers at night. Smugglers buy goods and hide them close to the river or lake. Some cross the border legally by day and arrange with canoe or boat owners and property owners close to the river or lake to collect the hidden goods at night. Lake Kariba is used to smuggle goods between Zambia and Zimbabwe, such as fish, liquor, cigarettes, foreign currency and household items. Suspicions abound about ivory being smuggled across the lake.

Boat owners work with smugglers on both the Zambian and Zimbabwean sides. The smugglers load boats with Zimbabwean ivory, cigarettes, liquor and fish to sell to Zambians. Zambians in turn supply Zimbabweans with much-needed forex such as US dollars and other currencies, and foodstuffs and toiletries. These transactions are normally conducted at night.

Use of false declarations

Goods are concealed in fuel tanks, on people, or hidden in other imported products. Smugglers collude with customs officers by declaring goods that attract less tax instead of what is actually carried. Smuggled goods are also concealed by using false names; for example, well known, trusted and less scrutinised brand names such as ShopRite.

The chapter on drug markets provides further insight into methods of concealment and smuggling of drugs. The following sections deal with the smuggling of specific commodities or illegal goods.

CIGARETTE SMUGGLING

The smuggling of cigarettes is regarded as a priority crime by SARPCCO.

There are two kinds of smuggled cigarettes: a) genuine branded products brought in from lower-tax countries to countries with higher tax; and b) counterfeit cigarettes, which are flooding regional markets. Added to these are locally-produced cigarettes on which taxes are not paid.

The majority of counterfeit cigarettes in the region come from China. The cigarettes are packed by hand and usually produced in sweatshops. China produces 2.1 trillion cigarettes a year. The illegal trade in cigarettes produces high profits with low penalties.

The drivers of this trade have been attributed to government taxation, quotas, lack of enforcement, free trade zones, the fact that cigarette smuggling is a victimless crime, low penalties, internet selling of cigarettes and the globalisation of brands.

Zimbabwean cigarettes are also common in the region and are smuggled from Zimbabwe into Mozambique and South Africa. Cross-border operations in South Africa, Namibia, Swaziland and Lesotho have helped in combating this illicit trade, but real-time information is needed. Regional initiatives to open up free-trade areas within the SADC may make the problem worse, albeit temporarily.

According to the cigarette industry, there has been a recent increase in illicit manufacturing facilities and foreign role players, although this claim needs to be investigated further.

The Tanzania Cigarette Company Ltd projected a loss of up to 40 per cent due to counterfeit cigarettes, while the East African Community is deprived of US\$20 million²⁷ in tax revenue annually.

Table 1: Price differences of cigarettes in selected countries in Southern Africa

Country	Average price (in US\$) of a pack of cigarettes	% of price in South Africa
South Africa (also Swaziland, Botswana and Lesotho)	2.45	n/a
Mozambique	0.45	18
Zimbabwe	0.41	17
Angola	0.47	19
Zambia	0.87	36
Malawi	0.72	29

Source: British American Tobacco

The figures in the table above show that there is a huge incentive to smuggle cigarettes into South Africa from neighbouring countries, especially from Mozambique and Zimbabwe. South Africa is economically strong and therefore a principal target, with both counterfeit and genuine smuggled cigarettes being a problem. It is estimated that the illicit trade in South Africa comprises 13.5 per cent of the market share and that the government loses R1.5 billion in taxes annually as a result. Southern Africa generally has high levels of the illicit trade (more than 12 per cent of the market share), compared to North Africa (where levels range between 5 per cent and 12 per cent). Japan International Tobacco has found counterfeit factories in South Africa since 1994 (which have since been destroyed), as well as in Tanzania and Nigeria. The biggest threats come from China, Pakistan, Dubai and Zimbabwe, but cigarettes are also smuggled from Mozambique to South Africa via Swaziland.

Methods used by smugglers include filling empty petrol tanks with cigarettes and transporting cigarettes in the luggage of passenger buses so that no one has to take responsibility for the luggage. A Chinese syndicate in South Africa used factories in Bronkhorstspuit, near Pretoria, to make sandals by day and replica Peter Stuyvesant cigarettes by night. Workers were paid R100 per week. A team of British American Tobacco (BAT),



Photo: www.thereportingproject.net

South Africa Police Service (SAPS) and the now defunct Directorate of Special Operations (DSO) officials uncovered the illicit trade, along with ivory, guns and counter-

feit money. Members of the syndicate were arrested at a house in Bedfordview, Johannesburg.

The Mozambican Revenue Authority is particularly concerned about the incidence of cigarette smuggling into Mozambique. The tobacco industry there is small, but great volumes of cigarettes are smuggled from Zimbabwe. Consignments of cigarettes, both original and counterfeit, enter Mozambique as transit goods. Customs officials usually escort and supervise transit goods from arrival to departure, yet the goods fail to reach the stipulated final destination. The necessary paperwork appears to be in perfect order, which suggests collusion between the cigarette smugglers and customs officials. Local organised crime network members sell the cigarettes on informal markets. Revenue authorities cannot raise taxes on transit goods; hence, huge amounts of revenue are lost.

Information obtained at the border in Swaziland confirmed that the biggest problems there are the smuggling of cigarettes and, to a lesser extent, alcohol. It was surprising to note that cigarettes are also being smuggled from Swaziland into Mozambique. This is intriguing because it counters the common perception that cigarettes are smuggled into Swaziland en route to South Africa, not out of Swaziland. The cigarettes that are smuggled into Mozambique are reportedly fewer in quantity and usually hidden in liquor consignments. The liquor consignments are generally declared while the cigarettes are stashed away in hidden compartments. It is not easy for officials at the border to detect cigarette smuggling because they lack the technical know-how and resources, leaving targeted searches as their only option. However, they are reluctant to implement these because there is always a large margin

of error and officers are scared they will be held accountable for damages or losses in the event that they do not find anything.

Some prominent business persons in Swaziland have been implicated in the lucrative cigarette smuggling business and a conflict involving competing businesspersons has been taking place. After one deal reportedly went wrong, a businessman and his nephew were killed. This led to the subsequent hiring of assassins by their family to avenge their deaths. Attempts by the police to mediate in the escalating tensions have been futile. It appears that the cigarette smuggling rings have pitted law enforcement against an efficient, well-run smuggling racket that uses corruption to facilitate its objectives.

It was noted that the operations in the tobacco black market in Zimbabwe are quite sophisticated and appear to involve intelligence personnel in one of the affected countries. Information emerged during the research process that implicates some highly-positioned politically exposed persons (PEPs).

Cigarettes and liquor from Dubai, China and Zimbabwe are also smuggled through Angola into Namibia. Namibian and Chinese nationals are involved. Cigarettes smuggled directly from Zimbabwe come through the Ngoma border – there are no export duties in Zimbabwe and when cigarettes are smuggled, duties are evaded in Namibia. It is more difficult to bring cigarettes in through the Namibian ports so they are sent through South African waters to Angola and brought in over land through Oshikango. Cigarettes have been found priced for as little as NAM\$5 per packet. In 2008, 11 containers of smuggled cigarettes passed through Walvis Bay. In May 2008 a container disappeared that was filled with cigarettes with an estimated value of NAM\$800 000. It came from South America and was destined for the DRC. Prior to this, another cigarette container was taken from the port to customs and ‘emptied’, suggesting that some customs officials may be involved in smuggling. This case is under investigation and will be analysed further in the next annual review.

Case study: Cigarette smuggling in Swaziland

Origin

Most cigarettes smuggled into and through Swaziland come from Zimbabwe. Some are also known to originate from China and arrive at Mozambican ports as goods destined for either Mozambique or Zimbabwe. The cigarettes from China are known to be predominantly counterfeit. A few consignments are distributed within Swaziland.

The smugglers

The cigarettes are smuggled in long-haulage trucks, most of which are registered in South Africa. Although most of the smuggling networks are dominated by foreign nationals (Zimbabweans, Mozambicans, Chinese and South Africans), widespread use is made of the drivers of reputable trucking companies as well as Swazi businesspeople. The drivers, who may be Swazi, Mozambican or South African, generally know about the smuggling, especially those who are paid to

have their trucks loaded with contraband and told not to declare anything. Truck registrations depend on the companies being used – some are Mozambican or South African, but most are from Swaziland. UniTrans have a contract to transport sugar from Swaziland to Mozambique and their trucks have been used to smuggle cigarettes back into Swaziland.

Modus operandi

From Zimbabwe, cigarettes are transported to Mozambique using the Beira corridor. In Maputo they are temporarily warehoused and re-processed for smuggling into and through Swaziland. This entails conniving with customs officials in Maputo in processing documents that suggest falsely that a different type of commodity is to be transported. At the Mozambican border the organised crime network bribes customs officials to stamp the transit documents for Swaziland and corrupt police officials allow the trucks through the border. Once the trucks are through the border and into Swaziland, customs officers at the local depot (warehouses) process and stamp the documents.

The trucks usually transport other goods on their way back to Mozambique from either South Africa or Swaziland, though they are meant to carry no cargo on their return trips and are expected to hasten back to collect their next consignments. It is on these return trips that truck drivers collude with smugglers to load their trucks with cigarettes and smuggle them through the borders. This is only made possible by collusion with customs officials at border posts, who facilitate the passage of the trucks without subjecting them to intrusive searches. Some trucks purport to be carrying

other goods and invoices are tendered to that effect. Such invoices are meant to deceive officials and avoid searches.

The trucks may travel all the way through Swaziland and then into South Africa using the same tricks. Alternatively, the contraband may be loaded onto smaller vehicles in smaller consignments, a small portion of which are for distribution in Swaziland. The balance are for further smuggling into South Africa. Contraband may be moved from one truck to another several times to throw law enforcement off the trail. The contraband is eventually loaded onto trucks that have easier access to South Africa. Several drivers may thus be involved and be aware of what they are involved in. The number of people involved depends either on how much the kingpins are willing to pay or on the value of the contraband at stake.

The spectators: Trucking companies

It is sometimes assumed that trucking companies are not party to the smuggling business. However, the majority of trucks used for smuggling have sophisticated tracking devices that can trace the trucks from the time they leave their depots to the time of return. This includes accurate recordings of GPS positions at any given point on the journey, and of stoppage times. Therefore, it should be possible to detect any deviation by the trucks from their routes and schedules, such as when they stop or divert to warehouses to load and/or offload contraband, and to hold the responsible drivers accountable. However, the implicated companies have not shown any willingness to divulge this sort of data to the authorities in Swaziland.

FIREARMS SMUGGLING

Huge numbers of illegal firearms are in circulation in Southern Africa. In many cases, they are remnants from border wars and liberation struggles. Illicit guns are often used in the perpetration of violent and organised crime. Subsequent chapters of this report will deal with specific organised crime offences that employ the use of illicit firearms.

While there was no evidence in Lesotho of the trafficking of firearms as a specific organised activity, there are a large number of illegal firearms there. On 26 September 2008, the Lesotho Mounted Police Service, in a bilateral operation with the SAPS, used explosives to destroy 1 050 illegal firearms. This was the third operation of its kind since 2006. In that year, 2 455 firearms were destroyed, followed by 1 340 in 2007. It was alleged that some of

these firearms had been used to commit organised crimes such as robberies, car-hijackings and livestock rustling, though no exact details were available.

Interviews with some convicted criminals suggested that the majority of firearms came from South Africa, where they were either bought or bartered for cannabis or stolen vehicles. However, it was noted that a significant number of people have old guns that they inherited from previous generations. These are also stolen by criminals or occasionally used by their owners in perpetrating criminal activities.

Namibian citizens have the right to own some firearms, such as pistols, though ownership of automatic weapons is prohibited. Holders of firearms are required to carry permits at all times. Visitors may bring firearms into Namibia provided they carry a permit from their own country and an import permit.



Photo: www.fotothing.com

In March 2008 the police carried out an operation in northern Namibia, along the Angolan border, where a syndicate dealing in automatic weapons was discovered. The syndicate included a police officer in charge of firearm registration. The police officer took automatic firearms (the origin of

which is unclear) to a local gun dealer, who bought them from the police officer and sold them on to his customers, who were of Namibian descent. Firearm trading is rife on the Angolan side and police suspect that automatic weapons entering Namibia do so from Angola. There is also a possibility that some may come from the Namibian Defence Force (NDF).

AUDIOVISUAL PIRACY

Pirated digital video discs (DVDs), audio tape cassettes and compact discs (CDs) are sold in most urban centres of the region. Street vendors and small shop owners sell CDs and DVDs in the urban centres of Mozambique, all of which are produced in South Africa and smuggled to Mozambique, mainly via the Ressano Garcia border. Local suppliers store the illicit goods in big warehouses in Maputo where they print the DVD and CD covers and sometimes add Portuguese subtitles. Each supplier has 10 to 20 'sellers' who buy consignments of 200 to 300 DVDs and CDs on a bimonthly basis. Sellers are required to pay only for the DVDs and CDs that they sell, while big sellers are incentivised with bonuses and discounts.

The organised crime networks involved in this kind of piracy seem to be highly organised, with a clear division of labour and reporting lines. Typically a network would include the producers of the DVDs and CDs in South Africa, smugglers who transport the goods from South Africa to Mozambique, facilitators at the border posts and suppliers and sellers marketing products in the cities of Beira, Nampula and Maputo.

The illicit intellectual property market has only recently been recognised in Zambia. An estimated 50 000 pirated tapes, CDs and DVDs are sold at the city markets in Lusaka every week. Pirated CDs, video compact discs (VCDs) and DVDs of music and movies are sold openly on the streets by street vendors and can be found in small black-market shops and even in larger registered general dealers in the large cities and along major transport routes. The products sold include the latest international

and Hollywood entertainment productions, including pornography.

Zambian criminal groups work closely with similar groups in Tanzania to import pirated goods from Asia and the Middle East. The Tanzanian businesspeople own equipment to manufacture and supply pirated DVDs and computer software to Zambians. These goods are smuggled into Zambia by road and rail. Software and materials used for making pirated materials are imported legally into Zambia from Tanzania and Dubai. Dubai is the original source of piracy software, counterfeit automobile spare parts and cell-phone accessories. Organised criminals with the capacity to manufacture goods have set up illegal small-scale factories in the back yards of their homes or industries, where they produce the goods themselves.

The organised groups have the capability to grow the illicit market through importation, manufacturing, concealing and distributing the products. Also imported are large quantities of finished contraband with fake brand names for distribution in Zambia, such as counterfeit soap or shoe polish, television sets, DVD players and pirated computer operating systems and software. Unrelated works of art and theatre are also interchanged and compressed into different combinations of music and videos and sold inexpensively. Pornographic DVDs are disguised as head-cleaning CDs.

These syndicates normally include the wholesalers, who are either walk-in wholesale traders or large-scale suppliers of consignments from abroad, as well as drivers and support staff in shops.

Data collection in Lesotho has revealed that the music recording industry is particularly affected by piracy. Illegally copied CDs, DVDs and audio cassettes are sold in virtually all public places. It is obvious that these are illegal copies, because a copy of a genuine DVD costs an average of R120 whereas the illegal copies sell for less than R40. There are even South African television soap operas on sale. Traders of Asian descent also sell illegal copies in their stores. There is a need for sponsorships for training law enforcement agencies to understand the complex issue of counterfeits because in the absence of proper enforcement mechanisms, the problems will persist. For example, most of the counterfeit commodities on the market come in through the legal border posts and are generally declared openly. However, there is no technical know-how to determine that they are counterfeit. A lack of knowledge among police of the impact of counterfeit commodities means that they prioritise reports of common theft over those of infringement of intellectual property rights. Government priorities result in the absence of political support for fighting infringements of intellectual property and copyrights.



Photo: www.fotothing.com

An attempt to buy printed material and software on the streets of Port Louis, Mauritius demonstrated that there is piracy in that

country, too. Bulk quantities of copyrighted movies and CDs, and even unreleased movies (for example, *Quantum of Solace*, the latest James Bond film, which had not yet been released internationally at that stage) were available in entertainment shops and sold openly to the general public. The movies were recorded on unlabelled or falsely labelled DVDs and CDs and sold for as little as \$1 per copy. The pirated goods are mostly imported from the Far East.

Data collected in Swaziland showed that the perpetrators there are mainly Mozambicans, with a small proportion of Swazis. While those on the streets are mere vendors and may not have any knowledge of where the copies are actually printed, the industry is vibrant and it appears that syndicates are involved in supplying the vendors. Compilations of videos that can be watched for up to 15 hours are sold at only 100 Emalangenzi (\$12,50).

Enforcement of trademarks is a big problem and very little appears to be known about trademarks. This might be because the majority of the patented products are not invented locally. A significant number of the trademarks registered in Swaziland originate from South Africa. Most of the counterfeit commodities on the market come in through the legal border posts and are generally declared. There is a need for greater awareness-raising among law enforcement agencies because even with good laws, there is very little that can be achieved in the absence of proper enforcement mechanisms.

Regional vulnerability to the illicit intellectual property market

A number of factors render Southern Africa susceptible to the growing market in audio-visual piracy. They include:

Poverty and consumer attitudes: Consumers focus on the price of goods and not on quality, which creates a demand for cheap goods. When the price of an original product is unaffordable, then potential consumers will buy the cheaper, illicit product without giving it a second thought.

Weak law enforcement and lack of bureaux of standards: Illicit goods sold on the streets and in shops are seldom seized, confiscated or impounded. Consumer protection by way of quality control undertaken by

bureaux of standards or similar organisations is lacking in most countries.

Lack of capacity building: Law enforcement agencies have received little training on intellectual property rights. Customs officials and the police have neither been informed about existing legislation, nor are they sufficiently skilled to distinguish fake items from original ones. Nor are there systems to further investigate contents of concealed items. For example, no tests are carried out to verify the content of apparently blank CDs or DVDs.

Lack of appropriate legislation: Laws governing intellectual property rights range from poor to entirely lacking.

No control over cargo in transit: Apart from the lack of staff available to undertake inspections of cargo in transit, existing laws do not allow such inspections.

COUNTERFEIT MEDICINES AND COSMETICS

Criminals have flooded Dar es Salaam with fake cosmetics disguised as popular brands, including skin-care products, nail polish, make-up and hair products. These products, some of which are known to have negative health effects, are manufactured in back yards and filtered into the markets at cheap prices. Sometimes legally-produced hair products are mixed with other products and then repackaged and sold cheaply. To support this trade, there is an emerging used-packaging market, in which traders buy the containers used to package branded products and refill them with fake products. A used container may fetch as much as Tsh 100.²⁸ The price increases depending on the brand of packaging required.

Fake medicines are also sold on informal markets and in unregistered pharmacies. In 2008, half of the 191 stores selling medicines that were raided by police traded in fake anti-malarial, cardiac, anti-fungal, multivitamin, hormonal and skin medicines.

Contraband cosmetics also are prolific in the market. Most are skin-bleaching creams, washing detergents and general toiletry consumables, some of which are feared to have detrimental health effects. The products are sold openly, both on the streets and in registered stores.

In Mozambique, the recent liberalisation of the health and pharmaceutical sector has led to a proliferation of private clinics and pharmacies. This was followed by the crash of Medimoc Sarl-Empresa de Importacao e Exportacao de Medicamentos (MEDIMOC), which held the monopoly on the import and export of pharmaceutical drugs in Mozambique. Entrepreneurs soon recognised that the drug importing business is lucrative. According to the Directorate of Pharmaceuticals,²⁹ there are more than 30 registered importers, 19 of which are operational.



Photo: www.redimages.co.za

Portuguese and Indian nationals run the majority of these outfits. The majority of legitimate and illegitimate imports are from Portugal, China and Brazil. Since the early days of liberalisation of the health and pharmaceutical sector, and cognisant of the loopholes, organised criminal networks have supplied the market with counterfeit, non-regulated and expired drugs. The impact on the health of consumers has been detrimental, while the state loses out on tax revenues.

Besides supplying private pharmacies and clinics, private registered importers may also enter into public tenders to supply certain drugs to government institutions through the Ministry of Health. After winning a tender, one of the importers supplied expired anti-retrovirals, leading to a public outcry and damaging the reputation of the public health sector. Private clinics and pharmacies are benefiting from the public health sector's damaged reputation by selling overpriced pharmaceutical drugs.

Pharmaceutical importers have also been linked to other criminal offences, such as possession of unlicensed firearms. Bogus clinics and the importation of non-registered medicines have also been reported. In 2008, law enforcement officials seized 650 kg of non-registered medicines, two pistols, front loaders, daggers, machetes and two boxes of different types of ammunition at a

prominent pharmacy in Maputo. Frozen bush meat was recovered at another pharmacy. Government authorities have closed down a pharmacy in Matola that was importing illegal pharmaceutical drugs and non-registered medicines from Swaziland.

FUEL SMUGGLING

Illegal trading in fuel is one of the most lucrative businesses in Chirundu, Zambia. Fuel is smuggled into Zambia on trucks driving from South Africa through Zimbabwe, and also out of Zambia into fuel-shortage-prone Zimbabwe. Private vehicles packed with plastic containers carrying fuel from Kafue or Lusaka in Zambia offload it on the Zambian side of the border with Zimbabwe and sell it to the local community and long-distance travellers in that area, as there is no fuel station at the border.

Illegal fuel selling and smuggling at this border is influenced by fuel shortages in Zimbabwe, high fuel costs in Zambia (where the price is double that in Botswana, Namibia and South Africa) and the favourable exchange rates for South African fuel sellers. Chirundu is also close to Lusaka and is thus a lucrative market for illegal fuel buyers and sellers from the capital. Chirundu is also an open fuel market: the local police force does not police the selling of fuel as they themselves have to make use of it. This trade is a problem throughout the country.

There is much smuggling in and around Livingstone and Kazungula. Both the local, undesignated fuel sellers and fuel stations benefit from this activity. Common word on the street is that some Zambian police officers are involved in selling fuel illegally, in their personal capacities.

Sources in Livingstone reported that some police officials store fuel at the back of their homes and that a raid on Dambwa township found no illegal fuel because the traders had all been warned in advance about the raid by such police officials.

Fuel is smuggled in from Botswana on large trucks. These trucks will have travelled for thousands of kilometres up to the border, in the process consuming in excess of 200 litres of fuel supplied by the trucks' owners. On the Botswana side of the border the drivers refill the trucks with cheap fuel, using their own money; they then drive across the border to Livingstone in Zambia and offload the fuel from their trucks' tanks, both there and in smaller towns up the national road, at a rate that is lower than the normal price of fuel in Zambia.

Livingstone is susceptible to this crime because of high fuel prices. In July 2008, a litre of fuel in Zambia cost over R16, while in Botswana fuel was R7 per litre. There is also an absence of policing of fuel trading in Livingstone, which is further encouraged by the involvement of the police in the trade.

LIQUOR SMUGGLING

Liquor is a very profitable commodity, as it attracts import duties of up to 100 per cent. Liquor traders try to maximise profits by evading high taxes.

The Chirundu border in Zambia is vulnerable to this trade because there is a ready source of potential smugglers, recruited from the local communities who cross the border back and forth between Zambia and Zimbabwe as a matter of course. Women are the principal targets of larger retail business owners, who pay them to buy and move liquor through the borders. Women smugglers strap bottles of spirits onto their bodies, concealing them under their clothing.

Zimbabweans also play a significant role in smuggling locally-produced 'clear beer' into Zambia. Zimbabweans bring the beer into the country and trade it on the local markets. Other methods used to smuggle the liquor include hiding it in the bush, under bridges and next to rivers, and collecting it at night or after checking border controls. Truck drivers have been engaged by smugglers to conceal liquor and other illicit goods under fuel tanks.

COUNTERFEIT CURRENCY

The smuggling of and trade in counterfeit notes has been observed throughout the region. Tanzania has a serious problem with counterfeit notes. Police statistics indicate that in 2005, 653 cases of counterfeit notes were reported to the police. In 2007 there were 478 reported cases. Criminal rings are responsible for these crimes and they are most common in the larger towns of Dar es Salaam, Arusha and Dodoma and the border town of Moshi in northern Tanzania. Currency dealers deceive shopkeepers, especially in the evenings when it is harder to scrutinise the money. Others have acquired the skills and materials to produce counterfeit notes themselves. The police have investigated counterfeit money dealers in Arusha who formed part of a network stretching from China to Dubai and then to Nairobi.

These criminals, while not using the money themselves, circulate it by selling it and exchanging

genuine cash for higher-value, fake money. For instance Tsh 200 000, which at the time of writing was equivalent to \$165, buys Tsh 3 million (\$2 500) in counterfeit money, and Tsh 10 000 (\$8) could buy counterfeit money to the value of Tsh 30 000 (\$25). Organised criminals in this trade also help distribute other counterfeit currencies. Tanzanian networks have extended their activities beyond Tanzania. Fake money found in Zambia had its source in Tanzania and Tanzanians have identified markets for their fake US dollars in South Africa.

Informal money exchangers can be found across Zambia. Currencies can be purchased on the streets, through car windows at the border and even from local border officials in full view of the police. Currency traders are mostly males aged from their early twenties upwards. They collaborate with each other. Many people have been swindled by being given fake money or through having been given incorrect exchange rates and calculations.

A gang of informal money exchangers in Livingstone is notorious for following clients who have just exchanged large amounts of money and robbing them of the cash. Zambians work with Zimbabweans in this trade. Until the advent of 'dollarisation' (the adoption of the US\$ in place of the local currency) in Zimbabwe, Zimbabweans supplied Zimbabwean dollars in exchange for Zambian Kwacha or US dollars. While most of the Zambian money exchangers are professional and specialise in this trade, their Zimbabwean counterparts are mostly drivers of commercial vehicles, including buses and trucks.

Zambian money exchangers seem to work in associations, in co-operation rather than competition, raising questions of hidden alliances. For instance, if one trader is short of money during a transaction, another will help out. They often approach clients in groups, exhibiting co-operation. They each sell their own cash and collect commission on money loaned out during a transaction, or they work together to defraud an unsuspecting client.



Photo: www.fotothing.com

Figure 2: Map of the main drug-smuggling routes around the world

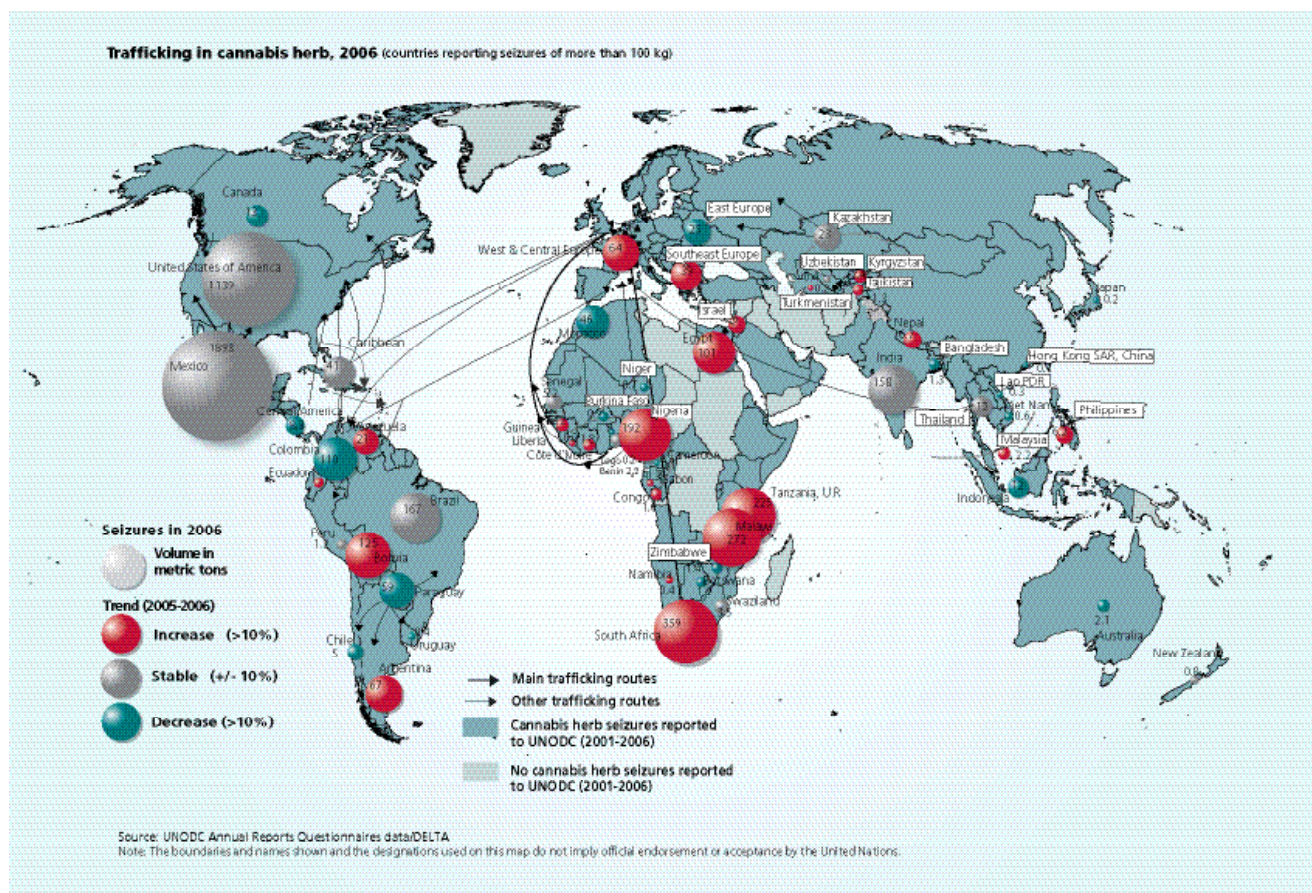


Photo: www.redimages.co.za



Photo: www.redimages.co.za

The drug markets

In the last five years, the cultivation, smuggling and consumption of drugs has become the greatest organised crime concern in Southern Africa. The region used to be a transshipment point for drugs originating from Southeast Asia and South America, en route to the markets of North America and Europe. Some of the most renowned cannabis is cultivated in the region. Domestic consumption of so-called hard drugs, including heroin, cocaine and methamphetamines, has escalated in the last decade.

CANNABIS

The Report of the International Narcotics Control Board for 2008 identifies the production, trafficking and consumption of cannabis as the greatest challenge to drug control in Africa. According to the UNODC,³⁰ Africa is responsible for the highest levels of cannabis production in the world. In 2005, around 25 per cent of global production took place in Africa. African law enforcement officials have seized cannabis consignments second in size and value only to those seized by North American authorities. South African authorities were responsible for 42 per cent of the African seizures.

Cannabis is cultivated in many African countries. It is smuggled and traded within Africa, but the majority is destined for the more lucrative markets of North America and Europe.³¹ South Africa, Lesotho, Swaziland, Mozambique, Tanzania, Malawi, Zimbabwe and Zambia are the major cannabis-producing countries in the region. Smaller plantations for local use and distribution are found in Angola, Botswana, Namibia and Mauritius. The trade, smuggling and consumption of the drug have been observed in all the countries considered in the present study.

The two main cannabis products are herbal cannabis and cannabis resin. Herbal cannabis refers to the leaves and flowers of the plant, while the pressed secretions are known as cannabis resin or 'hashish'. Drug consumers mostly use herbal cannabis. Cannabis resin is consumed in Europe and in traditional resin-producing areas.³² Malawi, Swaziland and Mozambique are cannabis resin producers. However, herbal cannabis is the most commonly produced and trafficked drug in the region.

The following case study shows how cannabis is grown in and smuggled out of Lesotho. Similar methods are found elsewhere in Southern Africa.

Case study: Cannabis cultivation and trafficking in the Beria District, Lesotho

The cultivation of cannabis is common across the whole of Lesotho. However, the hub of this activity is the Beria District, which shares an administrative boundary with Maseru in the east. Cultivation takes place predominantly in the mountains, where access is generally

restricted to four-wheel drive vehicles or traditional transport by donkey or horse. A typical method is to mix the cannabis plantation with other crops, especially mielies (maize). Some farmers claim that cannabis actually grows as a weed in the fields and that, since it is not harmful to their crop in any way, they have no reason to remove it.

In other instances, farmers have plantations exclusively of cannabis up in the mountains. Access in such

instances is strictly by donkey or horse, or on foot. It is virtually impossible for law enforcement officials to reach these places and if they do reach them, they find it difficult to make arrests or to get information. The villagers are skilled at identifying strangers from a distance. They know each other and all the vehicles in their neighbourhood. At night, they are able to tell by the lights and the distinctive revs of approaching vehicles whether they are local or government vehicles. Once it has been established that there are intruders in the neighbourhood, all the adults immediately leave for the mountains. By the time the visitors (be they law enforcement or other strangers) arrive at the homesteads, they find only the old and frail and the young children. The children claim absolute ignorance (efforts are made to keep them ignorant) and the elderly villagers feign forgetfulness or lack of sight or deafness.

The cannabis season runs from December/January to March/April. Farmers harvest their yield at the end of the season and transport it from the fields to storage facilities at home. The practice is to stack bags of the harvest on donkeys' backs. The animals are trained and

may be spotted walking unaccompanied between the fields and the homes, making it impossible to arrest their owners red-handed in the process of transporting the drug. At the homesteads, the cannabis is stored in bags that are similar to those used for storing other grains. The bags are sealed and occasionally mixed in with bags containing grains; and, if unopened, can only be identified by the skilled eye of the owners.

Agents known to the villagers do the cannabis trafficking. They act as go-betweens, connecting the villagers to the South African market. The agents purchase the cannabis from the villagers and transport it to strategic locations in the mountainous borders with South Africa, either using animals or four-wheel-drive vehicles. The agents, together with their accomplices, then smuggle the cannabis into South Africa through illegal transit points. Trucks take the cannabis to specific drop-off points along the border on the Lesotho side. The same trucks drive empty through official entry posts before continuing to positions on the South African side that are opposite the Lesotho drop-off points, where the cannabis is loaded and taken away.

The cultivation and trafficking of cannabis follows a similar pattern in other cannabis-producing countries of the sub-region. In Swaziland, cultivation has turned into a continuous activity that heeds no seasonal changes. Farmers employ irrigation systems during the dry season and fertilisers to hasten growth and increase the harvest. Plantations are also found in far-flung areas, only accessible on foot or by helicopter. The trafficking of cannabis is more sophisticated in Swaziland, and a significant proportion of the cannabis is processed locally.

Once the cannabis has been harvested, the farmers transport it to storage facilities at home or to warehouses for packaging and processing for shipment to overseas markets. The warehouses are mostly found in the major towns, particularly Manzini and Mbabane, and are equipped with modern machinery for vacuum packing, which eliminates the odour of cannabis, to avoid detection by law enforcement and sniffer dogs. Alternatively, cannabis may be compressed before packaging. The processed yield is transported to South Africa, from where it is smuggled, mostly to European markets. 'Swazi gold' is known as a strong and potent drug and is sought after on the international market.

The cannabis cultivated in the northern regions of Mozambique, namely Manica, Tete, Cabo Delgado, Niassa and Nampula, is mostly destined for internal consumption. Thus, no sophisticated network controls the supply and demand. Cannabis is distributed in an *ad hoc*

and decentralised manner by farmers and local dealers. Cannabis, hashish and harder drugs including heroin and cocaine are readily available in the notorious 'Colombias', a former military neighbourhood in Maputo.

The herbal cannabis and cannabis resin produced in Malawi are also popular on overseas drug markets. The plants are mainly grown in Nkotakota, the central region, which borders Lake Nyasa. Local farmers sell their harvests to drug traffickers. For transportation, large quantities of the drug are concealed in fertiliser bags, while smaller quantities are hidden in curios. Powerful businesspeople arrange distribution to South Africa and overseas markets. Drug seizures have increased in recent years.

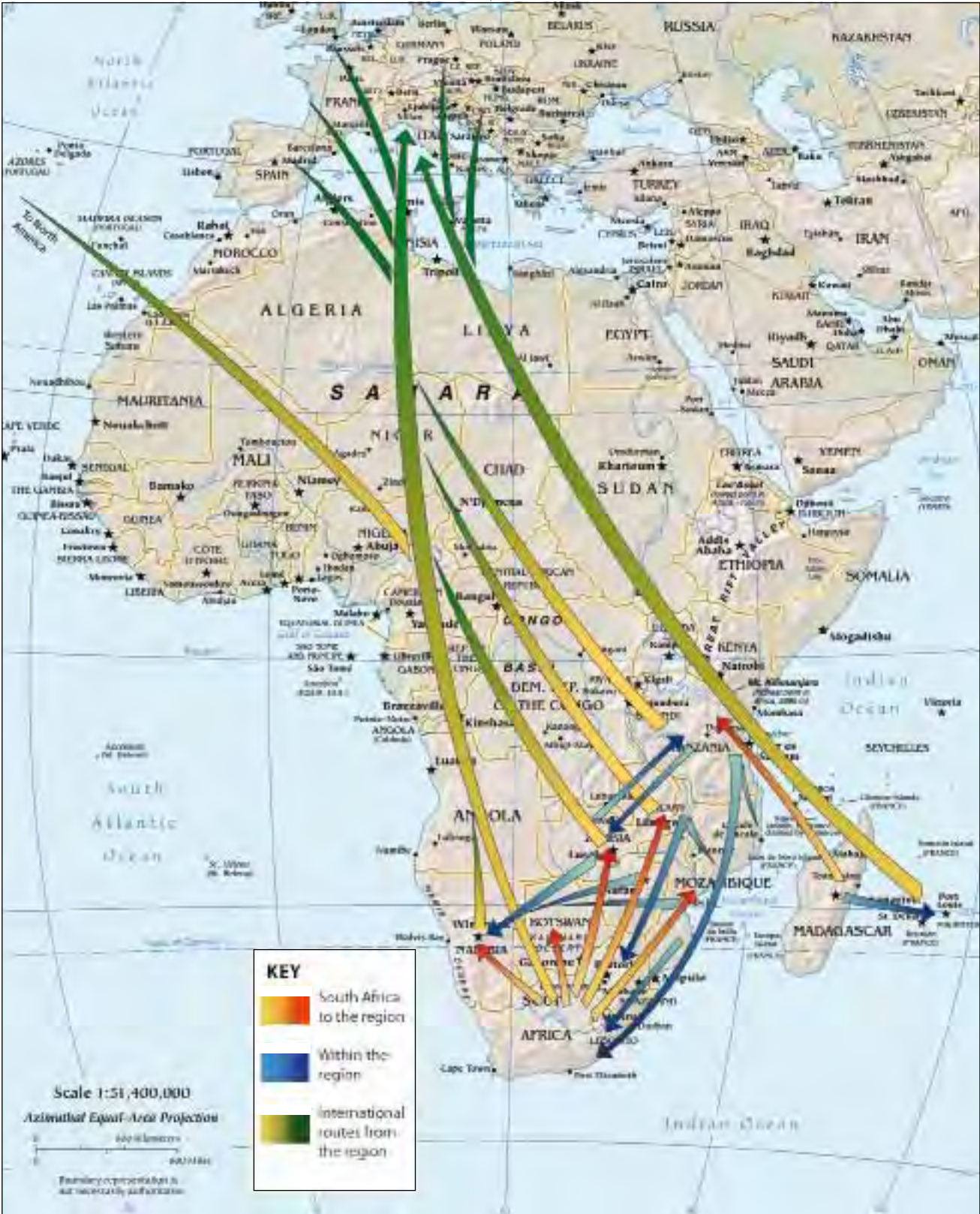
Table 2: Cannabis seizures and arrests for cannabis possession

Year	Seizures in kg	Arrests for cannabis possession
2005	18 840 068	866
2006	28 952 337	599
2007	25 179 503	556

Source: Malawi Police Service

Cannabis is grown in the interior and rural areas of Tanzania. This includes the northern areas around Mount Meru, the Usambara Mountains and the southern highlands. Iringa, Tabora, Shinyanga, Arusha, Mwanza and Tanga are the primary areas for cultivation. Nairobi is the

Figure 3: Southern African cannabis trafficking routes



transit point for cannabis smuggled to Rwanda, Burundi, Uganda, the DRC, Ethiopia and Sudan. Consignments of cannabis destined for North America and Europe are smuggled from Dar es Salaam via the Comoros Islands to

the final destination. Tanzanian nationals dominate the operations of the local cannabis market, sourcing cannabis from northern Tanzania and transporting it on buses and trucks to major towns and cities.



Photo: www.redimages.co.za

Chipata, the Copperbelt, and the Central, North-Western and Eastern Provinces in Zambia are the main areas for cannabis cultivation and consumption in that country. Like the Lesotho farmers, locals grow and conceal cannabis in maize fields. Local businesspeople have set up loose networks to collect and sell cannabis in bulk to wholesale merchants in larger towns. The consignments are transported, by road, buses, trucks or bicycles, to larger towns within Zambia or across its borders. Zambian cannabis has been found in Malawi, Swaziland and Mozambique. Zambian networks traffick cannabis to neighbouring countries, but on occasion Tanzanian, Congolese, Malawi and Somali traffickers have been caught.

Huge seizures of cannabis have been reported in the Mpulungu district in recent years. Traffickers are moving cannabis and other drug consignments including cocaine both from and to Mpulungu, across Lake Tanganyika, to Tanzania, Burundi and the DRC. The port was described as a 'criminal port'³³ where guns and drugs enter because boats are not inspected.

Botswana is one of the few Southern African countries where only very small-scale cultivation occurs, though drugs are readily available both in Gaborone and throughout the rest of the country. The Tlokweng border between South Africa and Botswana is considered

the main point of entry into the country. A prominent opposition politician is alleged to control much of the drug trafficking in the southern part of the country. Drugs are deposited in a 'warehouse' in Tlokweng before distribution. The Narcotics Squad has raided the building on numerous occasions after receiving tipoffs about drug deliveries, but the raids have been unsuccessful. This has been blamed on people within the Narcotics Squad warning the dealers of imminent raids.

Cannabis is smuggled into Botswana from Swaziland (through the southern borders) and Zimbabwe (through the northern and north-western borders). Bulawayo is the origin of most of the cannabis from Zimbabwe, while more cannabis and ecstasy is brought in from Thorngrove. Besides the opposition politician in the Tlokweng area mentioned above, a number of career criminals are involved in the trafficking and distribution of cannabis. Angolan, Congolese and South African nationals are linked to transnational drug syndicates. A South African national with various aliases and passports runs a trafficking network that spans Botswana, South Africa and Zambia.

In Bontleng, G-West, Tlokweng and old Naledi, which are suburbs of Gaborone, private houses are used as drug storage facilities. Numerous individuals monitor the neighbourhood for suspicious activities, such as the presence of police. Drugs are sold on the streets, near tuck shops, nightclubs and shopping centres. Young boys are recruited to patrol the streets for police, potential competitors and users. Drug dens or houses where drugs can be consumed are in these areas. The drugs sold from private houses are usually not stored at the same location. Competition among dealers is rife. Cannabis dwellers tend to live in humble dwellings; expensive cars in a back yard may be an indication of illicit activities. Many dealers are 'protected' by neighbours and other community members, sometimes out of fear of being 'eliminated', other times out of loyalty due to family and friendship ties.

Cannabis is widely available in Namibia. As in the case of Botswana, a few small cannabis plantations are found in the humid northern areas of Caprivi and along the Okavango River. The bulk of cannabis enters Namibia from South Africa. Intricate trafficking networks of South Africans and Namibians have been in existence since the days of the Namibian liberation struggle. Connected through membership of the apartheid war machinery and kinship mechanisms, these networks are still smuggling cannabis (and increasingly, hard drugs such as cocaine) to and from Namibia and its northern neighbours. Namibia borders Angola, Botswana, Zambia and Zimbabwe in the north, where cannabis, harder drugs, diamonds and counterfeit goods pass through various ungazetted

border crossings as well as official border posts such as Kasumbalesa. Motorbike gangs have been linked to trafficking operations within South Africa and between South Africa and Namibia.

The structure of cannabis trafficking networks is similar in most of Southern Africa. A clearly distinguishable division of labour is found. In cannabis-producing countries, farmers cultivate the drugs and thereafter, extensive networks are responsible for storage, smuggling and distribution. These networks usually consist of local and foreign nationals. Local drug dealers are responsible for domestic distribution. They link up with foreign nationals to ensure smooth distribution to cross-border or international markets. Police, airport security and customs officials are paid off to ensure that drug consignments are not detected.

Kingpins employ a network of dealers to distribute the drugs effectively. Turf wars between competing dealers have been documented, such as those between Cape Flats gangs in South Africa, which have effectively created large 'no-go' areas. Drug syndicates are often involved in a variety of illicit activities, such as the smuggling of diamonds, rhino horn and elephant tusks, vehicle theft and drag racing.

Preliminary research on drug trafficking in Malawi did not allow for determining the composition of groups or networks of drug traffickers. However, the fact that both Malawians and foreigners have been arrested and convicted for drug trafficking suggests that transnational networks are involved. It has been determined that division of labour is a fact among the drug trafficking criminal market; cannabis traffickers, for example, sub-divide themselves into growers, transporters, receivers/shippers (to other markets).

When it comes to addressing the cultivation of cannabis, law enforcement officials are faced with a two-edged sword. On one hand, cultivation of the drug is an illicit activity; on the other hand, it provides a source of income for many impoverished people. The profit from cannabis marketing is at least ten times that from other cash crops such as sugar cane, corn or wheat. However, the farmers only make a fraction of the ultimate profit, most of which flows into the pockets of smugglers and dealers.

Law enforcement agencies in Lesotho, Swaziland, Malawi, Zambia and Tanzania have made the rooting out of cannabis plantations a priority. The Lesotho Mounted Police Service confronts the problems of inaccessible terrain and lack of an air wing with the assistance of the SAPS. By means of bi-annual helicopter operations, cannabis plantations are identified and targeted from the air. The plantations are then sprayed with heavy-duty chemicals that destroy the plants. The spraying campaigns are only effective if undertaken before the cannabis matures.

The plants wilt away and die. However, farmers have harvested cannabis plants after they have been sprayed. The contaminated cannabis is still smuggled and sold, with detrimental effects on the health of cannabis users. Moreover, spraying has been condemned because the chemicals have a severe impact on the surrounding fauna and flora. Small animals and insects are poisoned, the purity of groundwater is affected and the soil is rendered barren.

An alternative to cannabis spraying is the physical uprooting of cannabis plants. This is a physically laborious and excruciating exercise and is disliked due to the demands it creates on officials' time at the expense of other law-enforcement priorities.

COCAINE

Various countries in the region are ports of transshipment for drugs from South America and Southeast Asia. Cocaine is shipped from cocoa-producing countries such as Bolivia, Columbia and Venezuela. In the past, the consignments would be transhipped to North America and Europe. A recent trend is the diversion of these Class A drugs to local markets. The region still serves as a major transshipment route between the Americas, Europe and Asia, but the local demand for heroin and cocaine has increased markedly in the last five years. Increased abuse of cocaine and crack cocaine has been reported in Namibia and South Africa. However, affluent individuals throughout the region use cocaine. The price per gram varies between \$25 and \$60.

A large proportion of southern African cocaine trafficking occurs in Mozambique, where the drug arrives via Brazil from Latin American producer countries. As happens elsewhere in the region, cocaine is re-routed to Europe and Southeast Asia. Colombian, Chilean and Spanish networks are engaged in transnational and trans-continental trafficking. Nigerian syndicates deal with incoming shipments and with the recruitment of transporters and couriers. The volume of cocaine trafficking has increased in the last five years, with Mavalane International Airport in Maputo and Beira International Airport in the central province of Sofala being targeted.

Besides the use of 'bullets' by drug mules, concealment techniques to smuggle drugs and other illicit goods from, into or through the region include hiding them in

- Duvets: the down/filling is removed and replaced with drugs
- Heels of shoes: the heels are hollowed out and the drugs are deposited into the space
- Surfboards: a square is cut into the board, filled with drugs and a rubber cover is pasted over it

- Curios and artefacts
- Clothing: double-stitched knitting around the edges of a piece of clothing is loosened, drugs are inserted, and the double-stitched knitting is re-stitched
- Briefcases and suitcases: false compartments are built into the bottoms and lids of the cases, or drugs are concealed in the handles
- Baby powder containers, cookies or chocolates: the drugs are mixed into foods
- Human hair or wigs: these are doused in drug concentrates
- Motor vehicles, haulage trucks, bicycles and motor bikes: drugs are hidden in false compartments in

- various parts of the vehicles, in engines or in the hollowed-out shells of car batteries
- Plasma televisions
- Furniture
- Appliances: stoves, washing machines, dishwashers, driers
- Greeting- and postcards: drugs are concealed under a layer of paper or under a stamp
- Air-freighted parcels with fictitious names and addresses

The case study below offers an insight into the recruitment and operations of drug couriers, also known as ‘mules’.

Case study: Drug mules as pawns in the international drug trade

Law enforcement agencies across the globe have observed a worrying upward trend in the recruitment of vulnerable persons as drug mules or couriers for the international drug trade. Regionally this trend has reached epic proportions, with many Africans now serving long sentences in prisons across the world for their role in the drug trade. It is hard to resist the promise of easy money and a holiday in exotic locations such as Rio de Janeiro, Sao Paulo, Mumbai or Hong Kong in exchange for carrying drugs.

A drug mule or courier is typically someone who smuggles an illicit drug across a national border for international drug syndicates. A mule is usually an unemployed, financially desperate person, who might not have travelled much before, if at all. Syndicates employ mules to reduce the risk of being detected, while profiting the most from the smuggling; the payment that mules receive is typically small when compared with the overall profits to be made from drug smuggling. Methods of smuggling include hiding the goods in a vehicle, luggage or clothes, or strapping them to one’s body, or using one’s body as a container.

The latter method is preferred for the trafficking of heroin and cocaine and sometimes for ecstasy. Drug mules swallow latex balloons (which may be made from condoms or the fingers of latex gloves), or special pellets filled with the illicit drugs, and recover them when nature calls. It is a common but medically dangerous way of smuggling small amounts of drugs: a mule may die if a packet bursts or leaks. A mule may carry from a few grammes up to 10 kg on their person and up to 2 kg if the drug is swallowed.

Shopping trips to Brazil are a way of life for many Mozambicans and Angolans, who buy fashion items,

clothing and shoes. These goods are sold in bigger towns in Mozambique and in Luanda, Angola. Drugs are often concealed in the heels of shoes or by being sewn into clothing. The drug mules are often not aware of carrying drugs, as their bags are pre-packed and presented to them only at the airport. If the operation is successful, the recruiter will receive the consignment and distribute it in the region (mostly South Africa) or in Portugal. It is estimated that mules receive around \$2 000 if they carry drugs unbeknown to them. Flight tickets, visas, accommodation and subsistence costs are also met. The payment may go up to \$5 000 if the mule is aware he or she is carrying drugs.

Drug syndicates are increasingly using mules or couriers. Whereas drugs used to be transported in suitcases and bags, or concealed in cars, containers or ships, there has been a marked increase in women and men carrying drugs on their body or in body cavities. Syndicates are usually a few steps ahead of drug enforcement agencies; they constantly adapt to new law enforcement strategies. The routes taken and the identities of mules change frequently. To circumvent and escape the detection of mules by law enforcement, syndicates have switched from using men to using women, from using Europeans to using Africans and from using young people to using the elderly.

Particularly worrying about this trend is what South American authorities have termed ‘dead cows for piranhas’. A large percentage of mules are earmarked never to complete a successful drug transaction. Instead, they serve as the ‘dead meat’ that distracts attention from drug-smuggling professionals. A member of the drug syndicate tips off law enforcement about an expected drug delivery by a mule. While law enforcement captures and arrests the mule, another person or persons carrying much larger quantities of drugs passes through undetected.

Official statistics on jailed mules reflect only the tip of the iceberg of this upward trend. Fifty-two Mozambicans jailed in Brazil for drug trafficking were repatriated in 2007. In 2005, the South African Ministry of Foreign Affairs estimated that 865 of its citizens were in jails abroad for drug trafficking, most of them in Brazil, Venezuela and Argentina. The number of women traffickers from Southern African countries travelling to Brazil has increased over the past five years. Most mules carry the drugs in their stomachs from Brazil to regional destinations, from where they are forwarded to South African and European markets.

Mauritius also experiences large numbers of drug mules, most of whom come from Europe (41 per cent) and Africa (31 per cent). South Africa contributes the largest number of African couriers while Tanzania, Kenya, Ghana, Zambia and Uganda are also listed. Drug mules from Madagascar, the Seychelles and Reunion account for 28 per cent of those convicted.

Mozambique is used as one of the main drug corridors between South America, Southeast Asia and the northern consumer markets in Europe and North America. Other transshipment points en route to drug markets in Southern Africa and beyond are Kenya, Madagascar, Tanzania and South Africa. These countries are vulnerable due to high levels of corruption and the perceived incompetence of immigration and

customs staff. Archaic customs systems and regulations thwart the detection of drugs in unusual hiding places.

Nationals from most countries in the region are recruited as mules; however, the number of Tanzanians, Mozambicans and South Africans is a major concern to policy makers and law enforcement agencies alike.

The drugs are not only smuggled to major markets in South Africa, Europe and North America: the growth of local demand for Class A drugs in the region has made every country a destination for hard drugs.

Special scanners at major ports of entry such as international airports have the capacity to detect drugs hidden in luggage or in people's stomachs. However, only a small quantity is detected in this manner. Profiling travellers is another strategy. Yet few drug mules are detected and taken to court. They often have no knowledge of the kingpins behind the drug smuggling syndicate. Local henchmen recruit them. Upon arrival in the destination country, they are required to call a contact person or to await further instructions. Transnational networks tend to use 'blind' associates. Neither side knows the identity or whereabouts of the other; all they know is the location of pick-up points.

Arresting a mule thus seldom leads law enforcement to the source or curbs the supply of the drug. Mules are pawns, easily replaced by others who are vulnerable due to their socio-economic conditions or drug addictions.

The smuggling routes from South America via the region to the faraway final destinations of Europe, North America and Southeast Asia have been documented in the map above. Drug syndicates try to avert the attention of law enforcement officials in Mozambique, South Africa and Zambia by sending drug couriers to international airports in Botswana, Lesotho, Namibia, Malawi and Swaziland. Either couriers transit en route to their final destination or they commute with the drug consignments on public transport to Mozambique, South Africa and Zambia.

Research in Swaziland has shown that most drug deals are sealed either in Mbabane or in Manzini. Manzini was identified as the hub for both locally consumed drugs (imported or locally manufactured) as well as for the co-ordination of the smuggling of drugs leaving Swaziland. Many foreigners are resident in Manzini, especially Nigerians and Tanzanians, and have been fingered as running organised criminal ventures, particularly drug smuggling, behind the veil of legitimate businesses.

One respected businessperson has been consistently identified as a key figure in drug trafficking. Since he

has never been arrested, it has not been possible to substantiate the allegations.

In a specific incident, a van was tracked from the Ngwenya/Ashoek border post with South Africa on the basis of intelligence that it was carrying a suspicious, unspecified, whitish powder into Swaziland. A team of detectives driving an unmarked vehicle tailed the van into Mbabane. The vehicle's occupants were observed making calls on their cell phones and immediately thereafter, before the detectives could do anything, they received a telephone call from a high-ranking police official from HQ who demanded to know their location. To their dismay, before the detectives could provide details of their mission they were asked to leave 'whatever they were doing' and attend to 'an emergency' somewhere out of town in the opposite direction. With no power to object to the command, the officers obliged and lost track of the van. There is speculation that it was driven into a guarded warehouse owned by a prominent businessperson.

While more research will be undertaken into the composition of the cocaine trafficking networks, our present findings indicate that loosely-associated multinational

networks run the show. A clear division of labour is present. Local members recruit drug couriers. They may also act as the connection when couriers return with the consignments. Foreign network members are responsible for the consignment’s delivery to the courier or for whichever method is used to conceal and transport it. Others are responsible for the distribution or transshipment of the consignment to overseas or local markets.

Successful investigations into transnational drug networks, and arrests, rely heavily on crime intelligence and effective partnerships and cooperation with police agencies in South America, Southeast Asia, North America and Europe on the receiving leg of transshipped consignments. Bureaucratic processes and territoriality of police agencies and customs authorities have proven to be obstacles to nailing drug kingpins. A customs official who was a member of a joint customs and police task team noted:

We could have reached some of the bosses and much more if there was agreement on the way the team operates. Unfortunately, police officers have not been sharing the customs’ vision of following suspects to their destination. Several times, we tipped off the police of people possessing drugs. We suggested that the people should be monitored. There would be agreement until we find out later that the police have arrested the suspects before they could lead us to other nodes of the traffickers. It was frustrating to work on the joint coordinated team.³⁴

AMPHETAMINES AND METHAMPHETAMINES

Methaqualone, which is the main ingredient in the street drug called mandrax, is manufactured in China and India. Due to the high demand for mandrax, syndicates have set up clandestine laboratories in South Africa and Mozambique. It enters South Africa via Mozambique, Swaziland, Zimbabwe³⁵ and Zambia.³⁶ In 2006, South African authorities discovered more than a ton of methaqualone in a sea-freight consignment originating from China. In a separate incident the same year, a 30 kg consignment of methaqualone was intercepted coming from Zambia via Zimbabwe to South Africa.³⁷ Mandrax tablets are also consumed in countries neighbouring South Africa, which has led to some of the drug being smuggled across land borders to Botswana and Namibia.³⁸ There are indications that clandestine laboratories have been set up in the central and northern parts of Mozambique.

Drug syndicates are manufacturing amphetamines and methacathinone (‘cat’) in South Africa. In the Western Cape the abuse of ‘tik’ (crystal methamphetamine) is a major concern to law enforcement agencies. The increased consumption of the drug has led to the establishment of clandestine laboratories. There are *quid pro quo* exchanges of abalone with the ingredients of tik between abalone poachers and Chinese triads in the Western Cape, South Africa.

Case study: The nexus between ‘tik’ and abalone in the Western Cape



Photo: West Cape News/Peter Luganga

In the Western Cape the relationship between abalone poaching and crystal methamphetamine, colloquially known as ‘tik’, is in many ways a marriage of

convenience. A highly valued delicacy in Hong Kong and surrounds, abalone (‘perlemoen’) from the coast of South Africa has traditionally been bartered for the ingredients for ‘tik’, brought in from Asia. This straight exchange of commodities leaves no paper trail, as there is no exchange of money, making it harder to track criminals involved in such dealings. It is the Chinese triads that have been largely linked to this trafficking exchange and who remain the upper echelons of tik syndicates; local dealers at street level sell the drug. Likewise, the poaching of

abalone is done by local fishermen. The higher ranks of the abalone syndicate remain largely untouched due to there being insufficient evidence against them and through innovative ways of disguising illicit transfers.

How do these commodity exchanges happen? A typical poaching operation is as follows: poachers hide the abalone at sea, under water, and retrieve it at night, after having surveyed the area for intelligence operatives. The abalone is exchanged in public places, such as shopping centres. Gang members meet and the storage facility manager is given keys to the vehicle containing the abalone. After making several dummy runs, the abalone is deposited at the storage facility where it is either dried or canned. Dried abalone weighs only 10 per cent of its original weight, making it easy to hide. A typical method of hiding abalone is to put it inside the seats of a VW Combi, which is then put on a tow truck as if it had broken down. Its contents are thus not easily visible. The majority of abalone is transported to Gauteng where it is sealed in black plastic bags and placed in cartons, usually containing dried peaches or wooden beads. The abalone is then shipped to neighbouring countries that

lack legislation concerning abalone, and is then brought back into South Africa in containers labelled as being 'in transit', thereby preventing police from checking them. From South Africa, it is flown to its primary market in Hong Kong.

Traditionally ingredients for tik, such as ephedrine, have been imported into South Africa from Asia and the final product is made in factories and then distributed to gangs in the Western Cape. Foreign nationals, including Nigerians, have been implicated in the selling of tik at street level. A growing trend, however, is that tik is produced locally from household ingredients, such as bleach. The increasing involvement of gangs producing their own tik means the product is more readily available and gangs no longer rely on foreign connections.

What has been the impact of this relationship between tik and abalone? A worrying trend noted in the Mitchells Plain area is that a rising level of domestic violence and theft has accompanied the tik epidemic, as addicts begin to steal from and abuse their own family members. This has led to disruptions of the family unit. Even more worrying is the recruitment of school children as dealers,

who see dealing as an easy way of making money. While wild abalone fishing has been banned, some have argued that this has only made the commodity more precious and impacted on legitimate jobs, while poachers remain unaffected. The ban may also be linked to the rise in local factories producing tik from local ingredients as a substitute form of income generation.

What can be done? The porous South African borders are a major concern, notably its harbours. Around 2,5 million containers pass through the harbours each year and it is impossible to search every one. Durban is the only harbour with a container scanner and other harbours would benefit from having such devices. Another major dilemma stems from the fact that South Africa's neighbours do not have legislation concerning abalone, which is only found in South African waters. Because of these differences in legislation, abalone can easily be flown directly to Hong Kong after having entered South Africa in containers marked as being in transit. There is therefore a need for greater cooperation between SADC countries in this regard and more alignment in the region's policies on abalone poaching.

HEROIN

Heroin, which is one of the most addictive drugs available, is brought in from the 'Golden Triangle' states of India, Pakistan and Afghanistan, as well as from China. Heroin has become the drug of choice among youths and adults in many Southern African countries. Research findings of the last decade show that the sub-region has become a principal nodal point in the international transshipment of the Class A drug from the Far East, where it is produced, to the drug markets of Europe and North America. It used to be believed that there was no demand for heroin in countries of the south (excluding South Africa), but this has changed in recent years.

Heroin is an opiate, which acts as a depressant of the central nervous system. The drug is produced from morphine, which is extracted from the Asian poppy plant. It has the appearance of a white or brownish powder. Historically, users have consumed heroin intravenously by way of injection. Improvements in the purity of heroin and the fear of HIV infection have resulted in more of the newer users snorting or smoking heroin. The inhalation of heroin vapour is known as 'chasing the dragon'. A surge in the consumption of a heroin and cannabis mixture has been registered in South Africa. It is called 'ungah' in Cape Town, 'sugars' in Durban, 'nyaope' in Gauteng and 'pinch' in Mpumalanga. Experts fear that this noxious mix may soon overtake the methamphetamine or 'tik'

market in South Africa. At less than \$4 a fix, consumers have little problem feeding their addiction.

The effects of chronic heroin use are well known. Psychological and physical addiction may occur when using the drug over three consecutive days. Sustained use will lead to tolerance and cravings for the effects of heroin. If heroin is not used regularly, the user will experience withdrawal symptoms. In East Africa, users are increasingly migrating from smoking brown heroin to injecting white heroin. Traditionally, the use of narcotic drugs and stimulants was a pastime reserved for the wealthy. However, oversupply and plummeting prices have led to more people being able to afford to develop dangerous drug habits. A number of factors are thought to be responsible for this in East Africa, including the region's transformation into a drug-consuming community; the growing importance of youth culture; poverty, unemployment and depression, which facilitate recruitment into the heroin milieu; the need for increasingly strong fixes; and peer pressure. Italians created the heroin market in East Africa two decades ago by using the drug themselves. The practice filtered through to indigenous communities, starting in high-density tourist areas and spreading to larger cities where people switched from cannabis, their traditional drug of choice.

Heroin users can 'score' a hit of heroin (0,05 g) for less than \$1 in most Southern African countries. A day's supply of heroin sets them back by \$3. It is believed that



Photo: <http://tdaait.files.wordpress.com>

there are between 200 000 and 250 000 heroin users in Dar es Salaam alone. The increased use of heroin has devastating effects on addicts' families, friends and communities. Heroin addiction is the most expensive to treat and one of the most difficult to kick. The growing problem is reflected in the increased demand for treatment and detoxification facilities in Mauritius, Tanzania and Zanzibar. Similar trends are noticed elsewhere in the sub-region. The findings of an HIV/Aids report in Zanzibar indicate high levels of cannabis and heroin abuse on the island. Users spend up to \$8 a day on drugs. Fifty-seven per cent of drug addicts offer sex to support their drug habit.³⁹

Heroin arrives from opium-producing countries in south east and south west Asia, such as Afghanistan, India, Iran, China and Pakistan. Most heroin trafficked into South Africa is destined for domestic markets. Some of it is trans-shipped to the US and Europe, whose markets are largely saturated; drug cartels have thus turned their attention to emerging markets in developing countries. Increasingly, Southern African countries are developing into fully-fledged drug markets with a rising demand for hard drugs such as heroin and cocaine.

Shipments arrive in a variety of ways: by air, sea and road. Similar to the well-documented emergence of the cocaine 'mule', who swallows pellets or 'bullets' of cocaine, young Africans are recruited in their home countries with the lure of a free holiday in the Far East. On their return, they carry concealed heroin with them, on them or in them. Other means of transport include shipment on fishing vessels, cargo ships and commercial ocean liners.

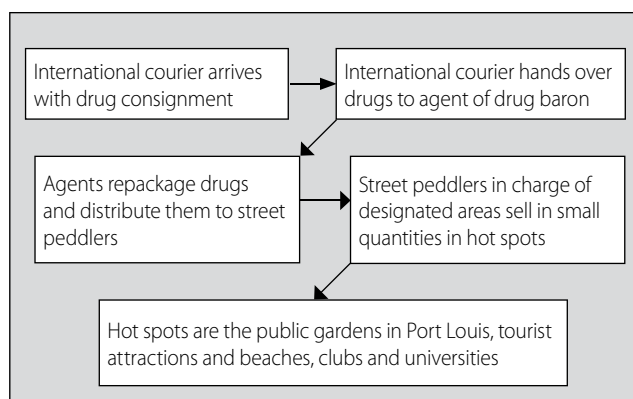
Huge amounts of the drug arrive in containers addressed to powerful business people or politicians in places such as Zanzibar and other Indian Ocean islands. Revenue and customs authorities do not check the containers, which are apparently destined for well-respected members of society. The unchecked containers are easily transferred to the mainland where no further inspections are required. Zanzibar's vulnerability to heroin (and cocaine) trafficking is also embedded in its geographical location, in that the island is right in the middle of major drug routes. Its free-trade policy presents myriad opportunities for drug smugglers. Local residents report that suspicious boats go out to sea at night and come back the next morning. Consignments of drugs arrive on the heavily restricted tourist beaches belonging to exclusive

lodges. The tourist industry in Zanzibar has been tainted with allegations of complicity in the international drug trade. Prominent members of the Italian mafia have allegedly bought into the industry. Italian nationals own 60 per cent of resorts and lodges, or they are joint ventures between Italian and Tanzanian nationals. In the late 1990s the government deported two Italian businesspeople after receiving reports from Interpol that they were wanted drug traffickers.⁴⁰

Heroin is also transported by road to Southern African markets, hidden in trucks, in vehicles or on individuals. Once it is in Zanzibar or Dar es Salaam, West African criminal networks distribute it to local drug dealers and runners, while some is smuggled to drug markets elsewhere in the region and beyond. If the heroin is trans-shipped in Tanzania, then the syndicates fly the consignment via West Africa to Europe and Northern America.

A high profile drug-trafficking case in 2008 involved members of the Tanzanian Boxing Association. The coach, three boxers and two delegates travelled to Mauritius to participate in a boxing contest. The Mauritian police caught two of the boxers red-handed while placing a black bag filled with heroin near the perimeter wall of their hotel for pickup by a Kenyan woman, who was later arrested. The trio was found in possession of 373 pellets of heroin weighing 4 kg and worth about \$1,8 million. Police assumed that the boxing team had smuggled the drugs by swallowing pellets of heroin. The team had worked with a former Tanzanian drug convict, who had been given a 40-year sentence in Tanzania but who was deported back to his home country to serve his sentence there. He was soon released from prison and has been running drug trafficking operations between Tanzania and Mauritius ever since.

Who is involved in the heroin trade? The upper echelons of the crime syndicates usually consist of foreign nationals from opium-producing or West African countries. In South Africa, Tanzanian and Nigerian syndicates appear to control heroin distribution. In other Southern African countries, locals sell and trade in the illicit substance. Interestingly, most dealers appear to be 'clean', i.e. they sell heroin but they do not consume it. The growth of the markets has also been attributed to local drug network members being paid in heroin. In 2006, the president of Tanzania released the names of 200 suspected local drug lords. These individuals are still under investigation and none of them have been arrested to date. These drug barons have large amounts of cash, own flashy cars and private planes, and have bodyguards, villas and a luxurious life-style on all levels. They wield a lot of political influence and many politicians and law enforcement officials are on their payrolls.

Figure 4: Drug distribution in Mauritius

Source: Anti-Drug Smuggling Unit, Mauritius Police Force



Photo: www.sunnysidevetclinic.com

SUBUTEX (BUPRENORPHINE)

Subutex is a prescription drug used in the treatment of opiate addiction. Like morphine, subutex is supplied to drug addicts when they choose to detoxify and go into recovery. Despite its noble objective, subutex has immense street value. When an addict cannot score a hit of heroin, he or she may opt for subutex until heroin is available again. Heroin is heavily cut and in Mauritius is often only about 20 per cent pure, which has led to subutex having become the drug of choice for many addicts. The drug is collected in France (where it is freely available on the market), broken into pieces and sold off at a lesser price per dose. It is said to be more effective than heroin and some addicts even inject the drug.

Once subutex arrives in Mauritius, the international couriers hand the drugs over to local drug barons. (The same supply chain applies for heroin and other drugs.) Relationships between barons and couriers are forged long before the couriers arrive. Drug trafficking in Mauritius operates within certain families and is headed by the barons, who control different geographic locations traditionally clustered around religious affiliation in the

Christian, Hindu and Muslim areas. These families keep their distance from the drugs and work through agents, which makes it difficult for police to catch them.

As the drug trade is a family affair, if one family member is incarcerated or dies, another takes over. The top layer comprises the barons and their families, while agents collect the drugs from couriers and other distribution agents on the streets. The trade is not characterised by territorial conflicts, though barons employ their own security, who are bodyguards and bouncers at their nightclubs.

The barons also employ the services of agents to receive the drugs and redistribute them to street peddlers, who deliver them to consumers in common hotspots in Port Louis, Rose Hill and Quatre Bonnes, to mention a few. Traffickers grow their consumer market by introducing free cannabis and hashish to youngsters at an average age of 13 years. Children from elitist families and college students are also targeted as potential consumers, whereas hooking children from poor neighbourhoods on drugs creates the potential for the creation of loyal labour for the barons.



Photo: www.redimages.co.za

KHAT

Khat is a herbal drug with mildly hallucinogenic qualities. After cannabis, it is the second most popular drug in Tanzania. Khat is grown in Kenya and transported via land routes to Tanzania, where its consumption is legal. Khat is widely and openly used in several north African countries, such as Ethiopia and Somalia, as well as the Middle East (eg Yemen), and it is used in South Africa among refugee communities from countries where it is openly consumed on an everyday basis.

Figure 5: Smuggling routes for stolen motor vehicles



Smuggling of stolen motor vehicles

During the 1990s, the theft of motor vehicles was regarded as the greatest organised crime threat to the region. While it is still considered a priority crime by SARPCCO, its incidence and impact on society have been overtaken by drug trafficking.

In Mozambique, local syndicates steal luxury vehicles and trucks in the major cities of Maputo, Nampula, Beira and Quelimane. They operate in groups of six to seven people. While some cars are taken at gunpoint, makeshift car keys are sometimes used. The criminals interact with other syndicates in Malawi, Swaziland and Zambia, where some of the stolen vehicles are sold. Other cars are driven to the central and northern parts of Mozambique. Some of the stolen vehicles are dismantled for parts in 'chop shops' in suburban areas. The parts are then sold on informal local markets.

The uncomplicated temporary vehicle importation and export procedures at border posts between Mozambique and its neighbours facilitate cross-border smuggling of stolen vehicles. Customs officials provide forms to drivers at border posts but the information on the forms is not checked against the vehicle's documentation. Once the car has crossed the border, it is 'legalised'. Corrupt officials issue a new vehicle registration and other requisite documentation for the car and it is then 'legally' sold on the open market.

Joint operations between the SAPS and the Mozambican stolen vehicle brigade have become a cause for concern. During these operations, the SAPS impounds stolen vehicles that are listed on the Department of Transport's eNatis database and have been sold across the border to unsuspecting Mozambican clients. Vehicles impounded by the SAPS in this way are held in the police compound until claimed by the rightful original owner. However, if the vehicle is not claimed within a certain

period, it is removed from the database and returned to the 'new' owner. This process tends to be slow, but is sometimes accelerated by payment of a 'fee'.

An exposé in *Noseweek* magazine suggests that staff of a prominent South African bank and rogue police officials export illegally impounded vehicles. Police seized 13 stolen vehicles in 2008 but two of them were reflected on the eNatis database as 'having left the country' a few weeks later. The 13 vehicles were impounded from a Goodwood car dealership in Cape Town and were stolen from its clients. They all carried police clearance certificates and none of them were registered as stolen on the eNatis database.

Soon after the raid on the dealership, the bank cancelled the finance agreements on the vehicles and demanded that the owner of the car dealership pay the full amount owing on each vehicle. He was threatened with blacklisting until he cleared his 'debt'. Although he was the technical owner of the vehicles until it could be proven that they had in fact been stolen, the SAPS would only release the cars to him pending the judgment in an 'upcoming trial'.

It is unclear how two of the 13 cars left the country. To obtain clearance for export, the registration papers, the owner's identification document, police clearance forms and export permit must be presented to the SARS Customs Department.⁴¹

In Tanzania, motor vehicle theft also has a local and an international dimension. Dar es Salaam and the northern cities close to the common border with Kenya are most frequently hit. Most of the vehicles stolen in Dar es Salaam are destined for the DRC, while some are broken up for used parts. Police statistics note a slight drop in the incidence of motor vehicle theft in the period under review:

Table 3: Incidence of motor vehicle theft in Tanzania

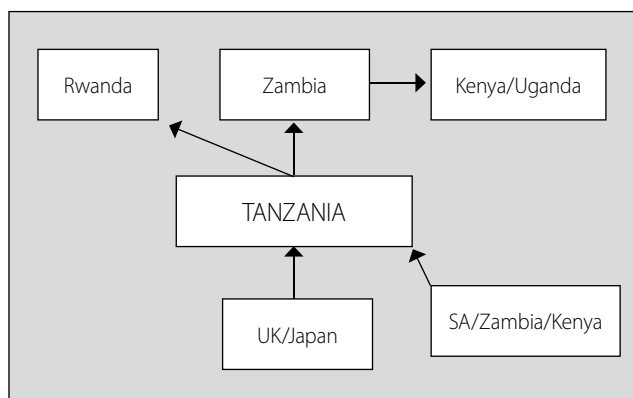
Year	2005	2006	2007	2008
Number of incidents	309	287	254	139

Source: Police statistics, Tanzania

Locally, criminal gangs steal or hijack different types of vehicles, including luxury saloons and off-road vehicles. A new trend is for gangsters to pose as prospective paying customers in taxis or mini-buses, which they later hijack. These gangsters move in pairs, threatening the drivers with firearms or tying them up and then driving off with their vehicles. Another popular method includes the ‘hiring’ of vehicles from bona fide rental companies and not returning them. Fake documentation is used to make the rental agreement. The gangsters face few obstacles in driving these rental vehicles across international borders. Technical experts in the employ of syndicates disable their tracking devices. Other syndicate members dismantle and strip vehicles of their parts in ‘chop shops’. Windscreens, rear-view mirrors and hub caps are easily sold. The common methods of disguising stolen motor vehicles include tampering with or altering vehicle identification numbers (VINs) and chassis numbers, seat belt stickers (which indicate the age of the vehicle) and odometer readings (to lower the mileage reading).

Tanzania is also a transit point for vehicles that have been stolen elsewhere in the region. Vehicles from Kenya enter Tanzania through the Kilimanjaro region into Moshi, one of the principal crime hotspots. Some analysts claim that Kenya is losing up to ten stolen vehicles a day to Tanzania. Most of the vehicles are smuggled to the DRC, Burundi and Malawi.⁴² They enter and exit the country through border posts as well as at the port of Dar es Salaam. Tanzanian syndicates cooperate with syndicates in South Africa, Mozambique, Kenya and Botswana. Tanzanian nationals have also teamed up with hijacking syndicates in Zambia, while vehicles stolen in Zambia are sold in Tanzania.

Figure 6: Movement of stolen motor vehicles



Tanzania was also the target of a transcontinental scam in 2001, when a transnational syndicate shipped stolen motor vehicles from Japan to East African nations, Afghanistan, India and the United Kingdom. Between 2005 and 2008, the vehicle theft unit impounded a huge number of stolen vehicles from unsuspecting owners, who had either imported them directly from Japan or through reputable vendors. The vehicles stolen in Japan occasionally involve a form of insurance fraud whereby the legitimate owner sells the vehicle cheaply to a syndicate, reports it as stolen and receives the insurance payout. The syndicate then ships the stolen vehicle or component parts to the ports of Zanzibar and Dar es Salaam, from where registered or unregistered car dealers pick them up and sell them. Some vehicles are sold to buyers in Zambia, Rwanda and Burundi. Police have also picked up a trend of vehicles arriving as completely broken down kits from their source countries, only to be reassembled in Tanzania. Other stolen cars have been sourced in the United Kingdom and United Arab Emirates. A Nigerian syndicate allegedly masterminded the transfer and theft of luxury station wagons and sedans from the UK to Kenya and Tanzania in sealed shipping containers. Last year, British police arrested a Tanzanian stolen-car kingpin who stole luxury vehicles in the UK Midlands for resale in his home country. He used legal and customs agents to facilitate the transfer of the cars to Dar es Salaam.⁴³

The transnational car syndicates have infiltrated legal structures such as customs and shipping systems to transfer stolen vehicles from abroad. They sell the cars to legal car or spare-part dealerships. A clear division of labour takes place. This includes the thieves, hijackers and insurance fraudsters, the transporters, specialised artisans who change chassis numbers or other defining features of the stolen vehicles, the sellers and corrupt officials at border control points, including police and customs officials. Syndicate members operate independently and only associate for business purposes, with an underlying trust principle being operational.

The 2005 Malawi crime statistics are clear on the recorded cases of motor vehicle thefts.⁴⁴ However, there is no information available on the culprits.

Table 4: Motor vehicles seized

	2004	2005
No. of stolen vehicles reported	107	80
No. of vehicles found in Malawi but stolen outside the country	7	12
No. of stolen government vehicles	9	13

Source: Malawi Police Service Research and Planning Unit. Annual report of the Inspector-General for the Malawi Police Service, 2005. Lilongwe, Malawi



Photo: www.cartuningcentral.com

Similarly, the 2006 and 2007 statistics provide no further detail except to indicate that 119 motor vehicles were stolen in 2006 and another 100 in 2007. In addition, the

2005 statistics indicate that some impounded vehicles were stolen in other countries, while the 2007 report states that 38 vehicles were impounded in a single joint operation with SAPS. Of these 38 vehicles, 29 had been reported stolen in South Africa, four in Japan and three elsewhere.

Accounts of vehicle theft indicate that those stolen in other countries are smuggled into Malawi by groups of criminals who then connive with vehicle registration officers to acquire forged documentation. There are accounts from police that some vehicles are stolen and then sold for parts to vehicles spares container shops owned by Nigerian and Asian nationals in known places in major towns in Malawi.

Both Malawians and non-Malawians are involved in the stolen motor vehicle market. Curbing motor vehicle theft has been a great challenge, not only for Malawi but for other police agencies in the region. The key element is the creation of an effective database for vehicle registration. This would allow for the rapid tracing of stolen vehicles. Due to weaknesses in vehicle registration, most of the time joint operations between Malawian and South African police are unable to identify vehicles stolen in South Africa and impounded in Malawi. The Malawi Police Service lacks the necessary equipment and thus may be discouraged from carrying out similar operations in South Africa.

The illicit motor vehicle market has been heavily exploited by organised crime groups in Zambia. According to Interpol in Lusaka, in 2005 criminal syndicates were involved in stealing 235 motor vehicles and by the second quarter of 2008, 126 stolen vehicles had been linked to syndicates.

Vehicles most commonly stolen in 2007/08 were expensive South African-built Toyotas and Isuzu four-wheel drives, followed by Japanese saloons, and to a lesser extent, Mercedes Benz and BMWs. In 2006, 70 per cent of all stolen vehicles in the Copperbelt province were four-wheel drives. South African vehicles are preferred because they are relatively close geographically. Syndicates from South Africa are looking for markets in the region.

Zambia is the main transit country for stolen South African vehicles destined for Tanzania and the DRC. Kenya and Uganda are other known markets for stolen vehicles. Sixty per cent of all stolen vehicles from South

Africa arriving or in transit in Zambia are brought and delivered to Zambians by South African syndicates. Only a small percentage of cars are driven into Zambia by Zambian drivers, whereas vehicles arriving from Japan, on the other hand, are driven into the country from Durban or Dar es Salaam by Zambians. Zambia is also the largest source country for stolen vehicles for the DRC and Tanzania. Forty-three per cent of all syndicates in Zambia steal or buy their vehicles from Zambia, followed by South Africa (25 per cent) and Malawi (17 per cent) and finally Tanzania (7 per cent).

Between 2005 and 2008 intelligence and Interpol registered 70 names associated with the illicit vehicle market in Zambia. These syndicates involve Zambians (47 per cent), Tanzanians (29 per cent), South Africans (13 per cent), Congolese (7 per cent) and insignificant numbers of Setswanas. Thieves comprised 80 per cent of those in the groups, stealing vehicles from Zambia and Malawi. Six per cent were buyers and 15 per cent were agents delivering vehicles from South Africa into Zambia. In the same period, 75 per cent of Zambian buyers and 67 per cent of Congolese buyers preferred South African vehicles.

The criminal groups have the capacity to grow the illicit markets by enhancing their ability to export and import motor vehicles across legal borders and also through the use of undesignated routes. This capacity is achieved by working in co-operation rather than in competition with other criminal groups across the border areas. Thus a three-faceted, close-knit model is employed, starting in South Africa, where thieves and agents work with legal vehicle owners to export their vehicles and report them as stolen so that they can claim insurance. The syndicates then arrange for the transport of the vehicles across the border, either by the vehicle owner or by a hired driver, and delivery of the vehicle to a syndicate in Zambia. The Zambian syndicate hands the vehicle over to the customer in Zambia or sends it across to Tanzania or the DRC to other buyers. Zambians arrange for vehicles to be stolen from Zambia and sent to Tanzania and the DRC. These activities are premised on good communication and trust between all those involved. For instance, the original owner of the motor vehicle does not report it as stolen in South Africa until it has been registered in Zambia.

The syndicates work within the law as far as possible in order to evade law enforcement. For example, vehicles are driven into Zambia by their legal owners or with the owners' permission, as required by law. The syndicates also use unidentified and unmanned road routes to cross borders. They offer protection and bribes to police officers. The police then feed syndicates information about upcoming police action that may affect their business; for example, warning them to hide their vehicles during Interpol search operations.

The groups include Zambian ringleaders, drivers, marketing agents or brokers, counterpart ringleaders and drivers in South Africa, possible recipients in the DRC or Tanzania and official facilitators along the route. These groups depend upon mutual trust and co-operation for continuity.

About 80 per cent of Tanzanian nationals involved in syndicates are thieves, going into Zambia and Malawi to steal vehicles for resale in Tanzania, Uganda and Kenya. Only 20 per cent are buyers, based in Tanzania. They purchase vehicles stolen in Zambia and South Africa. The thieves are rather unstructured. They identify easy sources of vehicles and motorbikes, steal the vehicles themselves and send them to ready markets in Tanzania. Of the Congolese nationals involved in syndicates, 66 per cent are thieves and 34 per cent are buyers. One buyer lives and conducts his business in Zambia, and claims his nationality to be Zambian through the use of Zambian identity cards. In these syndicates, Congolese work with Zambians to identify and steal vehicles on the Copperbelt, drive them through undesignated routes or bribe border and police officers at Kasumbalesa and then sell the cars to ready markets in the DRC. The South African syndicates mainly involve agents or brokers, who source the vehicles locally and deliver them to a specific ringleader in Zambia.

Zambia is susceptible to the infiltration of illicit motor vehicle markets because of traditionally weak laws, which lead to lenient sentencing. However, bail is not permissible on a charge of motor vehicle theft.

There is a large market in illegal documents in Zambia and both legal and forged drivers' licenses and passports are easy to obtain.

Fugitive and detention laws are not homogenous in the SADC countries. For instance, two Tanzanian vehicle dealers caught in Zambia and repatriated were released in Tanzania before the Zambian police could finalise the processing of the relevant paperwork. Zambia has had very little success in soliciting help from Congolese police in retrieving vehicles stolen in Zambia and exported to the DRC. Stolen motor vehicles are driven through poorly manned border posts where officers are lethargic and easily issue temporary permits without vigilant scrutiny of vehicle documents. Enforcement officers also lack vigilance in monitoring foreign-registered vehicles at roadblocks. The police reported in interviews that many police are 'relaxed' at roadblocks, but other sources believe police at roadblocks simply get bribes rather than managing traffic flow or detecting crime.

In Namibia there are a couple of discernible trends in vehicle theft, which include the theft of old, light delivery vehicles and brand-new luxury vehicles. Light delivery-vehicle theft takes place mostly in the countryside. These

cars, dating back to the 1980s and early 1990s, are very easy to steal as almost any key will work in the ignition. They are sold for spare parts.

New luxury vehicles are stolen mostly in Windhoek and the surrounding area. A group of two to five persons may be involved at any one time. The vehicles are often stolen from rental companies rather than from private individuals. There are a number of ways in which this happens. A person may rent a vehicle for a long period using a stolen credit card. The vehicle is then driven to the north of Namibia where it is picked up and driven across into Angola, usually through an unmarked/unmanned border crossing somewhere along the unpatrolled 90 km border. Once in Angola the vehicle is picked up by a local driver who delivers it to the customer, be they a dealer or a direct buyer. Some of the luxury vehicles stolen in Namibia have been recovered in Zambia, which suggests that the traffic in stolen cars may expand further than originally thought, i.e. that Angola is not necessarily the only or even the main receiver country.

Another way in which vehicles are stolen from rental companies in Namibia is with the collusion of garages. A company checks in 10 vehicles for a service, but only nine are recorded at the garage. The keys of the tenth vehicle, which is identified for theft, are left in its ignition. By the time the rental company retrieves its cars from the garage the stolen car has been removed. According to the garage paperwork, however, everything appears in order and there is no trace of the stolen vehicle ever having been brought to the garage. This type of vehicle theft involves a higher level of organisation and collaboration between representatives of the rental company, the garage and designated 'drivers', among others.

Cars are rarely stolen from people's houses in Namibia as this attracts attention, although it does happen. In these cases a domestic worker usually collaborates with the thieves by giving them a spare key to the vehicle. When the owner leaves his or her premises he or she may be followed. Once the owner parks the vehicle, wherever that may be, the thief steals it using the spare key. This does not attract attention.

Both old and new vehicles are almost always stolen with their keys.

In Mauritius, the number of cases of vehicle theft dropped from 1 005 in 2006 to 971 in 2007, but still remains quite high. Automobiles, vans, heavy vehicles and bicycles are stolen in and around Mauritius. Criminal gangs are the culprits. Vehicles are stolen from residences and open parking lots and driven to specialised warehouses or garages where particulars are falsified.

Most gangs demonstrate some form of division of labour. It appears that some steal the vehicles and deliver them to the specialised groups that alter the vehicle

particulars, such as chassis numbers, while others are sales people, selling the vehicles whole or as parts. Others dismantle cars into parts. There are some yards in the larger cities in which criminal gangs do panel beating, act as locksmiths, dismantle cars and re-build them. Vehicles' body parts are changed or modified, they are resprayed to change their colour and their identity numbers are modified.

Other government sources confirm that these criminals also employ other criminal groups with the capacity to print new, falsified vehicle ownership and insurance papers. These criminals collude with motor vehicle financing institutions to sell the vehicles to unsuspecting customers. In one case, a criminal was found with 20 stolen vehicles, including three Toyota Duets, a Nissan Sunny, a Proton Saga, a Renault 19 Chamade and a Toyota Corolla. Also found were several computer components, 14 ignition keys, 65 motor vehicle registration books, horse-power certificates and 27 finance lease agreements from Mauritius Eagle Co. Ltd. Other National Transport Authority (NTA) documents were also found.

All imported vehicles go through the national port at Port Louis and not many stolen vehicles have been detected. However, a South African dealer worked with a Mauritian dealership to import luxury Mercedes Benz and BMWs for Mauritian customers. When the fleet of vehicles arrived, they were reported as having been stolen in South Africa. The Mauritian dealer pleaded not guilty of any knowledge of the status of the vehicles at the time of purchase and blamed the South African dealership.

The police manage to thwart some cases involving stolen motor vehicles by employing basic policing strategies, such as operating roadblocks. SARPCCO under Interpol carry out annual operations, e.g. the SANQU and Karambo operations conducted thus far. According to ISS informants, policing is frustrated by some loopholes in the law. For instance, legislation protects scrap-metal yards from routine inspection and thus police have no

authority to access these premises to check their inventory – only the permanent secretary has such powers.

In Swaziland, incidents of vehicle theft are concentrated in and around Mbabane and Manzini, with the latter reputed to be the main hub of this and many other criminal activities. There are sporadic incidents of businesspeople being targeted in other major settlements. It is thought that criminals prefer stealing vehicles to hijacking them. Nevertheless, there are reported incidents of car hijackings and some individuals and groups have been identified as perpetrators. The son of a prominent businesswoman has consistently been identified as a kingpin in this and other criminal activities. Interviews with some inmates at Matshapa Central Prison verified that vehicle thefts and hijackings do occur. Although some inmates had been convicted for offences that occurred earlier than the baseline year of 2005, their insights were critical in highlighting the key ingredients of successful criminal activities. One such ingredient is corruption. All the interviewed inmates independently suggested that some law enforcement officials and local businesspeople were instrumental in facilitating the passing-on of stolen vehicles. It was observed that businessmen either have the money to buy the vehicles, or the business networks through which they could be passed to destinations generally outside the country.

Motor vehicles stolen from South Africa are smuggled into Swaziland and then Mozambique. Toyota Fortuners are a popular make. Syndicates change the registration of the vehicles before taking them over the border into Swaziland, thus reducing the likelihood of being stopped for checks in South Africa. Once in Swaziland, the registration details are again changed to those of Mozambique before the vehicles are transported across that country's border. Mozambican registration details make it difficult for Swazi police to find the vehicles on their systems and the chances of detection are thus reduced.



Photo: www.redimages.co.za

Armed robberies

In South Africa, robbery with aggravating circumstances and cash-in-transit heists pose a significant organised crime threat. Well-organised South Africans with access to weapons usually perpetrate these crimes. Copycats have been identified in the neighbouring countries of Botswana, Namibia and Zimbabwe. Cash-in-transit heists and bank robberies were major problems in South Africa in 2005 and 2006, but ATM bombings seem to have taken over as the new phenomenon. Cash-in-transit heists and bank robberies previously took place mostly in Johannesburg and Pretoria in the Gauteng province but have been increasing in other parts of the country. The South African Banking Risk Information Centre (SABRIC) and the Consumer Goods Council recorded enormous losses in 2005. Bribery has been found to be an important aspect of cash-in-transit heists; some police officials and private security guards even run the heists. It has also been found that corruption and influence over prison wardens allow robberies to be planned from within prisons. Corruption within the police force is also thought to play a role; already several SAPS members have been implicated in ATM bombings.⁴⁵ Miners have also been implicated in providing criminals with explosives.

There are strong indications that the some of the same men that are responsible for cash-in-transit heists have now moved into the field of ATM bombings. These groups are fairly large and sometimes even include people working on the mines. Mozambicans are sometimes employed because of their skills but it is mainly South Africans, including former apartheid police officers who are unable to find employment in the new South Africa, who conduct these activities. Lack of control over mining explosives and corruption in the police force are what make ATM bombings possible. For example, a policeman who was arrested in connection with an ATM bombing

worked in the bomb explosives unit of the SAPS and had been providing the explosives necessary to blow up ATMs. The damage to infrastructure following an ATM bombing is enormous. An ATM bombing at a shopping centre caused infrastructural damage amounting to R1 million, over and above the cost of the missing cash and the cost of replacing the ATM.

Many types of business are affected by robberies, including banks, electronics shops, clothing stores (especially those selling expensive labels, such as Diesel and Levi), and small businesses. The structure of syndicates is such that splinter groups may develop if not all of a gang's members are arrested for a robbery. The size of syndicates involved in bank robberies depends on various factors such as the number of security guards on duty that day. Gangs that hit electronics or clothing stores are big groups of 10 to 15 men. This is necessary so as many people as possible can move the goods. Gangs that hit petrol stations are thought to be smaller and about the same size as groups involved in business robberies or those that hit shopping centres during the day. There are also copycat gangs who are less sophisticated. Gangs that target cash businesses (e.g. those selling cigarettes) usually consist of five to 10 men. A network stealing Rolex watches originated in South Africa and extended into Greece and other European countries. There are also suspicions that jewellery is being moved into SADC countries and either being redesigned and brought back to South Africa or moved elsewhere. Mozambican syndicates are suspected of being involved in this activity. There are suspicions that computers are being shipped to SADC countries.

Groups involved in house robberies are highly organised and are linked to syndicates specialising in electronic goods, clothing and jewellery. In some cases in Johannesburg, victims are identified for a later house

robbery while buying jewellery in a shopping centre. The criminals inside the shopping centre phone other members of the group waiting in the parking area and describe the victim. Once the victim has got into his or her car, gang members in the parking lot phone other gang members waiting at the car park exit and describe the car and which exit it is using. Gang members outside then follow the victim home, robbing them once they are inside their house. One of these networks operated from Gauteng through to Durban. In Cape Town groups seem to be less organised and smaller, consisting of two or three people. An increasing trend is that robberies, at gunpoint, occur while people are in their homes. Syndicates have also been operating from OR Tambo airport, where foreigners have been followed and robbed.

All crime types have shown a steady increase since 2000, while robbery with aggravating circumstances presents a constant and frequent threat. It is also the most notorious in terms of the fear it generates in society. The major organised criminal offences that constitute aggravated robberies are presented below.

The statistics show that aggravated robberies are currently the biggest concern, with carjacking accounting for 10,7 per cent and robbery at residential premises accounting for 10,1 per cent. Bank and cash-in-transit robberies increased by 118,6 per cent and 21,9 per cent respectively. It must be noted that police statistics may not accurately reflect the extent of organised crime. To start with, categorisation of these statistics is based on police priorities as opposed to whether or not these crimes were committed

Figure 7: Selected organised crime statistics
South Africa: 2001/2002–2006/2007

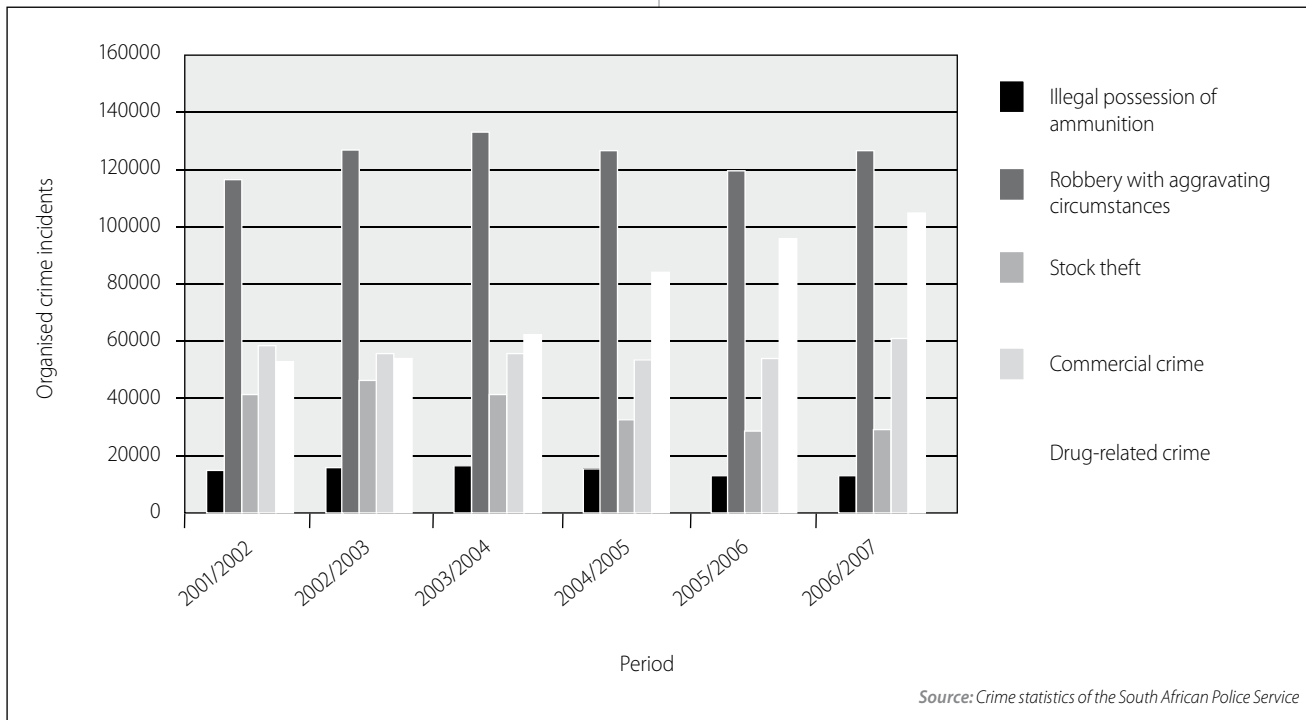


Table 5: Robbery with aggravating circumstances: 2001/2002–2006/2007

	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7
Motor vehicle hijackings (cars and trucks)	19 179	15 677	14 694	13 364	13 654	14 491
Cash-in-transit heists	328	374	192	220	383	467
Bank robberies	356	127	54	58	59	129
Robberies at residential premises		9 063	9 351	9 391	10 173	12 761
Robberies at business premises		5 498	3 677	3 320	4387	6 689

Source: Derived from the 2007 SAPS crime statistics



Photo: <http://thebsreport.files.wordpress.com>

by individuals, syndicates or networks. In addition, some crimes may go unreported and therefore fall outside official records.

Bank and business robberies, ATM bombings and cash-in-transit heists occur in all major business centres in Swaziland and are designed to take place at times when businesses are most likely to be holding cash. Cash-in-transit heists are not common but a few cases and several attempts have been reported since 2005. A few incidents of ATM bombings have been recorded. It is understood that local criminals mimicking those in South Africa commit these crimes. Crime boss Bheki Mlangeni, who once worked as a bodyguard for a well-known Nelspruit transport tycoon, is reportedly involved in most robberies.

Mlangeni has been linked with the E500 000 Fidelity Springbok cash-in-transit heist, the E450 000 First National Bank heist, robberies from the Department of Customs to the value of E240 000, numerous ATM bombings, the robbery of the Orion Hotel in Pigg's Peak and many others. He was recently arrested in South Africa for skipping bail. His half-sister, Sithembile Mbuli, and his sangoma mother have deserted their family homestead at Lobamba and are believed to be staying in one of his houses, either in Nelspruit or Witbank. The following were recovered from the homestead: four pump-action shotguns, a police R4 rifle, an AK47, 130 rounds of live

ammunition and a marijuana-compressing machine. Police believe that others involved in the robberies with Mlangeni were Mndeni Jele, a former soldier and son of a former member of parliament, along with Mncedisi 'Scotch' Gamedze, the son of businesswoman Thoko Gamedze, who owns a huge shopping complex in Siphofaneni and is suspected of dealing in drugs. Gamedze was the only one arrested.

Other groups whose core business is robbery are known to operate in Mbabane and Manzini. One is associated with ATM bombings, cash-in-transit heists, bank and business robberies. One of their notorious activities is planting informers within banking halls and having them collude with tellers to identify individuals withdrawing large sums of cash. Once the victims are identified, they are followed and subsequently robbed of their withdrawals. The criminals are referred to as the 'landela(s)', which is vernacular for the 'follower(s)'.

In a daring show of contempt, the Pigg's Peak Police Station was raided in October 2008 by armed robbers who made off with E6.2 million (\$790 000) that was in the custody of the station. At the time of writing the robbery was still under investigation, but the subsequent fallout led to the transfer of 13 police officers from the station. The 'godfather' claims the robbery was successful because of the assistance of a high-ranking police official.

Robberies are painstakingly planned and their successful execution generally depends on this. The following case study is based on the verbal account of one of the members of a gang, all of whom were arrested and the gang dismantled. He is still serving his sentence.

Case study: The anatomy of a robbery:
An account by a detained gangster⁴⁶

The planning

On 6 October 2006 an eight-member gang of South African men arrived in Nhlanguano. Most knew the country well and had connections with criminal networks in Swaziland. Earlier, a reconnaissance trip had been undertaken to gather information about the forthcoming job. The group planned meticulously. A local bank was identified and an informer was in place inside the bank. The group left South Africa in three stolen vehicles, one of which was a van, which was to be used to carry the money they were going to steal. In the absence of valid passports, they bribed border officials to be able to enter Swaziland. Guns were hidden in one of the vehicles.

On arrival in Nhlanguano, the gang spread out in the three vehicles. Some went to the bank to conduct

surveillance and confirmed that everything was according to their expectations. The robbery was to be staged immediately. However, on signalling the getaway car, the gang realised the driver was not at the wheel, which meant a delay that resulted in the robbery's postponement. Apparently the driver of the getaway car had decided to take a walk as he expected the team to take some time surveying the bank. Postponing the mission meant the gang had to re-strategise their attack. A second attempt later in the afternoon also failed because there were too many people in the bank. The gang could not go back to South Africa and had to find lodgings while they planned their next move. The informer inside the bank arranged the accommodation for them so that the robbery could take place the next morning.

The arrest

The following morning four of the members again undertook a quick surveillance of the targeted bank. They

avoided walking together to reduce risk. They met at a restaurant in the vicinity of the bank to agree on their final assault plan. While there, one of the members accidentally collided with someone who felt or noticed the gun he was carrying. Although he alerted others to the incident, the gang agreed to proceed in the hope that the person would not have realised what was taking place. This was a costly mistake because the person concerned had phoned the police. The informer in the bank then warned them to leave as there was an unusual police presence in and around the bank. Before they could do so, they were surrounded by the police and arrested.

They were charged with the possession of firearms and eventually sentenced to six years and five months each on this charge. All except one paid R6 500 each in fines and went back to South Africa, promising to raise more funds to pay for the remaining gang member, but they didn't return. The assumption is that since the gang had planned other subsequent armed robberies in South Africa, they might have been arrested for those robberies.

Other criminal activities

The remaining member of the gang, who is still detained, claims to have made between E50 000 and E170 000 on every job he participated in. His gang specialised in robberies, both bank and cash-in-transit. He participated in robbing banks on two occasions in South Africa. His account is that it was generally difficult and risky to rob supermarkets or other businesses

because there were always many people inside. It is reportedly easier to steal the money when it is in the process of being taken into or out of the bank. The number of people involved in a cash-in-transit heist is in proportion to the number of security officers carrying the money. The makeup of the gang also depends on the types of guns the guards carry. Security guards carrying rifles require a larger gang. In all situations, the gang relies on inside information. The number of people to do the job is chosen on the basis of the information available. If guards carry rifles then the gang finds safety in numbers. In a gang of 15 gangsters, four to six would carry rifles. Their job is to manage the hold-up while those carrying pistols are generally in charge of taking the money. The benefit of pistols is that they are less noticeable.

Before getting involved in armed robberies, the gang member left behind in Swaziland was involved in car hijackings from 1993 to 1997. He claims that the reasons he shifted to armed robberies were that, firstly, he was usually arrested easily when involved in carjacking. Secondly, carjacking involved a lot of problems because he had to sell cars after stealing them in order to realise the money, whereas in armed robberies the cash was available immediately. Thirdly, there was generally more money to be made from armed robberies. In 2005, he was arrested for stealing 14 cars in Johannesburg, but his gang of five always bribed police officers to destroy evidence. They got their firearms either by buying them or by robbing the police and security guards of their firearms.

In Lesotho, there are indications that some of the criminals that were linked to cash-in-transit heists have now moved into the field of ATM bombings. These groups are fairly large and typically consist of people with military training (ex-combatants, former or serving mine workers, people with knowledge of explosives, former or serving military and police personnel). A variation of cash-in-transit heists that is happening increasingly is what are referred to as 'pavement robberies'. Unlike in cash-in-transit heists, those conducting pavement robberies do not attack vehicles transporting money while they are on the move; instead, they intercept the money while it is being loaded or offloaded from the vehicles.

Cash-in-transit heists increased 21,9 per cent in the period 2006/2007, coming second only to bank robberies when compared with other robberies with aggravating circumstances. Syndicates targeting high-value jewellery, clothing, and electronic goods perpetrate these other types of robberies, using large and heavily-armed groups

to conduct the raids. It is believed that the goods stolen supply regional markets. Research in Lesotho has corroborated the assertions of Business Against Crime that the quantity of electronic items and jewellery being stolen is far too large to supply the local market only. Nigerian businesses and criminal gangs in Lesotho are known to stock large quantities of jewellery, which do not correspond to the small imports of the same goods recorded by the Lesotho Revenue Authority. It is believed that most of the jewellery is processed for export.

Armed robberies are also a significant crime activity in Tanzania. Successful robberies were recorded in the Kigoma and Kagera areas, targeting mostly commuter public transport. Such robberies have happened even in broad daylight. Other cases were in the north, in the towns of Mwanza and Arusha, as well as in Dar es Salaam. Kenyans working with Tanzanians were behind most of the staged robberies. There has been a steady rise in armed robbery between 2005 and 2007. In 2005, 1 080

cases were reported, in 2006 1 028 and in 2007 the figure rose to 1 180 cases.

It was reported in October 2007 that between 2004 and 2006, over a period of 44 months, Tanzania lost Tsh 67 billion (\$58 million) to armed robberies and thefts. Robbers break into homes, banks, bureaux de change and shopping complexes. Heavy arms are employed in these crimes. Criminals use guns and shoot if threatened. A total of 1 240 weapons of various types were used in these robberies between January 2006 and August 2007.

Guns are sourced from refugee camps and areas bordering on countries in conflict. Sometimes police guns have also been used in these crimes. Almost all armed robberies were committed by criminal gangs, some of which included youths, Tanzanians, Tanzanians working with Kenyans and, to a lesser extent, Ugandans. According to police sources, multiple gangs have been identified, with up to 14 members each. While most gangs consist of men only, a shootout in Moshi – during which 14 robbers were killed – included a woman. Some women have also been implicated in these crimes as accomplices or as the beneficiaries of the proceeds of specific crimes.

Some robberies have been audacious. For example, a police post in Mwenge was raided, giving the robbers free access to surrounding shops. A street was taken over while the robbers raided its shops. Robbers get away with substantial amounts of cash in some robberies. In one incident, they netted Tsh 134 million (\$115 500), while in another incident, Tsh 5,3 billion (about \$4,4 million) was stolen from the National Bank of Commerce (NBC). Armed robberies are carefully planned, with specific roles assigned to each participant. Some aspects are outsourced;

for example, the supply of motor vehicles used as transport in these crimes is normally outsourced. Robbers, especially the Kenyan groups, use taxis for transport and live in guesthouses for the duration of the planning and execution of the robberies. The case study below explicitly depicts the processes and planning of these crimes.

Crime perception surveys in Malawi indicate that the general population feels most affected and disturbed by armed robberies. Although statistics from the Malawi police show a decrease in this criminal activity from 316 cases recorded in 2005 to 169 in 2006 and 231 in 2007, these figures are misleading, as the range of what the crime category of armed robbery includes is not clear in Malawi police statistics. It appears that some criminal activities are omitted from this categorisation, for example, motor vehicle theft, assault, burglary and theft, which are listed separately from armed robbery.

Groups of robbers are believed to be well organised and carry out information gathering before they hit their targets. There are reports that in some cases, they wait at the gates of selected victims or break into houses and other properties using heavy stones to break down doors. Police officers believe the weapons used in these robberies come from Mozambique and from attacks on police stations and police units within Malawi, which are carried out with the purpose of stealing arms. (This method has been widely used by criminals in Mozambique.) The groups or networks that carry out armed robberies rely on violence to overpower their victims and may wound or kill whoever interferes with their acts. The size of the gangs of armed robbers is still a matter for further research.

Case study: BAT truck hijackings

The following South African case study is based on case number SS67/2005: *The State vs. SW de Vries*. The case concerned three separate truck hijackings in 2003:

On 24 June, a truck carrying cigarettes belonging to the British Tobacco Company of South Africa was hijacked by armed robbers near Rawsonville. The contents were removed and the driver and his assistant were also taken from the truck. A similar incident took place on 12 August on the N7 near Darling. The last incident took place on 2 October, near Kinkelbos in Port Elizabeth.

The cigarettes stolen in these three incidents were never found. Some of the perpetrators were arrested at their residences in Emerdal, Johannesburg. Twenty-five charges were laid including money laundering (as the

cigarettes were sold), theft, robbery with aggravating circumstances, kidnapping and attempted murder.

Background

The witness in this case was an accomplice to the crimes who had turned state witness. Cell phone records were also used as evidence. The witness had owned a nightclub, a bottle store and a taxi business but had fallen on hard times and was making a living selling pirated DVDs. The witness knew the mastermind of the operation, his brother and the others involved in it through his previous business exploits. At first, the witness was unaware of the plans to hijack trucks. He was approached and asked to hire a truck to transport some goods, as he had a licence. At the last minute he was told there was a change of plan and that he was driving to Cape Town.

Modus operandi

The mastermind of the operation was a paraplegic diabetic who used a wheelchair and had a previous cash-in-transit heist conviction. His brother was also involved in the operation. These men were South African citizens but one was born in Tanzania. The 11 accused formed into a Cape Town group and a Johannesburg group. Using a bogus police vehicle with a blue flashing light, the robbers pulled trucks over to the side of the road, enquired about their licences or cargo, then produced firearms and stole the cargo. Different stolen cars that had gone through various chop shops were used for each hijacking. The stolen cigarettes were sold to a man who both ran a nursery and was also a cigarette wholesaler, though he did not advertise the latter occupation.

The witness at the trial was the man used as the truck driver to carry the stolen cigarettes. After being told he needed to hire a truck to transport some goods (which he did), at the last minute he was told to drive to Cape Town. Wanting to know what was going on, he forced the others to confess to him that they had made an unsuccessful attempt to break into a cigarette company on their first day in Cape Town. The next day he was told to drive to a certain place but was flagged down along the way by members of the group. Cigarettes from the British American Tobacco South Africa (BATSA) truck were loaded into his truck on the side of the road and he was then told to take the long

coastal route back to Gauteng, where the cigarettes were offloaded at a warehouse.

Below is a diagram of the second hijacking. Note that not all of the accused (denoted by the letter A and their respective number) were present. The Polo is the fake police car that circled around the truck.

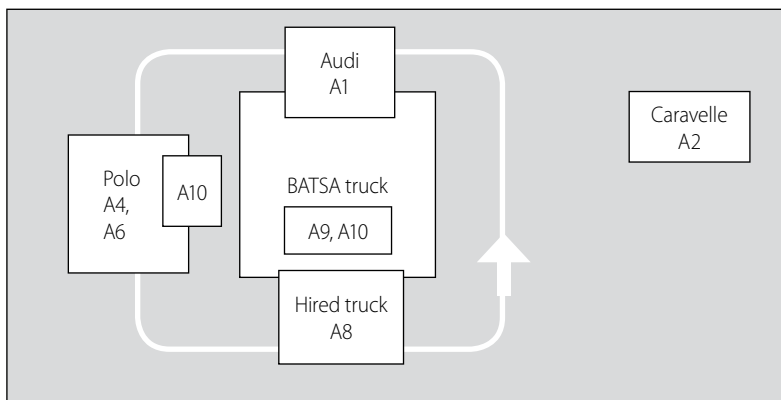
Things go wrong

In the third hijacking, the group followed a truck leaving a depot in an industrial area of Port Elizabeth with a consignment of cigarettes. By this time the Cape Town group had split from the Johannesburg one due to internal conflict over the division of the proceeds of the hijackings. In the Port Elizabeth hijacking the same modus operandi was used as for the previous hijackings, but as the driver was leaving with the stolen cigarettes he was in turn hijacked by some of his former accomplices, who had split from the main group. A shoot-out ensued and the men were later arrested.

Recommendations

Tracking systems should be placed in all trucks. While these systems are not foolproof, it makes the trucks a bit easier to trace throughout their journey. Trucking companies should have better procedures in place to monitor why and by whom their trucks are being used. Tracking systems would help them to ensure that their trucks are being used for legitimate purposes.

Figure 8: Diagram of second hijacking



Robberies and thefts are widespread in Zambia; car hijackings, muggings, residential burglaries and petty theft are commonplace in the capital as well as in downtown commercial areas. The Zambia Risk Assessment warns:

Gangs of armed criminals from poorer neighbourhoods in Lusaka commit robberies and house invasions at

night, including armed carjackings, muggings and petty thefts in major cities – including Lusaka and in the Copperbelt – especially in downtown commercial districts, housing compounds, and bus and railway stations. Armed robberies in the Cairo Road area of Lusaka, including the Chachacha, Freedom Way and Lumumba Road districts, have led to fatalities.

Carjackers target all sorts of vehicles. They will take an older, less expensive model to use in other crimes, as well as newer vehicles to sell. However, because of the thriving market for their parts, Toyota Corollas are particularly targeted. Victims usually are not harmed unless they offer resistance but may be seriously hurt if they do resist. Thieves also target public-transport vehicles stopped in traffic. Travel at night is particularly risky, both in Lusaka and on roads outside the city. DRC Congolese gangs on the Mufulira to Ndola road reportedly have engaged in a number of carjackings.

Thieves also may stage a carjacking at a stoplight in order to steal items from vehicles. In these incidents, one individual will try to pull the driver from the vehicle while another opens the passenger door and steals any items of value. One method of carjacking involves spraying glue on a moving vehicle's windshield. When the driver instinctively turns on the windshield wipers, the glue spreads and makes it impossible to see through the glass. At that point the driver has to stop, and the vehicle can be seized.

In October 2008, in response to the rising incidence of weapons being used in crimes, the police chief directed police officers countrywide to shoot and kill dangerous armed criminals. It's common for criminals to display weapons, including assault rifles, in the course of committing crimes, but those who offer no resistance often escape unharmed.

In Zambia robberies and kidnappings take place in several different ways, not always involving firearms. Firearms are mostly used when these acts take place during car hijackings. In such cases, homicides are normally the outcome of victim resistance. Drivers are kidnapped and dumped elsewhere, usually on the outskirts of cities without access to communication, to allow criminals to escape before the case is reported to police. Along with incidents of carjacking, which can happen anywhere and at any time, vehicles are also stolen from public parking spaces and outside residences. Luxury four-wheel drives are targeted, while more commonplace Japanese saloons such as Toyotas are stripped for parts and sold to car parts traders in both legal and illegal trading shops. Car hijackings happen in other parts of Zambia as well. On the Copperbelt, cars are stolen and stripped for parts, or even transported to the DRC for resale to a ready market.

Robberies in Zambia happen in shopping areas, industrial areas and residences. Gangs are usually armed with AK47s and are not afraid to use them against victims who resist, or even against the police. Criminals usually use stolen vehicles as transport to and from robbery sites.

Unconfirmed speculation suggests that police officers with access to AK47s are either directly engaged in the crimes or loan these guns to the criminals. Most armed robberies are committed by criminal gangs who are believed to come from the poor, shanty neighbourhoods that surround the big cities like Lusaka.

In Botswana, armed robberies, drug dealing and vehicle thefts are common and are often connected to one another. Anecdotal evidence suggests that stolen vehicles are used as getaway vehicles in robberies and as transport vehicles for drug smuggling or transporting. The dire economic situation in Zimbabwe, which has caused an exodus of (by some estimates) some 200 000 to 300 000 Zimbabweans to Botswana, has led the police and the public to associate many crimes, especially thefts and house robberies, with Zimbabweans. This view is corroborated by a high number of temporary arrests of Zimbabweans for street thefts (e.g. a visit to a police station on any morning will reveal that the majority of those held in overnight custody are from Zimbabwe).

Break-ins occur both in the day and in the early hours of the morning, normally when the residents are home. Victims come from all walks of life, irrespective of social, cultural or economic background. Electronic goods, cash, jewellery and sometimes clothing are the most popular goods stolen. Some victims have reported people entering their houses in broad daylight while the occupants were in the yard, which is more indicative of predatory crime rather than its organised type. More serious break-ins occur in the early hours of the morning.

Normally a number of break-ins occur in the same area on the same date, suggesting a concerted effort. Given the speed and accuracy with which they occur it is clear that they are well planned. The police are of the opinion that most break-ins result from someone (usually a domestic worker) passing on information about security as well as the goods that are available at their place of employ. While it does indeed happen that the informant is a domestic worker (one victim reported tracing his domestic worker and finding his stolen clothing in her house), it may be misleading to think that this is always the case. It can also be dangerous for Zimbabweans, since most domestic workers blamed for informing robbers are thought to be Zimbabweans, causing the stigmatisation of Zimbabweans generally. Also, some domestic workers may be threatened or pressurised into passing on information and may not necessarily benefit from the robberies.

Interviews with two former military intelligence officers and individuals who were related to professional thieves revealed the following information regarding armed house robberies:

Many robberies are a collaborative effort between nationals of at least two countries, especially Botswana

and Zimbabwe, although a South African presence has also been detected.

Some robberies are allegedly masterminded by a Motswana woman.

Those responsible for finding and managing the market for stolen goods are Batswana, although there is a market in Gaborone, commonly known as Little Harare, where stolen goods can be bought from Zimbabwean sellers.

Zimbabweans are usually recruited to execute the physical part of the robbery (some are believed to be military veterans and therefore trained in special operations).

There is information in intelligence circles that links Botswana Defence Force (BDF) members to some well-executed robberies. This information cannot be verified by referring to criminal statistics or press reports. These allegations should be pursued through further research.

Rather than domestic workers, those involved in robberies have identified the informants as being customer service personnel in electronic goods stores, piece job labourers (plumbers, electricians) and those delivering goods to homes on behalf of various retailers. For example, while the Hi-Fi Corporation Store at the Riverwalk Shopping Complex in Gaborone provides a delivery service, staff members sometimes refer customers to individuals in the parking lot outside who offer cheaper delivery rates. It is claimed that in this way, information about the location of new and high-value electronic goods is obtained by potential robbers or associates of potential robbers.

Small firearms, most often 9 mm pistols obtained from South Africa, are used during bigger robberies. Although shootings are rare, concealable firearms are a growing menace in Botswana despite their possession being prohibited by law. A number of individuals interviewed for the purpose of this research have admitted to owning a concealable weapon or of knowing someone who owns one, apparently for self-defence. This information is relevant in that concealable firearms are strictly prohibited in Botswana and their 'appearance' in the country is creating a feeling of insecurity among the public.

Customers for stolen goods include designated pawn shops (such as one in Mogoditshane on the outskirts of Gaborone, where the BDF is stationed), and members of the Asian community (Chinese, Indians and Pakistanis). The Chinese are known for re-selling these goods in the so-called China shops. Other customers are Batswana and Zimbabweans who export the goods to Zimbabwe. The increase in theft of complex electronic goods and information technology suggests that the buying market is sophisticated and 'choosy'.

In Mauritius, theft is a high priority crime for the police. Since 2005, criminals have broken into people's

vehicles and homes and stolen whatever they could find. Police statistics demonstrate an increase in thefts of 16,4 per cent between 2006 and 2007, from 18 038 to 21 005 cases. Motor-vehicle break-ins are especially high, particularly in common parking spots in Port Louis. These larcenies increased from 1 551 to 1 637 between 2006 and 2007.

Theft of cell phones and other valuables carried on the person, such as jewellery and wallets, were also on the increase. Tourists are particularly targeted on the beach or during the day and crimes against them reached such alarming proportions that government has begun to worry about their impact on tourism. These crimes are mostly targeted at collecting quick cash and easy-to-sell valuables such as jewellery and cell phones. Robbers also harass and assault tourists in the privacy of their lodges or hotels.

These kinds of thefts happen most often in the centre of Port Louis and around the tourist centres of Grand Baie, Pereybere, Flic en Flac and Tamarin. They happen mostly at night, especially on beaches, in poorly-lit city streets and in other secluded areas. The growing numbers of drug users in the larger cities, especially, are prone to committing these crimes to support their drug habits.

Homicides and robberies were also reported in Mauritius during the period under question. The police statistics above indicate a consistent rise in these crimes. Between 2006 and 2007, reported cases of robberies increased from 1 114 to 1 497. Similar to the trends in other thefts, these crimes are higher in the centre of Port Louis and around the tourist centres.

Many of these robberies are committed by armed gangs and sometimes include the use of violence. Gangs employ basic weaponry such as knives and to a lesser extent, guns. Some of these crimes have led to homicides. However, most of the gangs do not exhibit high levels of sophistication as their attacks are random rather than well planned and systematic and they do not cause heavy financial losses. One incident reported in the media depicts the nature of some crimes involving homicides. In a part of the island called Quarter Bornes, a woman and her sister were stabbed to death on 6 January 2006 by a gang of robbers who broke into their home.

A family-type syndicate is responsible for other robberies. In this syndicate, an armed group that includes a brother, a sister and an uncle commit robberies in different parts of the country, targeting expensive jewellery. These criminals are quite young, ranging in age between 19 and 25, and live in the UK but visit Mauritius for short breaks. This is not a standard case involving poor juveniles in need of cash.

As criminals in Mauritius do not demonstrate much complexity or sophistication, police response has included

only the enhancement of basic policing strategies. Police patrols have been employed in targeted areas and public campaigns to enhance awareness have been made part of police strategy.

In Mozambique, several cases were reported of armed kidnappings for ransom. Three foreign nationals were held up during their daily run along Maputo's Marginal Avenue and one person, Nicole Almeida Matos, was abducted and released on payment of a ransom. The kidnappers communicated their ransom demand of \$100 000 within minutes of the kidnapping, but the ransom was reduced to \$20 000 after negotiations. Police arrested the four kidnappers after the hostage was released. The ring-leader was a student at Universidade Eduardo Mondlane and the son of a senior officer from the customs authority. He used his mother's house in Triunfo as his operational base and another one in Boane as the imprisonment site.⁴⁷

Three schoolchildren from wealthy backgrounds were kidnapped and released after ransoms were paid.

Another method of extorting money is to imprison victims for a few hours while their house is ransacked and money is taken from their bank accounts and credit cards.

Well-organised and sophisticated gangs carry out armed robberies in urban centres in Mozambique. They rely on poor policing strategies and weaknesses within the private security sector. The gangs are composed of four to six individuals who carry arms. By threatening the use of their firearms, they overpower their victims. One or two person(s) are the designated drivers who wait for the others in escape vehicles near the crime scenes. The gang members use disguises, such as dressing like women or wearing masks.

A recent spate of assassinations of police investigators has been linked to urban gangs. There is a concern that gang members have infiltrated the CID or paid someone off to provide operational information. The investigators were shot in cold blood while patrolling the streets, without being able to draw their own guns in defence.

Case study: The Cape gangs



Photo: www.tokeofthetown.com

Names and structures

The Americans have long been one of the biggest gangs in Cape Town, dealing mostly in drugs and dominating the trade. The Firm was founded in 1992 and began demarcating areas where specific gangs were allowed to sell drugs. Both the Americans and The Firm changed as a result of the democratic transition after apartheid. Taking advantage of the opening up of borders and the dialogue over amnesty and indemnity, gangs became politically involved. The Americans began to expand their activities from marijuana to include the selling of mandrax and crack cocaine. The demarcation of areas by The Firm led to less gang violence by 1995; however, gang violence began to increase again and as recently as 2006 there were a series of gang-related shootings in Hanover Park, a notorious gang area in Cape Town.

Traditional prison gangs also exist and include the 26s, 27s and 28s. The 26s collect wealth to be distributed to all three gangs, the 28s fight for better conditions for inmates and are permitted to have sex among themselves and the 27s are the guarantors of gang law.

Today, smaller gangs operate under these names but are more of a 'franchise'. Other gangs have affiliations to the main gangs. The gang that a person is affiliated with

in the outside world determines what gang they will enter in prison. For example, an American will become a 26 or 27 in prison and a member of The Firm will become a 28. Gangs often live in one area but operate in another area.

There is less public fighting between gangs than in previous years as it has proven bad for business. This leads to the perception that there is less gang activity but this is not the case. Territory has been divided up. Prostitution rings at the upper end of Voortrekker Road, one of the main arteries through Cape Town and stretching through suburbs such as Woodstock, Salt River and Maitland, are run by Nigerians. Ernie Lastig, a former 28s gang member and member of The Firm, has allegedly moved from murder into sex work and abalone poaching and runs the outskirts of this long road. Fighting within gangs has started over leadership and money. Young Americans, for example, have been fighting with older Americans.

Foreign gangs also operate in Cape Town but further research is needed to confirm their activities. Chinese gangs operate mainly in Table View, the Russian 'mafia' are thought to control strip clubs and the porn industry and Moroccans are believed to carry out protection rackets.

Activities

Gangs have gone into areas of specialisation. The Firm continues to dominate the abalone trade in Cape Town and the seaside villages of Hermanus, Kleinmond, Hout Bay and Ocean View. Abalone is exchanged for hard drugs such as cocaine and heroin so that there is no

transfer of money. The Firm also owns garages in which the workbenches can be used for ‘chopping’ cars.

The upper echelons of the gangs never do the dirty work. Some have gone into money-laundering activities, development and property.

The ports and airports are used for smuggling drugs and abalone. Previously drugs were stored in the ports. Contraband is sent to neighbouring countries where officials are more lenient, or further afield to Somalia, for instance, where warlords barter the use of their harbours in return for guns.

The Rooi Dakkies are involved in abalone poaching. Many gangs deal in drugs, including the Junky Funkies, Bad Boys and the Americans. Tik is manufactured with household ingredients in local laboratories. Some Chinese gang members manufacture tik, but local gangs also do so now.

Most gangs are involved in car theft. Cigarette smuggling also funds gangs.

The following gangs are known to exist in parts of the Cape Flats (according to a sector policing report). This is by no means an exhaustive list: The Bad Boys, Cool Cats, Corner Boys, Dirty Night Pigs, Duckings, D12, Fancy Boys, Flat Boys, Future Boys, Hard Livings, Junior Cisco Yakkies, Junkie Funkie Kids, Lucky Busted, Ma se Kinders, Naughty Boys, Rooiduiwels, School Boys, Stoepa Boys, Terrible Josters, The Firm, Vulture Kids, Wonder Kids, Young Americans, Young Dixie Boys and the Young Park Kids.

Recruitment

Schools are recruitment centres for gangs. Kids form their own groups and then get labelled as a gang. This labelling pushes borderline children into increasingly adopting gang behaviour patterns and activities. Bigger gangs then lure these children into gang life by giving them tasters of flashy cars and lifestyles.

People are also recruited into gangs simply because of geographic location, for example because they live in a block of flats or a house where gang members also live.

A gang member will somehow ensure that the person being recruited is witness to some illicit activity so they are then unable to get out of the situation. For example, a gang leader will notice that someone in their block of flats has particular skills that can be put to use. Because that person is inevitably friends with members of the gang simply due to geographic location, the leader will make sure the person that is to be recruited is in a place when an illicit activity occurs. They could

be in a car driving with friends when a shooting takes place or a drug deal goes down. The person will then be associated with that gang and is then drawn into gang activities.

Corruption

The police and the defence force are said to supply guns to gangs. Former APLA and Umkhonto We Sizwe operatives have been implicated in distributing guns. Corruption is rife in gang-ridden areas due to low police salaries. This also leads to a lack of faith in the police.

One example was given of an MEC who found that the reason why drug raids on a particular drug dealer were never successful was because someone working at the Commissioner’s office was leaking information. It turned out that the person leaking information was a member of the dealer’s family.

Gang members also give information to police about rival gangs and while the police are focusing on one gang, the other gang gets away with further activities. The Chinese gangs have links to corrupt officials.

Impact

The level of domestic violence has risen as a result of drug use. People are scared of certain areas and scared of getting caught up in gang violence.

In Mitchell’s Plain, gangs are stealing from their families. There has been a breakdown of the family unit. Children are increasingly recruited into gangs, destroying their prospects for education and legal employment.

Recommendations

Offenders can be charged under the Prevention of Organised Crime Act of 1998 and for other gang-related offences. Communities need to get more involved in preventing children from joining gangs or continuing with gang activities.

The Community Policing Forum in Mitchells Plain has worked closely with the neighbourhood to address issues so that the community regains trust in the police. After-school activities have been implemented to educate children about illicit activities. Reformed gangsters are afforded a lot of respect due to their reputations and should be asked to educate children about the perils of gang life.

The issue of suspects escaping after being released on bail is one that continues to prevent successful prosecution and should be addressed.

Example: Prosecution of the Fancy Boys Gang Case SS 31/06: The State vs Eyssen and 18 others

Background

The case concerned the prosecution of the leader (and other members) of the Fancy Boys gang and their activities from 2001 to 2003. The group was charged with a number of offences, including racketeering, house-breaking and robbery with aggravating circumstances.

Profiles

The accused were all South African citizens, living in Salt River, Grassy Park, Maitland, Woodstock, Crawford, Parow and Athlone. As with most gangs, the gang members were especially interested in trendy clothes and women.

Modus operandi

The gang's activities consisted mainly of drug dealing, housebreaking and murder and took place in Salt River, Woodstock, Sea Point, Cape Town city centre, Camps Bay, Milnerton, Athlone, Constantia, Diep River, Lansdowne and Wynberg. Prior to each house robbery gang members met at a different house and firearms were distributed. The gang members also received motor vehicles with which to carry out the robberies.

Items stolen from robberies included jewellery, branded clothing and guns (which were licensed to the people living in the properties that were robbed). Some of the drugs sold included marijuana, mandrax, ecstasy and crack cocaine. The Fancy Boys gang is linked to the Americans and there was an agreement with the Americans' leader, Madat, that drugs could be sold from premises rented by the Fancy Boys in Salt River. Drugs were stored elsewhere. Stolen items were also bought from other gangs at this address and sometimes goods were exchanged for drugs. Not all of the accused were members of the Fancy Boys. For example, Accused number 4 was not a gang member but was responsible for the chopping of vehicles. Accused number 3 was never at the scene of a crime but planned the robberies and channelled the stolen goods. He also provided storage for the goods at his mother's house. Accused number 19 purchased the stolen goods and rented out rooms used for dealing purposes.

Corruption

Gang members' testimonies allege collusion with an Inspector Griebelaar, one of the State witnesses, in previous dealings. Later investigations revealed that a number of units at storage facilities had been used for stolen goods and vehicles.



Photo: www.redimages.co.za

Smuggling of endangered species and rare resources

POACHING

The illicit trade in wildlife and bush meat is a highly profitable organised crime market in Tanzania. More than 50 000 wild animals are poached annually. Thirty per cent of Tanzania's land mass is devoted to nature conservation in 12 national parks, 31 game reserves and 38 game parks,⁴⁸ yet local hunters, poachers and owners of legal hunting blocks are decimating wildlife in the country.

What has been termed 'ordinary poaching', involving local villagers and people living near national parks and conservation areas, has been reduced. These indigenous poachers use snares, heavy spears, bows and quivers with arrows to kill wild animals, including hippos and buffalo. This type of poaching, including by refugees, serves as a lifeline to those who are living below the poverty line as the animals' meat is used to supplement their meagre diets. The Burigi National Park One near a refugee camp in the west of Tanzania has registered a drastic decrease in the number of buffalo, from 2 600 to about 40, and the 324 Liechtenstein Hartebeest antelopes previously found there have completely disappeared in recent years.

A reduction in small-scale poaching has been attributed to harsh prison sentences of between 15 and 50 years. The Cullman and Hurt Community Wildlife Project suggests that Tanzanian poachers have moved their operations to Kenya, where lesser penalties are imposed.⁴⁹ The large seizures of ivory seem to imply highly organised, even institutionalised poaching.

Customs officials in Taiwan detained a consignment of several tons of Tanzanian ivory destined for the Philippines in 2007. More than 400 fully-grown elephants were killed for this shipment.⁵⁰ Provisional research findings suggest that large-scale poaching involves the highest echelons of Tanzanian society, including high-ranking

government officials and PEPs. The Wildlife Directorate is at the centre of the controversy due to its management style and policies on wildlife administration.

The Wildlife Act of 1974 regulates the conservation and management of wildlife in Tanzania. The Director of Wildlife has jurisdiction over game conservation areas and open land while the Tanzania National Parks Authority (TANAPA) manages national parks. Apart from a five-year period between 1973 and 1978 when hunting was banned, Tanzania has traditionally adopted a policy of consumptive tourism. Thus a certain and pre-determined number of animals may be hunted on a strict quota system. The Tanzanian Wildlife Company (TAWICO), under the authority of the Director of Wildlife, was accorded the right to grant quotas and hunting blocks in 1978.⁵¹ The Director of Wildlife and the Minister of Wildlife have the mandate to make rules and guidelines on the awarding of licences and other legal documentation pertaining to the acquisition of quotas and hunting blocks. The two officers are charged with developing a quota system that is rational and cognisant of conservation and the protection needs of certain wild animals and their environment. They should clearly stipulate the numbers of animals that can be hunted in designated areas and consider the concerns of communities around them. However, problems with the management of the wildlife sector have included the non-availability of clear guidelines for allocation of quotas and hunting blocks and a failure to monitor animal populations and base allocation decisions on the needed criteria, along with nepotism and corruption.⁵²

The failure to clearly stipulate the guideline procedures in quota allocations and hunting blocks has been blamed for the erroneous allocation of quotas, which has led to the decline of wildlife in the designated areas. This



Photo: www.redimages.co.za

problem has a long history. For instance, the following case was noted as far back as 1999:

Issuance of quotas sometimes does not put into consideration the population of animals in relevant areas, thereby causing a shortage of some animals. For example, the Royal Frontiers Company was given a quota to hunt Topi and Gerenuck in the Mkomazi areas while these animals are not available at all in the area. A former Minister issued permits for hunting 750 hippopotamuses in the Kilombero area to three companies while this area's total hippopotamus's population does not reach 750. The current system by which the Director of Wildlife assisted by a small committee, controls the allocation of hunting locks has failed miserably. Poaching has been on the rise, while contiguous communities have been excluded. While recognising that the Wildlife Department has a contribution to make in wildlife management, those who reject the need for a fundamental reform of the current system can only be motivated by self preservation, job security and blatant self-interest. Limiting the discretionary power that the Director of Wildlife currently enjoys, and ensuring fairness, transparency and accountability... will limit one of the industry's most serious and long-standing problems.⁵³

Currently, the failure to clearly stipulate the guidelines has facilitated the infiltration of organised crime activities, mostly through corruption and nepotism. This has led to more poaching and state capture of both the policy and the governance of the wildlife institutions.

ISS sources interviewed during the research believed that about half of all companies registered in this market own 70 per cent of all hunting blocks, which are controlled by far-reaching networks. The face of infiltration in the institutional echelons of wildlife management is set out below.

Crimes committed by the syndicated companies include the illegal sub-leasing of parts of the plots at exorbitant fees; photographing high-profit illegal hunting

practices such as the intentional wounding of buffalo, hippo and elephants; overturning management plans that limit the number of tourist lodges in photographic areas; and the illegal poaching of elephants to supply ivory to designated ivory trading markets in Dar es Salaam.

Irregularities have been recorded in the allocation of hunting blocks. As the wildlife population has declined, the numbers of hunting blocks have increased from 47 in 1965 to 130 in 2001 and now to 158. The duration of quota allocations has been greatly reduced and companies have to re-apply more frequently. This has allowed opportunities for bribes to be paid more frequently, and for bigger bribes to be paid to maintain ownership of the quotas and blocks. This growth in the number of hunting blocks has been detrimental to surrounding wildlife and communities as well, as most of the hunting blocks are within communal lands adjacent to protected areas – a strategy that targets migratory patterns of wild animals to maximise utilisation. Some of the major hunting concessions are located next to Serengeti, Taangire, Lake Manyara, Mkomazi, Arusha, Selous, and Maswa protected areas.

Moreover, according to a study on the general impacts and experiences of Maasai and other local communities in a context of consumptive tourism, not all these blocks have the anticipated numbers of animals and owners overstep their jurisdiction and hunt above the quotas allowed, sometimes using methods that are not permitted. The hunting block companies wish to collect as much revenue as possible and the highest returns come from the hunting of lions, elephants, leopards, buffalo or hyenas and rare and prestigious animals. Hunting companies transgress their limits and even violate geographical and permissible borders in order to satisfy their customers. In the process, the survival of the dwindling numbers of protected animals is threatened. Hunting permits are neither monitored for compliance nor audited. In some instances, depending on the size of bribes paid, companies have been issued blank hunting permits.

The lack of clarity in guidelines and transparency has opened this market up to abuse, as both the Minister and the Director of Wildlife have allocated plots to family and friends. In 1996, the Warioba Commission found that blocks had been assigned to companies formed primarily to take advantage of insider connections. Organised crime has been born out of these links, as criminals use powers and links to access wildlife material and products for personal exploitation and enrichment. There are also allegations that high-profile government officers are involved in the trade in wildlife and other natural resources.

Larger consignments of Tanzanian ivory are believed to go through the borders through two loopholes: through the port of Dar es Salaam (in the containers which normally transport illegal wood to the Far East),

and also through Zanzibar, where animal products can be exported without inspection. Zanzibar has its own wildlife policy, which does not comply with the internationally acceptable Convention on International Trade in Endangered Species.

Access to and ownership of hunting blocks has traditionally been a political issue in Tanzania. Hunting blocks are not only obtained by links to high-profile politicians but also by the payment of bribes, both to kingpins in the hunting industry and to the wildlife authorities, and also through the funding of election campaigns. The profiles of what appear to be the main players follow:

- The leader of the hunting industry is a syndicate member who resurrected the Tanzanian industry after the hunting ban was lifted in the 1970s and who is dedicated to maintaining the status quo at all costs.
- A second syndicate member's family comes from Pakistan, but he was born in Tanzania and was a major figure in the 1996 Warioba Report on corruption, with ties to an ex-Prime Minister's family. His property was confiscated in 1999 for tax evasion. He recently received a permit to build an unwanted lodge in a game-protected area and received similar permits for lodges in various parks while on the TANAPA board.
- The ex-Director of Wildlife reduced the length of hunting block leases to enable more frequent bribes and encouraged his colleagues in the Department to partner with hunting companies.
- A former vice-minister obtained game-controlled areas through ties with a former president. His company is notorious for bad behaviour and large-scale bribery.
- Finally, a high-profile family was granted hunting blocks despite strong opposition from the local community, after making payoffs to CCM.

Organised crime groups work hard to maintain the status quo by influencing policy decisions. For example, banned or unregulated types of hunting and photo tourism are pursued so as to sell enhanced packages to increase profits. Reforms that would affect profit or impede syndicates' influence are silently pushed aside. Policy decisions may be made to increase the value and ease of bribery. A typical example is shorter block licensing terms that encourage more frequent payment of bribes.

The syndicate thwarts policy reform as follows: Groups reflect a 'mafia' type of organisation, with the top layer consisting of the kingpin hunting-block leaders, the legitimate institutions responsible for policy and wildlife management and then the syndicated block owners. The structure is thus quite hierarchical and is characterised by violence and intimidation of any potential whistleblowers,

while secrecy around the operations of the wildlife fund and directorate creates a situation in which people do not know what alliances might exist, which instils fear. Corruption and election sponsoring are also employed as tools for buying political protection, evading enforcement and ensuring continuity. For example, the ISS researcher learnt that one of the owners of a famous hunting reserve sponsored a failed 2006 election campaign for a deputy minister of wildlife.

Wildlife business is transnational by nature. In Tanzania, the syndicates are transnational across membership, product and consumers, in the following ways:

- Across membership of syndicates: American, French, Saudi Arabian, Pakistani and Tanzanian nationals
- Across product: trophies, ivory, DVDs and photographic material, all of which are exported from the country to more profitable markets
- Across consumers: the consumers of wildlife services are international tourists

The industry is vulnerable because of corrupt management, which compromises enforcement; political influence and protectionism are bought by bribes. There is a general absence of transparency. Further problems are the pursuit of secrecy in the affairs of the industry along with the infiltration of syndicates into wildlife policy development. Organised wildlife crime is premised on a complex juxtaposition of corrupt practices infiltrating both politics and business. According to sources from the corruption task force in Dar es Salaam, up to \$200 million in bribes was paid by wildlife syndicates between 2005 and 2008. The bribes were for renewal of hunting-block licences and to gain acceptance from strategic people in the industry.

Poaching is also common in Zambia's Eastern Province, close to the South Luangwa National Park, and in the Southern Province, around the Kafue National Park. In the past three years, various animal species such as impalas, kudus, warthogs, and buffalo have been killed for sale in the meat market in the large city of Livingstone, in cities in the Eastern Province and in Lusaka and the Copperbelt. Interviews in Livingstone and Chipata revealed that elephants are poached in both the South and Eastern provinces and killed for their tusks, while the last of the remaining rhinos in the Livingstone zoological park were killed in the last three years.

General poaching of meat products by local villagers is predominantly an income-generating activity for household purposes and to a certain extent, also a wealth-creation activity. There is very little complexity with this level of poaching: a few villagers get together and use traps, spears or homemade guns, or guns passed down through family generations, to kill animals for the meat

market. Unfortunately, these are the only poachers that are targeted by law enforcement.

High-level organised crime is believed to be responsible for larger-scale poaching and includes wealthy businesspeople, foreign nationals and some members of wildlife management organisations. Sources in Livingstone have implicated the Zambia Wildlife Authority (ZAWA), which is alleged to neglect wildlife stocktaking to both enable and conceal poaching.

Smaller and less sensitive animals, such as impala and buffalo, are killed and their produce is openly sold in people’s homes. Of principal concern is the poaching of endangered species, such as rhinos. There are no more rhinos left in the national parks. Along with elephants (killed for their tusks), they were killed with the help of and on behalf of ZAWA officials who supply overseas markets. Other sources demonstrated ZAWA’s involvement in poaching in the eastern part of Zambia.

The research interviews in Chipata revealed a remarkable absence of public confidence in ZAWA. It is widely understood that ZAWA and its community scouts’ recruitment model has greatly increased the poaching. ZAWA uses a peer model for managing the game-protected areas.

This model includes the use of local village youth leaders (game scouts) to manage specified zones, with local area supervisors who are ZAWA staff members. These game scouts are believed to be the biggest poachers. They are given guns and orders by their supervisors to kill elephants and remove their tusks. The supervisors then take the tusks to businesspeople, high-ranking politicians or other supervisors in the chain who stockpile them for export.

ABALONE POACHING

Poaching of protected species from South African coastal waters has been a matter of concern for more than a decade. Marine resources targeted include abalone, rock lobster and sharks, the latter being targeted for their fins. There is also illegal fishing by licence holders who wilfully exceed the prescribed limits. Abalone poaching is by far the most problematic. The following is an analysis of abalone poaching along the coasts of the Western Cape, where the resource is mostly found. Wild abalone harvesting is prohibited and legitimate harvesting only occurs at



Photo: www.redimages.co.za

aquaculture farms. The anti-poaching unit estimates that 1 500 groups are involved in abalone poaching.

The value chain of abalone begins off the coast of South Africa and ends in consumer destinations abroad. Fresh from the water, abalone on the official market currently fetches R300 (approximately \$35,50) per kilogram. It loses about 70 per cent of its weight during on-shore processing. The journey of abalone from the water to shipping involves the following, sometimes mutually exclusive, activities:

- Removal of the shell and guts
- Chemical (preservative) dressing
- Drying
- Canning (for fresh abalone)
- Sealing in plastic (using refuse bags) or vacuum packing
- Packing into cartons

It is estimated that from divers to middlemen to kingpins, to shipping to its consumer destinations, abalone increases in value by around R700 per kilogram. This adds up to an average value of R1 000 per kilogram on arrival at destination. It is conceivable that this value may increase depending on other variables. The following is a depiction of the *modus operandi* for abalone poaching and transportation gathered through the Special Investigation Unit’s (SIU’s) use of technology. This includes high-resolution cameras with night vision capabilities and vehicle-tracking devices. The *modus operandi* for abalone poaching is fairly sophisticated.

There are two distinct ways in which illegally harvested abalone is channelled for export.

Case study: *Modus operandi* of abalone poachers

A typical poaching operation involves a boat, its pilot and a few divers. Poachers generally act as if they are

always being watched. They do dummy dives and runs to different locations. A typical dummy run is for 12 nautical miles offshore, after which the poachers turn either left or right. This distance is just enough to throw

off anyone positioned on the coastline wanting to track the poachers' vessel. In the Western Cape, the typical destination after such a manoeuvre is Oyster Bay or even Jeffrey's Bay in the Eastern Cape.

Once at the identified poaching location, divers commence their work. Sometimes they load their harvest on resurfacing. However, sometimes the poachers dive back down again and stay down for extended periods. When they re-surface, they typically do not load anything onto their boats and simply take off after boarding.

It has been established that when the divers stay under water in the second scenario, they typically swim to the shore, hide their catch and then swim back to the boat. This is done with a view to returning later for the catch. It also eliminates the risk of being caught with the harvest on board the boat. Once they are sure that they are safe, a vehicle drives to the location at night and loads the catch. Poachers are known to do their own reconnaissance trips and counter surveillance against possible law enforcement raids, sometimes using trained dogs to sniff the area. The abalone consignment is then transported to a storage or processing facility in a coastal town.

The exchange

After a few days, consignments from the storage facility are typically transported inland, usually to Gauteng. On arrival, the transporting vehicle is parked at a public place, preferably a shopping centre, where gang members wait in a restaurant. Here they are joined by middlemen or a storage facility manager. When the terms of the deal have been agreed on, the middlemen or storage facility manager drives off in the vehicle containing the abalone to offload its contents at another storage facility. The trip to and from the storage facility is usually preceded by manoeuvres and dummy runs designed to lose any law enforcement tailing the perpetrators. The vehicle is eventually returned to its original parking position at the shopping centre, where its owners collect it for the return trip to the Western Cape.

Alternatively, on arrival the vehicle transporting the abalone is parked on the outskirts of the town. Arrangements would have been made between the transporters and those receiving the consignment to meet and complete their deal.

To transfer the abalone to its destination storage facility, they remove the seats of a mini-bus, preferably a VW Kombi, and load the abalone so that it remains below window level. The Kombi is in turn loaded onto a tow truck as if it had broken down, with the result that

its contents cannot easily be seen from road level. The towtruck is then driven off to a storage and/or processing facility.

Shipping

At the storage facility in Gauteng, export processing is completed by either sealing wet products using black refuse bags before packaging in cartons, or they are canned, preferably in the same way as other sea products, such as hake or pilchards.

Once the abalone has been either canned or dried (more often the latter), it is hidden in cartons among other products, such as dried peaches, or in wooden crates. Sealing it with a plastic bag before it is put in the carton masks the odour and makes it hard to detect. The container is either taken out through a legal shipping line or exported to neighbouring countries such as Mozambique and Swaziland. These neighbouring countries do not have the same legislation regarding abalone. The containers are then sent back for shipping via legitimate channels through OR Tambo International Airport. Police are incapable of checking the contents of the cargo because the consignments are labelled as being in transit and South African legislation limits access to transit shipments.

Whether sent directly or via a third country, the primary destination for the majority of consignments is Hong Kong. When consignments reach Hong Kong they are declared for what they are.

Abusing the system

Market players who purchase abalone from legitimate auctions are issued with three permits: for possession, processing and export. Once the permits are in place, some dealers supplement their official abalone purchase with illegal catch.

The general practice is to process and ship the legal consignment quickly before inspections are implemented. Using the documentation of the legal consignment the buyers immediately take in illegal supplies. They then go through their usual routine, processing the illegal supplies through their permits.

On occasion the illegal consignment exceeds that allocated at the auction. In this instance the processing is expedited and the consignment shipped before verification. This verification has to be made considering that dried abalone weighs up to only 10 per cent of its original weight. Yet permits and associated limits are made with respect to fresh abalone. The process happens so quickly that by the time authorities have done the calculations, the shipment has already left.

In a case currently at the High Court, the SIU intercepted a container at the Cape Town harbour after a tip-off. A historical analysis of consignments suggested that a similarly-packaged shipment had already been made. The four-container consignment had been split so that two containers per shipment were on their way for delivery to Singapore and Malaysia respectively. Based on the assumption that the consignments contained abalone, the SIU approached the shipping company to redirect them to South Africa. The operation proved problematic because other stakeholders, especially foreign customs and excise and the police, were uncooperative. Success was only realised through the concerted efforts of Interpol. Eventually the shipping company agreed that the containers be brought back to South Africa on condition that the SIU would foot the bill, which ultimately turned out to be about R500 000. The suspicions of the SIU were confirmed when abalone valued at R11 million was found inside the containers, along with pilchards. A further historical inspection of the documents of the shipping company suggested that this was not the first time shipments of the same description had been made. The SIU also noted that this kind of guise has also been used for the illegal export of shark fins.

In a typical successful operation, marine operatives conduct surveillance on poachers, usually after a tip-off from informants. Informers are a critical component of the law enforcement strategy, considering that the key players who run poaching operations – the middlemen and the kingpins – are often not visibly involved. Operatives of the SIU position themselves strategically, sometimes as fishermen on the coast. The SIU uses special surveillance equipment with night-vision capabilities to view the activities from a distance. They allow poachers to do their work undisturbed with a view to gathering more evidence and to arresting more syndicate members, particularly kingpins and middlemen. This involves trailing the vehicles used to carry abalone to storage and/or processing facilities. It also involves tracking perpetrators as far as Gauteng, where 90 per cent of all abalone harvest is transported. It is when consignments are about to be shipped abroad that arrests are made. Syndicates can be charged under the Marine Resources Act 1998 and the Prevention of Organised Crime Act of 1998.

It is generally the case that not all syndicate members are arrested because of the lack of evidence pertaining to the upper echelons of the syndicate. In a recent case at the Cape High Court three men were sentenced under the Marine Resources Act for being found with abalone. The diver had been picked up by the other two men and had loaded the abalone into the vehicle. The police found them with R25 000 worth of abalone. The diver was still in his wetsuit. It is not clear where the abalone was going and

so other syndicate members were not touched. The boat and vehicle owner pleaded not guilty and claimed not to have known what the other men were up to. Sadly, despite being described by the judge as a 'syndicate', the men were not charged under the Prevention of Organised Crime Act and received minimal sentences, such as 12 months correctional supervision. Considering that one of the men had previous convictions for murder, housebreaking, assault and possession of firearms, these sentences were very light.

However, in an ongoing court case in Cape Town (*Chao vs. the State*), 19 people are being prosecuted, showing that it is possible to reach the masterminds behind abalone poaching operations. In this case the first two accused are Chinese and were the masterminds behind the operation; accused numbers 1 to 7 were managers at abalone harvesting factories that had been set up in Stellenbosch, Belleville, Brackenfell, Durbanville, Rawsonville and Cape Town. Accused 8 to 19 were employees, involved in the packaging and processing of abalone for very little remuneration. This latter group entered into plea bargains with the state, giving evidence against the other accused.

In this particular case the abalone was passed off as shipments of frozen pilchards.

No other marine species has been affected by organised criminal activities as much as abalone. Hake would be the next most comparable commodity, followed by rock lobster. Normal investigations in this regard concern fishing permit-holders who have exceeded their legal limit, rather than blatant poaching. The intervention strategy of the SIU may be either administrative or criminal. In both cases, the offending party's permit is usually revoked.

In a prominent case prosecuted in the USA, a shipping company was going to export a container of South Coast rock lobster from South Africa, for which it had a permit. On an inspection prompted by a tip-off, it turned out the lobster was the more valuable, and protected, West Coast rock lobster. Another historical inspection of the company's shipping record revealed that another illegal consignment was already on its way to the USA. The company was exporting the lobster to themselves, established as a different company under a different name in the USA. Marine authorities in the USA agreed to intercept the consignment on arrival and confirmed that the company had exported in excess of 300 tons of illegal West Coast rock lobster. The key role-player and the company were charged and fined an equivalent of about R44 million. The fine was cognisant of the fact that this quantity of rock lobster would have multiplied significantly had it not been harvested.

International fishing vessels and local fishermen conduct illegal fishing activities along the Mozambican

coastline. The most sought-after species include endangered bluefin tuna and sharks. Big fishing trawlers use the long-line method with baited hooks and lines up to 130 km long. The method is very controversial as it also captures endangered marine and other species, such as turtles and albatrosses.⁵⁴ Spanish, Japanese and Chinese fishing trawlers regularly use huge fishing nets or long lines along the entire coastline of Southern Africa, sometimes even within marine reserves. The Ministry of Fisheries estimates that \$38 million is lost annually as a result of illegal fishing in Mozambique.

TIMBER

Illegal exports of precious wood are a growing concern in Mozambique. Most of the wood is sent to China unprocessed, which has been illegal since 2006. The China HK-Development Group is allegedly responsible for the illegal export of tones of wood to China. Authorities seized 17 containers of brut wood from Nampula province at Ncala port ready for shipment to China. Police, customs and local government officials were arrested for negligence and complicity and the company was fined.⁵⁵ The company vanished after the fine was imposed. Allegedly, China HK-Development Group had stored a further 314 containers at Nacala port, which were not inspected.

Agriculture and forestry authorities impounded 60 containers before being transferred from Mocimboa da Praia to China via Mombasa in Kenya. Of the 60 containers, 52 contained unprocessed ironwood, three contained processed ironwood and four contained chanfuta, while one container was empty. The containers belonged to various Chinese-owned companies.

The two cases reflect the tip of the iceberg of illegal timber exports. There is little official interest in combating this as the majority of timber companies are joint ventures between Chinese investors and influential Mozambican nationals. Community leaders and criminal networks supervise the extraction of precious woods. Corrupt government officials, who are responsible for timber quotas and exploitation licenses, take care of legal procedures so that the unprocessed timber is exported without being detected.

MINING

During the period covered by this report, irregular migrants have been engaged in unlawful mining activities in Manica, Nampula, Tete and Niassa provinces in Mozambique. Gold and precious stones are the main products, which are readily sold to networks of mostly Nigerian and Lebanese buyers.

Organised crime syndicates have been linked to the theft of copper in South Africa. Preliminary research has found that copper theft occurs in areas like the Cape Town suburb of Observatory, which has old Victorian houses with metal fences and various metal attachments to the houses, such as water meter covers. Horse-and-cart transporters have often been accused of being responsible for such operations. Follow-up research is still required to develop scenarios in this sphere.

The smuggling of precious metals is another form of organised crime in South Africa. In 2004 the British and South African police broke up a syndicate dealing in gold, silver, platinum, palladium and rhodium worth up to R230 million (\$40 million). The metals were being exported under bogus invoices as scrap precious metals. Media reports and the recent criminal case against Najwa Petersen, judged guilty of the murder of her entertainer husband, Taliep Petersen, suggest South African links to Namibia in terms of diamond dealing and the selling of US dollars on the South African black market. Petersen's family has connections to a large fruit and vegetable business in Namibia called Dirk Fruit and it appears that she may have imported diamonds from Namibia into South Africa. Follow-ups could include an analysis of the court case and interviews with police.

Namibia's diamond industry is under threat from organised criminals. In September 2006 *The Namibian* published an article denouncing 'the Social Security Commission's bungled N\$30 million investment with little-known asset management company Avid Investment Corporation', stating it bore 'all the hallmarks of organised crime'. The same article lists illicit diamond dealing and drug trafficking as Namibia's oldest organised crimes, while drawing attention to the fact that in recent years, 'fraud and theft of millions of dollars, mostly in public funds, has increased dramatically'. In March 2007, on the other hand, *The Namibian* reported that members of the Italian Mafia had been linked to Namibian diamonds. They were reported to have bought an unused diamond cutting and polishing licence by using two front companies, Avila and Marbella, apparently with the assistance of political figures. 'The licences were obtained with the apparent assistance of former National Central Intelligence Services (NCIS) operator and self-described "business consultant" Zackey Nefungo Nujoma, former President Sam Nujoma's youngest son.'⁵⁶

The illicit minerals market in Zambia has become more visible with the revamp of the mining business in the Copperbelt and North Western provinces. Copper and cobalt mining are the largest contributors to the mining industry, and as a result, organised criminals have infiltrated that business.

There are segments in the mining industry in which organised criminals work concurrently in the legal and illegal markets. The first level of operation includes a few large mines that produce the ore, process and export it; the second level includes many small companies (called *jalabos*) that have no mines but have legal licences to sell ore or process metal; and the third level includes the markets (mostly Chinese), the large companies and the international markets.

Organised criminals infiltrate these levels, stealing ore and processed minerals and committing fraud by supplying stolen equipment and spare parts. Copper is also imported into Zambia from the DRC by large companies based in the Copperbelt, for processing in their smelting plants. Some of this ore is smuggled out of the DRC, while some ore is stolen along the way to Zambia. A 2006 Global Witness report on smuggling in the Copperbelt demonstrates the nature of the illicit business there:

Much of the ore purchased by companies in Zambia has been smuggled out of the DRC, but these illicit Congolese imports can no longer be distinguished from Zambian minerals once they reach the processing plants in Zambia.

Exporters from Katanga often pay a standard \$3 000 per over-loaded truck to Congolese border officials, irrespective of the quality and quantity of ore on that truck. Several transport company representatives in Zambia explained how exporting legally from the DRC, with all the permits required, would take months. Instead, this \$ 3000 per truck is the quick way.

Around Ndola, an increasing number of Chinese companies have set themselves up to process ore to copper blister (92–93 per cent copper). Many of these companies have chosen to establish themselves on the Zambian side of the Copperbelt because the operating environment is perceived as less risky than the DRC.

Companies based in Zambia that reportedly buy copper and cobalt ore from the DRC include: Copper Mining Service, Sable Zinc, Hetro, Konkola Copper Mines, Mopani Copper Mines, Nonferrous Metals Corporation, Jianxing, Metalco Industries and Chambishi Metals etc. Many transport companies and traders reported that the main problem of operating in Zambia was widespread theft in the country, with copper and cobalt ores regularly stolen from trains and trucks, often in collusion with truck drivers. Some companies had resorted to employing security guards to travel on each truck passing through the country.

Gold and diamonds are not mined in Zambia. Most of these minerals come from neighbouring countries, such as Zimbabwe, Angola and the DRC. Organised criminal syndicates have used Zambia as a transit point for illegal gold ore smuggling. Zambia does not have substantial gold deposits, yet gold has been smuggled through the borders and the two international airports (Lusaka and Ndola).

Chirundu has been identified as a key gold smuggling point, while the airport has been used as a transit point by gold smugglers, even though the ISS research could not identify any records on paper. However, an interview with a gold smuggler revealed some aspects of the trade.

Case study: Gold smuggling in Zambia

Organised criminal syndicates have used Zambia as a transit point for illegal gold ore smuggling. Zambia does not have substantial gold deposits, yet gold from Zimbabwe and the DRC has been smuggled through the borders and the two international airports. A Congolese gold dealer interviewed for this study is a smart and classy middle-aged man living in the copper-rich northern part of Zambia. His main source of income is from exporting gold illegally to markets in Europe, as he has no Kimberly permit. He collects gold from the DRC and personally takes it to European contacts via Zambia. His logistics depend on bribing airport officials with whom he has built relations. His trips are scheduled with the terminal staff ahead of time, which allows him to get onto the flight unsearched.

Zambia is used as a transit point for illegal gold selling for the following reasons:

- It’s easy to bribe one’s way along the transit route and the country therefore provides an easy, fast and efficient transit route into other countries.
- There is no policing of applications for trading licenses and consequently a copper miner’s license can be used as a permit to stay in the country and engage in other illegal transactions.
- The ease of access to Zambian identity documentation is also a factor. Foreigners get hold of Zambian work and investor permits very easily, paying agents who have connections at immigration offices. The Congolese smuggler in the case study above had a Zambian ID and boasted that he could even get Zambian number plates for

the researcher's South African-registered vehicle without any problem.

- There is weak co-ordination between customary law and national legislation: miners can buy plots from chiefs without much interference or supervision from the minerals department. The chiefs are poor
- and easy to appease with money and gifts in return for support and protection of the miners.
- There is weak enforcement of money laundering laws – the Congolese smuggler easily flew into Zambia from the DRC with the proceeds of his operations, experiencing no difficulties with law enforcement.

Tanzania is now believed to be one of the three largest African gold producers, together with South Africa and Ghana. In recent years it has received up to 15 per cent of Africa's mineral exploration expenditure, mostly from international companies. Diamonds, gold, nickel and gemstones are its most important precious minerals. The value of mineral exports rose 17 per cent in 2004 to \$672,5 million, from \$554,1 million in 2003. During this period, minerals contributed up to 52 per cent of the country's exports, a large part of which was from gold.

Compared to the amount of investment in mining (about \$10 million from the World Bank alone) and its turnover, the contribution to overall GDP is dismal and difficult to explain. This led to the government forming a special committee to conduct an in-depth evaluation of the variables that inhibit mining from making a larger contribution to national GDP. (Tanzania's mining industry's contribution to GDP grew from 3 per cent in 2003 to 3,2 per cent in 2004 and 3.5 per cent in 2005.)

There are many reasons for this low contribution to GDP. An obvious one is an inappropriate taxation system that is overly lenient to mining companies. Companies, for example, pay only \$200 000 in royalties to local authorities annually. Additionally they contribute only a minimal royalty of three per cent of the value of exports to the government.⁵⁷ Other reasons for the low contribution to GDP include land disputes, the absence of monitoring systems to measure production in mining areas accurately, and corruption in licence allocations, ports, customs clearance and police forces. Theft of minerals from mining areas has also been quite rampant and has contributed to further losses of income. Barrick Gold Mine, for instance, has had to invest in security patrol helicopters to combat theft. Local villagers break into mining areas looking for precious stones from which they can earn an income through re-sale.

Furthermore, the smuggling of minerals has also contributed substantially to the losses to GDP. The government believes that 98 per cent of gemstones found in Tanzania are smuggled out of the country.⁵⁸ Smuggling, especially of precious stones, has a long history in Tanzania. In 2001, research into gold smuggling indicated that it was common in areas where gold was mined as well as around border areas. Gold was smuggled out of

the country through Zanzibar and the lake regions to Sirare in Kenya. Public transport was used to Hororo in Tanga region. Gold was collected in Tanga and Mgorogo and, in the southern regions, Taveta in Kilimanjaro and Namanga in Arusha. About 25–35 smugglers were estimated to pass through Tanga to Hororo each month. They also walked, cycled or used animal transport to get to Kenya. South Africa and Madagascar were also popular destinations. Experienced and well-connected gold smugglers traded in the Middle East but Kenya, with a wider market, was the preferred destination. It offered better service from buyers and better access to consumer products that could be bought for resale in Tanzania, which was also an opportunity for evading tax. Kenya does not charge tax on the import and export of minerals. There is only a 35 per cent annual tax imposed on mineral traders.

Tanzanite is only found in Merani village, in the northern part of Tanzania, near Mount Kilimanjaro. In the US market, tanzanite is the gemstone that is the most in demand. In Merani over 45 000 people earn their income directly from tanzanite. There are over 530 brokers. Rough tanzanite sells at \$700 to \$800 per gram in secondary markets, but in Arusha, tanzanite wholesales at between \$40 and \$400 per carat.

The tanzanite industry suffers from poor organisation. With over six major companies, including a group of over 600 small miners, the industry is made up mainly of artisanal miners. Mining operations are organised haphazardly, with many people fulfilling different roles.

On the frontline at the production level are the 'snake boys', mostly child workers who assist the geologists with penetration into tanzanite-rich rocks. At the next production level are the brokers, who have also been implicated in inciting violence and stealing tanzanite from traders in the mining settlement. In one such attack about nine people were killed, while 32 people were injured in another incident.

The marketing structure of tanzanite may be blamed for common smuggling. The market involves buyers and sellers. Merani village is full of buyers from all over the country, whose only interest is in buying the gems. Some local buyers lack finances and instead work as links between buyers and sellers. In 2006, there were over 520 brokers buying tanzanite in this mining village.

Figure 9: Mineral market routes in Tanzania



Independent research findings indicate that the local tanzanite market, like the gold market in 2001, was still at a disadvantage compared to the Kenyan market. Marketing tanzanite involved up to four phases before it was exported out of the country. Within Tanzania the gems are first sold at the mine itself, to a plot holder or broker. The broker then takes the tanzanite to the village market to sell it to long-distance brokers. They in turn sell the gems at branch offices in the cities. Finally the tanzanite is exported to a foreign buyer. This chain is more costly and time-consuming than selling directly to wealthier Kenyans in Nairobi for a better price. The Kenyan market

is suspected of absorbing more of the smuggled tanzanite than tanzanite from the legal market.

In 2006, a case study on tanzanite miners and sellers demonstrated that a smuggler could get up to \$10 000 for a good stone. Some of the illegal miners and dealers are driven to this trade by poverty and unemployment. They frequently mine in very dangerous conditions in order to earn a living.

The mining industry is tainted by corruption and fraud scandals. One such scandal implicates an American audit company, Alex Stewart. The company's fees are worth up to 64 per cent of government turnover from

mining royalties. In addition the company enjoys tax relief. Political underhandedness is evident in this company's contract, which is believed to have been drawn up by the son of a former Minister of Finance, Basil Mramba.

On the other hand, it has also been established that Tanzania may facilitate the smuggling of other minerals from other countries. Tanzania lies on one of the key smuggling routes used by informal markets that are synonymous with conflict, from the DRC to the Eastern and Southern African region. A common route goes through Lake Tanganyika to the port towns of Kalemie in the DRC and Kigoma in Tanzania. The second route connects the city of Lubumbashi in the DRC through Kasumbalesa border, through the Copperbelt and Kapiri Mposhi, either by road through Nakonde border post or by the Tanzanian-Zambian railway into the port city of Dar es Salaam in Tanzania, via the towns of the Zambia network.

These routes have been used traditionally for informal trade. Private businesses, transportation companies and tax-collecting bureaucracies have also been infiltrated by criminals who have taken advantage of the informal sector to transport illegal timber, palm oil, coffee, elephant tusks and precious minerals. Several years ago, a private bank was reportedly set up in Dar es Salaam for the express purpose of recycling earnings from smuggled precious minerals.

In 2002, police in Tanzania seized 110 kg of uranium in plastic containers. Five people were arrested, four of them Tanzanians, including a government economist.⁵⁹ In 2005, 100 kg of smuggled uranium-238 from the Katanga area in the DRC was discovered at Dar es Salaam, en route to the ex-Soviet Republic of Kazakhstan via Bandar Abbas, Iran's biggest port. The shipment was found hidden in a consignment of coltan ore.



Photo: www.redimages.co.za

Financial crime and money laundering

Different types of financial and economic crimes are found throughout Southern Africa.

LESOTHO

Commercial crimes in Lesotho revolve around two main activities: trade-based crime and fraud targeted at the public sector, both of which are underpinned by corruption. Law enforcement capacity to tackle trade-based crime is still low. The Lesotho Revenue Authority (LRA) was only recently given the mandate to investigate customs issues. As a result, new systems are being streamlined with a view to having risk management at the fore. The anti-smuggling unit, which was born out of this new structure, is only a year old and is still in the process of being capacitated. The information relevant to LRA operations has only been collated since the beginning of the anti-smuggling unit. There has not yet been much progress in deterring trade-based crime. Only five officers operate in the entire country and are involved in administration as well as operations. The risk management function is not yet operational. In terms of operations, some random inspections are occasionally undertaken. At times specific inspections target businesses and individuals identified through intelligence.

Fraudulent transactions involving under-declarations of imported goods are rife. Individuals and businesses are known to double-invoice for the purposes of using undervalued invoices for declarations. The distinct criminal activity of smuggling is also common. Organised crime exploits the differential taxes of highly-taxed goods such as cigarettes, alcohol and petroleum. This involves individuals and companies choosing not to declare their goods and either bribing officials or ingeniously

transporting goods through both official and illegal entry points.

Tax evasion

Most of the problems identified in Lesotho involve tax evasion. Organised crime occurs in the form of smuggling of high-risk goods, especially liquor and cigarettes from South Africa (which have been discussed previously in this text). Tax evasion schemes are common and involve officers conniving with importers to smuggle goods, which are duty-free when purchased in South Africa but that attract VAT and duties in Lesotho, across the borders. The business community colludes with officials at border posts to smuggle or under-declare these goods, which include rice, cooking oil and canned fish. There are relatively more detections of such goods because of their bulk. Fruit and vegetables are more frequently double-invoiced and involve the collusion of suppliers and importers without having to corrupt officers.

Under-declaration, promoted by lack of capacity within revenue authorities, is a problem throughout the region. There is a shortage of manpower and there are no scanners to aid the search process. Non-declaration is also rife. Both non-declaration and under-declaration can only be detected with intrusive searches.

Asians (Chinese, Indians and Pakistanis) are the main culprits in tax evasion schemes in Swaziland and Lesotho. They almost never declare their imports. They are very strategic in terms of their approach to smuggling and most of the contraband is subsequently stocked in their shops. The individuals and syndicates are involved in schemes that exploit the personal import allowances dispensation. They achieve this by offloading their goods

trucks before the border and hiring large groups of people, mainly women traders, and spreading the goods among them so that the goods are declared by individuals, each being entitled to declare goods of up to R2 000. Once the goods are taken across the border into Lesotho, the owners collect them and proceed without having paid any duties.

Insurance fraud

A number of cases involving insurance fraud have been recorded. The two main ways in which the insurance industry is affected are from claims relating to short-term property insurance and claims from long-term life insurance. However, more organised crime has been detected in respect of short-term insurance.

Insured vehicles are driven to South Africa and sold to syndicates. The syndicates are given some time to process new particulars for the vehicles before reports of hijacking or theft are made to the police. The vehicle owners subsequently claim for losses from insurers. Individuals with financial problems, for example those who have fallen behind on their instalment payments, are generally those implicated in such collusive deals with crime syndicates. It was also established that drivers and employees of institutions with large fleets, especially the government, are also involved.

With regard to life insurance claims, the level of organisation is less sophisticated and the fraud less likely to involve the same individual claimants or beneficiaries continuously. The *modus operandi* deserves some analysis. The main culprits are civil servants. They generally have a new insurance policy, which is fraudulent in the following ways: Firstly, the individuals insured are fictitious. Secondly, fraudulent affidavits confirming the 'death' of the insured person are obtained by bribing chiefs (or village elders). The affidavits are taken to district administrators, who issue death certificates. The perpetrators also bribe mortuaries for verification of the purported deaths. In this way, the perpetrators obtain everything that is required by insurance companies for the payment of a claim. Basotho do not have any identification documents apart from passports, so it is easy for perpetrators to make all sorts of affidavits for bogus identities. The rise in the incidence of this form of fraud has been associated with the high incidence of HIV/AIDS. Incidents of fraudulent claims have also been noted to rise towards the festive season and the beginning of the year when families need money to pay school fees.

Insurance companies sub-contract their work to registered brokers, who are paid their commission on submission of their proposal or an agreement by a client to subscribe to a policy. However, for the past few years, it has been found that brokers sell policies to clients by

misrepresentation and then fraudulently claim commission. Some clients have deductions for insurance premiums taken off their payslips without having approved the policies offered to them. Brokers ask prospective clients all the questions necessary to prepare a quotation, but then use that information to issue a policy rather than provide a quotation. This enables them to claim commission for policies that they have not in fact sold. Ordinarily, insurance companies would reclaim the money fraudulently claimed by brokers in this way, but perpetrators resign before the fraud is detected and the companies are forced to write off the fraud loss. In 2007 one insurance company terminated agreements with 35 out of 40 brokers because of fraudulent business practices.

In a further type of criminality, corruption is a key factor. Some government officials in Lesotho collude with individuals and companies to make claims for work or goods that are never delivered. In most cases individuals and companies circumvent tender processes by buying their way into obtaining waivers for the delivery of goods. Government cheques are also altered to reflect bigger amounts. A current and ongoing case involving a government official and a contractor demonstrates this scenario, in which a contractor looked for a supplier from South Africa for the procurement of machinery. The contractor, the supplier and the government official colluded with one another to inflate the prices. Most of the cases of procurement fraud in Lesotho are similar. It has not been possible to establish whether they have been going on for a long period of time. (It was noted that the component of the definition of organised crime that emphasises repetition fails to appreciate that criminals might have committed similar offences in the past without being detected, or may have intended to continue had they not been arrested.)

Public sector fraud

In Lesotho all government expenditure is authorised by, or occurs through, the Ministry of Finance. Among other government-related expenditure, this also means the ministry releases funds for other ministries' payments to their suppliers and contractors. Organised crime vulnerability in this situation exists where individuals or groups seek to collude with officials from ministries, or alternatively where officials offer to facilitate fast-tracking payment processes for suppliers or contractors in return for bribes.

Since the beginning of the 2008 financial year, government procurement in Lesotho has been decentralised and each ministry now has its own procurement unit. It is conceivable that this exposes the government to procurement fraud more than would be the case if procurement were centralised. However, oversight is vested with the Ministry of Finance. The Ministry is also mandated to

issue waivers for departmental procurement in cases where it would not be possible to abide by the normal rules and regulations. Nevertheless, government officials have been caught stealing money from government coffers. In an historic case involving two deputy accountants and a home affairs official, the perpetrators siphoned off public funds into private accounts in South Africa and were eventually convicted on various counts.

Similar forms of fraud are reported elsewhere in the region. Public-sector organised fraud happens through collusion between private business and government officials to steal public funds. High-profile senior government officials facilitate the inclusion of service providers with whom they have a longstanding 'understanding', the intention being to defraud the government by collecting money paid for contracts without the delivery of services.

In the crimes identified by the financial task force in Lesotho, such contracts have systemic flaws embedded. For instance, certain clauses are deliberately inserted into the contract that must be satisfied for a product to be delivered. When the government does not satisfy those conditions, the money already paid is not returned, nor are the goods delivered.

In the lower level of public procurement that happens at ministerial/departmental level, there is a pattern of procurement that involves willing parties in government offices employing long-term, systematic and non-competitive procurement methods aimed solely at their own personal gain. The tendency is to follow the legally prescribed process in calling for quotations, but to then allocate the contracts to predetermined suppliers from a network of allies, giving business to the same companies repeatedly, which nullifies the principle of fair competition.

In some instances, politicians have played a brokering role for the flawed procurement process through the use of ministerial statements about urgent projects and the need for quick procurement processes to enable them to happen.

There are thus both high-level public sector crimes and lower-level procurement crimes. It is difficult to demonstrate the full extent of the criminal activity because of the involvement of other players who leave no evidence of their involvement.

Public sector crimes are transnational in terms of the nationalities involved in the contracts drawn up. Private international companies are allowed to tender for some government contracts.

Money is also laundered transnationally. The culprits own companies abroad, in Europe, Canada and the Indian Ocean islands.

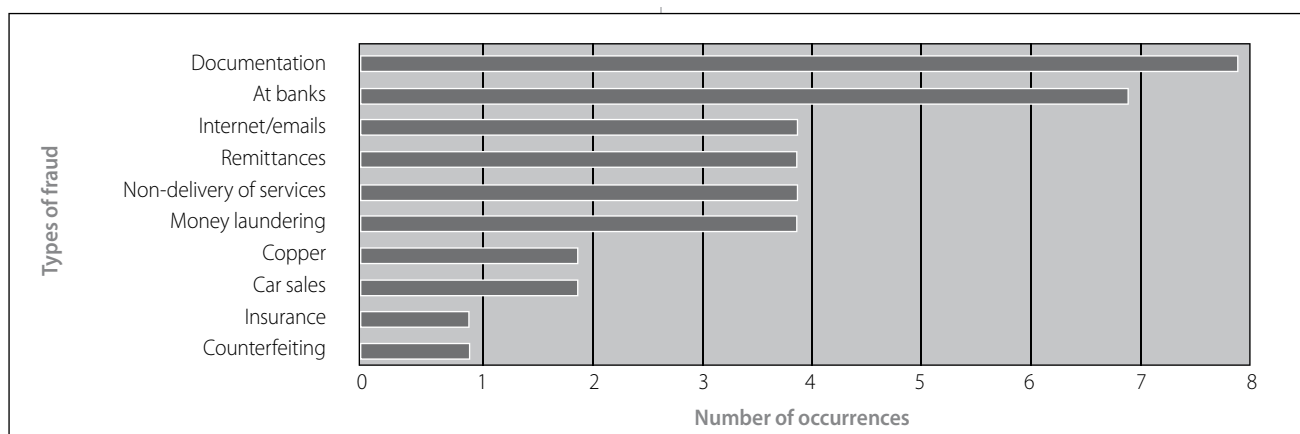
ZAMBIA

Public sector fraud

In Zambia, two examples of public sector fraud involved former president Frederick Chiluba, colluding with Congolese and Canadians. Sources at the Task Force on Corruption in Lusaka, set up to investigate the corruption cases, said about 30 per cent of the funds were laundered through the UK and ultimately destined for Switzerland, Belgium, Canada, the Virgin Islands and South Africa. The laundered money was said to have been spent on bank and legal transfers, the perpetrators' childrens' school fees, and on forming that were used to buy property in Zambia. Most of the money eventually came back to Zambia.

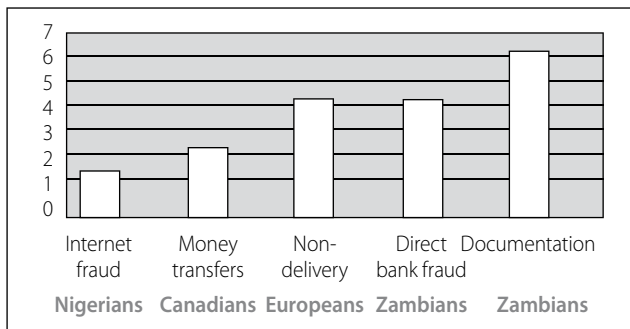
In other instances of money laundering, money has been sent out of Zambia through lawyers and has come back into the country for the purchase of companies listed for privatisation, purportedly as shareholding companies from abroad but in effect owned by Zambian nationals. Economic crimes on the streets in Zambia include mainly fraud and swindling, fraudulent documentation, bank fraud and non-delivery of services. Police statistics in the graph below give an indication of the types of crimes.

Figure 10: Incidences of transnational fraud 2005–2008



Zambian-based groups focus on fraud related to the trade in stolen vehicles and fraudulent documentation, while Europeans obtain money under false pretences and fail to deliver services. The criminal cases in these clusters can be de-aggregated as shown in the figure below and a few case summaries are included to indicate the nature of the actual fraud crimes committed.

Figure 11: Common national involvement trends in Zambia



MAURITIUS

In Mauritius, it was learned during the ISS workshops and follow-up interviews on drug trafficking, that the proceeds of crime are used to purchase luxuries such as motor vehicles and other property. The Anti Drug Smuggling Unit (ADSU) office in Port Louis has a fleet of forfeited vehicles that are suspected to have been bought with the proceeds of trafficking.

Street-level traffickers open up businesses and generally accumulate wealth visibly. The law allows for the freezing of drug dealers’ bank accounts and between 2005 and 2006, 302 drug traffickers’ accounts were frozen on the island. Perpetrators avoid using their names on some bank accounts or on property they buy to avoid forfeiture. A case under discussion in parliamentary briefings indicates that forfeiture of laundered monies that have been placed into the legal banking system is common practice, although there are limitations, as drug traffickers generally try to keep their money out of the banks.

On a larger scale, money is laundered through investments in legal businesses. The ADSU informed the ISS research team that drug barons launder their money by mixing it with the proceeds of successful but legitimate businesses. The criminals thus launder some of their money through legitimate systems, such as banks, either as part of legitimate businesses or as separate accounts under other people’s names. Drug barons even open accounts under young children’s names. Drug money is also used to obtain influence over policy makers. It is believed that drug traffickers have connections in politics and among highly-placed government officials and that

some wield so much power that they receive VIP seating in airport lounges and other public spaces.

Other possible laundering activities in Mauritius include through outside investments, making use of the Direct Investment Policy. Even though this is not clearly substantiated, it is suspected that there is laundering of money into real estate opportunities and also through other off-shore companies, using the island as a tax-free zone. In 2009, a case in India confirmed that some fraudulent cash from the Indian-based Satyam Group was deposited into Lakeview Investments portfolio in Mauritius.

Mauritius also practices a policy of non-financial declaration at its borders and therefore money can easily come in and go out without being traced. Money has also been paid to drug traffickers by being wrapped in waterproof containers and then immersed in imported products such as body lotions, hair conditioners and juices. These are then brought into the country as part of other consignments of legal imports.

SWAZILAND

In Swaziland, financial and economic crimes are similar to those mentioned above. The round-robin trading of goods is, in essence, another form of smuggling. It involves businesses using subsidiary or colluding companies to import goods from Mozambique into Swaziland where they are warehoused and processed with a view to exporting them back to Mozambique. This is done specifically to reduce the companies’ tax liabilities. The issue is that taxes in Mozambique are comparatively high. Companies import goods into Swaziland where lower taxes and duty apply. They occasionally lower their exposure by first under-declaring the value of the commodities, with the effect that they pay even less tax. After successfully importing the goods into Swaziland, a similar process is initiated to export them back to Mozambique.

Under-declaration is another problem area, which results from a lack of capacity within the Department of Customs. There is a shortage of manpower and there are no scanners to make the searches more effective. Non-declaration is also rife. Both non- and under-declaration can only be detected with intrusive searches, which the officials are reluctant to implement.

The Africa Growth Opportunity Act (AGOA) is an American law that seeks to promote duty-free access to the US market for selected African countries. Swaziland’s exports to the US consist predominantly of textiles and apparel. The Chinese monopolise this industry in Swaziland and their firms are licensed to produce for the US market using the AGOA dispensation. However,

the garment factories are not charged company tax in Swaziland and nor are their goods taxed when passing through South Africa to the port of Durban. There are strong allegations that some Chinese firms are involved in schemes to channel some of the goods destined for the US market into South Africa, while still claiming rebates from the Swazi government as if they had shipped the commodities to the US. In effect, they would also have smuggled the goods into South Africa.

However, for this to be possible, it was explained that the factory or individuals involved would require help from customs officials. It was alternatively suggested that it is virtually impossible or irrational for the garment factories to engage in criminal activities because of the intrusive checks and balances, both at the local level and from customers in the AGOA market. Any discrepancies would easily be picked up and the factories inevitably taken to task. What the companies themselves suggest is that they are being wrongly accused; their assumption is that the goods in question must in fact be coming directly from Asia through Mozambique and are then smuggled into South Africa.

Procurement and payment fraud is a type of criminality in which corruption is a key factor. Some government officials collude with individuals and companies to claim for work or goods that are never delivered. In most cases individuals and companies circumvent tender processes by buying their way into obtaining waivers for the delivery of goods. Government cheques are also altered to reflect bigger amounts than the actual amounts paid.

All government expenditure is authorised by or occurs through the Ministry of Finance. As with all government-related expenditure, this also means the ministry releases funds for other ministries to be able to process payments to their suppliers and contractors. Organised crime vulnerability in this case exists where individuals or groups seek to collude with officials from ministries, or alternatively go directly to suppliers or contractors to request the fast-tracking or prejudicing of processes in return for bribes. Some suppliers follow up their payments directly with the Ministries. However, some officials seek to get them off their backs by redirecting them to the Ministry of Finance, even providing the names of the individuals processing the contracts. When suppliers speak directly to Ministry of Finance officials to follow up on their requests, an opportunity arises for some officials to solicit bribes. This has been shown to occur even though the mandate of the Ministry of Finance is to deal directly with other Ministries. Further, the tendering process means a lot of criminality can be made possible because people are desperate to supply the government with whatever goods and services it may need.

The case in which 50 million Emalangeni went missing is cited as indicative of the magnitude of the misuse of public funds in Swaziland. Over a period of two months some government officials defrauded the government by colluding with service providers to inflate their claims. Some allegedly registered non-existent companies so they could also benefit from being 'service providers'.

As has been identified in the definition of organised crime, the pursuit of profit is a key ingredient of organised crime. Proceeds from crime may be consumed by criminals or hidden away. The primary objective is to prevent them from being traced by law enforcement so they can be invested in other businesses and made indistinguishable from legitimate earnings. Although the concept of money laundering was not universally understood by the respondents in Swaziland, there was general consensus that all the income emanating from the identified criminal activities is being used to subsidise businesses and is being filtered into the legitimate financial system. For example, all the government officials suspected of practicing corruption were generally shown to own properties inconsistent with their official incomes. Some own big houses, some have bought expensive vehicles for their children and/or extended families, some have opened businesses despite not having accessed bank loans. Some are known to send their children to expensive schools in South Africa where they live in homes owned by their parents.

A prominent businessman with diverse business interests presents a classic example of someone benefiting from money laundering. The diversity of his interests has made it virtually impossible to identify exactly where his money is made. Suggesting that he makes money from illegal activities also becomes difficult as his legitimate business holdings are known to generate a lot of income. For good measure, the arms deals through which he procures arms for Swaziland's armed forces are legal, apart from their inconsistency with his diplomatic standing.

SOUTH AFRICA

In South Africa, commercial crimes predominantly affect the banking and business sectors. Between 2005 and 2007 the SAPS investigated 13 679 cases of commercial crime, of which only 23 per cent were referred to court; and of these, 47 per cent resulted in convictions.⁶⁰ A study by PricewaterhouseCoopers in 2007 suggested that South Africa is most affected by economic crimes, including asset misappropriation, money laundering, bribery and fraud. It is estimated that 72 per cent of companies were affected by these crimes, compared to 43 per cent globally (a 110 per cent increase since 2005), and that South Africa had lost more than R600m to economic crimes over two

years.⁶¹ The South African Banking Risk Information Centre (SABRIC) is the custodian of all the information pertinent to crimes that target the banking industry. While its focus is on the collation of information on crime trends in the industry, half its work is actually on capacity building against organised crime. Information flow is still being established in relation to the following organised criminal activities:

- Cheque fraud
- Card crime (debit cards)
- Credit card fraud
- ATM crimes
- Electronic crime
- Asset-based financial crimes
- Identity theft
- Transactional fraud

Case study: Credit card scams



Photo: <http://letustalk.files.wordpress.com>

Credit card crime has the greatest impact. This impact is experienced at three levels. First, fraud occasions a lot of costs to banks in the form of refunds for disputed transactions. Second, the banking industry as a whole carries the bulk of credit card fraud losses. Third, card users suffer the direct impact of fraudulent activities, initially from theft if the bank does not reimburse them, and then from the inconvenience of spending time in disputing transactions on their accounts.

However, there are triple the number of attempts at cheque fraud. The ‘financial onslaught’ is a term SABRIC uses to explain the total of both attempted fraud and successful fraud, because even unsuccessful attempts are criminal. It must be noted, however, that the impact of cheque fraud is mostly spread across the retail sector.

Traditionally, credit card fraud through loss or theft has been the most prevalent crime. However, it has now been overtaken by card counterfeiting. Fraud methods change quickly, partly in reaction to high-tech security

measures implemented by financial institutions. This, combined with tightening regulations and security on electronic credit-card processing networks, makes it increasingly difficult for thieves and hackers to continue their activities using the same methods. Card counterfeiting has become highly sophisticated and often involves the encoding of plastic cards to pass them off as real credit cards.

It is understood that mainly Romanians, Bulgarians and Nigerians or criminal syndicates and individuals based in Eastern Europe perpetrate this activity from outside South Africa. E-mules, as they are known, are generally inspired by exchange differences as well as gaps in institutional security measures in different parts of the world.

Criminals know that small transactions generally undergo less scrutiny and are less likely to be queried. As a result, fraudulent transactions on a credit card typically range between R200 and R400. However, these small transactions are done several times over, involving many people, and the average number of such transactions per month is 80 000. The combined amounts are thus huge: it is currently estimated that these types of fraudulent transactions siphon off an average of R35 million every month in South Africa alone. In spite of this huge vulnerability, the paper trail is still lost at the shopping stage. It is for this reason that the shops could play a useful gate-keeping role.

Cheque fraud has traditionally involved the alteration of figures on cheques or changing the names of payees to direct the cash to criminals. In essence, it bears the hallmarks of basic forgery. Lately criminals not only do mechanical alterations but also do chemical alterations, referred to as ‘washing’.

Refund scams involve criminals claiming that payments have been made in error into the account of the targeted entity, after which a refund is claimed. This is currently one of the most common forms of criminality. Fraudsters may present what appear to be authentic cash deposit slips as proof. When large companies have a high volume of transactions or are simply too busy, verification

of the claimed transactions is not always done and consequently refund cash cheques are written to the perpetrators. In terms of trends, criminals have now moved from deposit slip scams to refund scams. This goes hand in hand with corporate identity scams where authentic organisational forms and stamps appear to be used.

Another form of fraud found in South Africa is the practice of intercepting invoices and cheques and then altering the beneficiary’s banking details. Invoices appear to be genuine, complete with company stamps, so the claimed payments usually go through before the fraud is detected.

Postal interception is a form of fraud that often precedes other crimes, making it possible for them to take

place. Mailbags destined to or from post offices are intercepted and literally everything in them is utilised. For example, invoices are used to build databases of legends for later use. Institutional identities are forged or stolen and banking details extracted. Cheques are altered, as explained above. Other information may be removed for subsequent sale to those with the skills to use it. The price of stolen documents and information depends on their specificity, freshness and the status of the victim organisations and individuals.

Telephone interceptions may emanate from the above criminal activities or be done as a substantive activity. Perpetrators intercept telephone calls mainly for the purposes of verifying transactions when banks or other payers call. The banks or payers would be misled into believing that they are talking to the payee. The interceptions are highly sophisticated and may involve a team of perpetrators going to roadside telephone boxes, at precise times, to implement the interceptions

Individuals using ATMs are conned into revealing banking card and security details, after which their cards are reproduced or stolen and used for unauthorised transactions. This is not the same as hacking as the theft and/or card detail interception is done physically. (In those cases, card skimming is the main activity – the attention of the card owner is distracted at a payment point and their card is run through a machine that copies its details for subsequent use in a counterfeit card. It basically depends on interfering with the vigilance of the customer in one way or another.) In ATM scams, cards may also be trapped at ATM machines and later extracted by criminals, who obtain the pin numbers from shoulder surfing or video surveillance from cameras mounted at the ATM.

In chip-and-pin fraud, criminals duplicate the magnetic strips and steal the pin numbers of chip-and-PIN cards. Europay MasterCard Visa (EMV) compliant cards have both a chip and a PIN. Duplicate cards made with the magnetic strip information have to be used quickly before victims discover the fraud. Non-EMV countries are targeted because the technology there does not require a chip card and transactions attract little attention. For example, cards stolen in the UK, which has chips, PINs and magnetic strips, are sold to criminals in countries like South Africa, where ATM machines only need to recognise the magnetic strip and the pin for a transaction to be completed. Fraud perpetrated by the use of foreign cards is just as great as that which involves local cards. South Africa is only now implementing the chip and PIN card system. It is generally understood that it will only later be adopted in the other countries in the region. As it stands, victims in South Africa have to rely on law enforcement.

There is a discernible link between violent crimes and commercial crimes. Commercial crimes often involve

muggings and associated robberies. In some instances individuals have been kidnapped and forced to make transactions on their accounts, for example through internet banking. They may be forced to divulge their card pin codes or banking details, or to verify transactions being performed by criminals when confirmation calls are made.

There is also a visible link between commercial crimes and drugs as the commodities purchased through commercial scams are also bartered for drugs or other illicit commodities such as guns.

The criminality in the commercial crimes arena is highly networked. The networks range from temporary to more sustained relationships. Of significance is that the big players are generally insulated from law enforcement by the manner in which they conduct their business and only the small and expendable criminals are arrested. The broad structure of criminality in this industry is illustrated in the figure on the following page.

Numerous commercial crime syndicates have been in operation for many years. However, the laundering dimension needs more clarification. What is clear is that in South Africa, foreign syndicates and foreign nationals dominate this crime sector. Eastern European and Nigerian syndicates and individuals are particularly dominant. The reason posited here is that the rural background of the majority of South Africans means they have not been in a position to cultivate the technical skills required in the commercial crimes sector. It is only recently that a significant number of locals have moved into this area and secured influential positions.

Foreign nationals who run the show in this industry are mainly concentrated in Johannesburg, particularly in the Yeoville and Hillbrow areas. There is a discernible trend of this type of crime spreading more and more into small rural towns and remote areas, where the people are less aware of the issues and therefore less vigilant and more vulnerable. There is also less likely to be robust security in such areas.

Warehouse theft

An informal interview with the managers of a logistics company established that the people responsible for goods delivery exploit two specific windows for their criminal activities, namely theft from suppliers and fraud on delivery. The activities are highly organised as they also involve bribing security personnel and company personnel responsible for receiving goods.

When suppliers are targeted for criminal activity, the goods are often electronics, especially high-end TVs. Some syndicates also target expensive brands of beds and other furniture. These are usually delivered to warehouses in their hundreds. The syndicates collude with personnel

Figure 12: Networked criminality

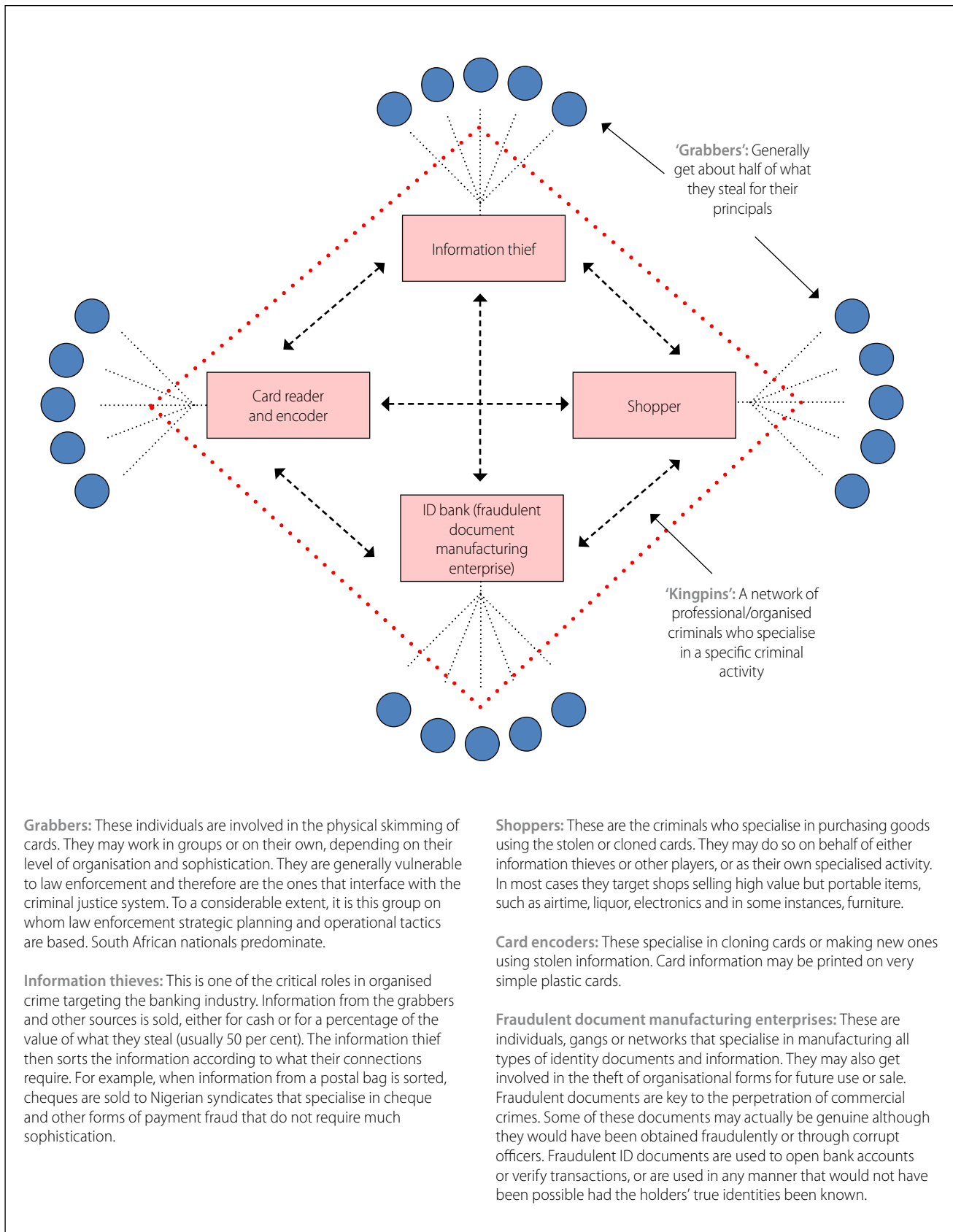




Photo: Institute for Security Studies

employed by the supplying company so that the consignments loaded are actually larger than the items listed on the accompanying documents. In other words, the invoices reflect fewer goods than those loaded onto delivery trucks. The trucks are diverted en route to the warehouse and the surplus is offloaded.

Alternatively, or simultaneously, the syndicates strike when the goods are delivered. They achieve this by colluding with the store officials, who sign the goods off as having been received. When a store receives goods, it raises a Goods Received Voucher (GRV), which is a form of receipt. However, some of the goods are 'removed' so that there is under-delivery and only after a stocktake is the theft discovered. The relevant documents (the stamped copy of the invoice and the GRV) reflect that the goods were received and no signs of breaking in are found at the warehouses. Therefore, the assumption is made that the loss occurred after delivery and was therefore internally generated. The goods are written off as internal losses and their value claimed from insurance.

In both these instances, the supplier and the buyer only suffer inconvenience, as the items involved are insured. The biggest losers are thus the insurance companies. Losses range between R50 000 and R100 000 per delivery calculated at cost.

Anecdotal evidence

A 42-inch plasma television costs in the region of R10 000, depending on the brand. An LCD of an equivalent size would be roughly R8 000. However, the syndicates involved in the thefts outlined above have a ready market consisting of predominantly Chinese- and Indian-owned shops scattered around Johannesburg where plasma and LCD televisions are sold at prices ranging between

R3 000 and R7 000. It defies business logic to sell at these prices, making it obvious that the shops are dealing in criminally-obtained merchandise.

MALAWI

Fraud and forgery

The fiscal and fraud section of the Malawian police⁶² has confirmed the existence of organised criminal activities such as the forgery of bank cheques, identity cards and 'blue books' (vehicle registration documents). They also indicated the existence of false or 'ghost' public workers. Most of these activities are only possible with the involvement of several people at different levels. Bank officers, for instance, have been arrested and convicted for conniving with criminals by providing them with their clients' files.

Some police officers referred to accounts of 'ghost' public offices that purport to promote scholarships or recruit workers. During the period in review, for instance, newspapers carried notices from the Clinton Foundation in Malawi, 'declining any responsibility for the recruitment of candidates for a credit program' allegedly promoted by the Foundation. Statistics included in the MPS annual report are not comprehensive and do not include details of numbers of incidents, the most affected areas, the people involved, etc. It appears detailed statistics can only be found at the unit's main office in Blantyre and not at police headquarters.

The main *modus operandi* of groups is to forge documentation such as import and export documents, bank cheques, car registration papers and pensions and other employee compensation certificates. Fraudulent procedures facilitate the payment of huge amounts of money by insurance companies to undeserving beneficiaries.

Figure 13: People-smuggling routes



People smuggling and human trafficking

Various intergovernmental bodies have warned repeatedly that human trafficking is spiralling out of control in the region, often suggesting that thousands of people would have been trafficked to South Africa in the run-up to the 2010 Soccer World Cup. A study conducted by the ISS on human trafficking in Southern Africa⁶³ has noted that law enforcement agencies and others conflate 'human trafficking' and 'people smuggling'. Although it is common knowledge that there is continuous movement across the national borders, until fairly recently little was known about human trafficking. The ISS study showed that the conflation of the two divergent concepts has led to a disproportionate representation of the threat of human trafficking to the region.

The principal difference between 'human trafficking' and 'people smuggling' stems from the issue of volition or motive. People smuggling involves a business arrangement between the smuggler and the smuggled person. Both parties are committing an offence against the state by disrespecting national boundaries. A trafficked person, on the other hand, is deceived and usually exploited. The offence in this instance is not only against the state but also against the individual trafficked.

MOZAMBIQUE

Police arrested two Turkish men for allegedly sexually molesting at least 17 boys and teenagers in Maputo, Mozambique. The men were running a boarding school for Muslim children in a luxury villa on the outskirts of Maputo. The children came from the northern provinces with the apparent approval of their parents. A teacher denounced the pair. The men were charged, found guilty and sentenced to a one-year prison sentence, to be followed by deportation from Mozambique.

In another case originating in Mozambique, Aldina (Diana) dos Santos was arrested in Pretoria, South Africa in March 2008, after holding three 16-year-old girls at a brothel in that city. The girls were lured to what they were told was the 'land of golden opportunities' with the promise of university scholarships, but ended up as sex slaves for a well-organised group of human traffickers. Further investigations led to the discovery of more young girls and the arrest of further suspects. The sophisticated nature of the syndicate is perhaps best reflected by attempts to bribe the state prosecutor with R5 million and the attempted (and botched) kidnapping of the same prosecutor in Maputo in November 2008.

Police in Mozambique intercepted at least four trucks transporting irregular migrants in 2008. One truck carried 40 children supposedly en route to Maputo to study at a madrassa and another one with 53 irregular migrants was stopped near Beira. Police found two trucks in Tete province near Malawi with 155 and 162 irregular migrants from Malawi, and at least one person had died. The migrants had consented and paid for the journey, making this a clear case of people smuggling rather than human trafficking. An organised network runs the transportation of irregular migrants from Malawi to Mozambique and beyond. It is not yet clear whether the network is involved in other forms of criminal activity.

Mozambique has become a transit route for many irregular migrants into the region. Corrupt officials in the Department of Immigration have been implicated in the issuing of passports to them. Whereas the immigration system is regarded as tight and strict in South Africa, migrants use Mozambique to obtain passports and travel onward from there. Perceptions, of course, can be deceiving. Multiple corrupt schemes involving forged travel documents and passports are in existence in South Africa.

A Pakistani national heads an illegal immigration system in Maputo. He informs the immigration official on duty of the 'clients' he is receiving on each flight and instructs him or her to allow free passage. He is in cahoots with top immigration officials who provide passports for his 'clients'.

SOUTH AFRICA

The International Organisation for Migration (IOM) recently set up a helpline on human trafficking. Between March and July 2009, some 35 calls relating to human trafficking were received from around South Africa. Although this was only six per cent of the calls received, the figure demonstrates that some human trafficking does occur in South Africa. It may be the case that the number for the helpline has not reached those in need and the actual number of trafficking cases is likely to be higher. Follow-ups on human trafficking would include greater analysis of monthly helpline reports, interviews with border officials and interviews with sex workers. However, interviews with sex workers who work on the street and in brothels in Cape Town revealed only eight cases of human trafficking.

TANZANIA

Tanzania is a critical point for irregular migration because it is centrally located, near to markets in the Middle East and South Africa and easily accessed by water, air and road. Tanzania is also surrounded by countries recently involved in conflict, such as Burundi, Rwanda and the DRC, as well as Somalia to the north, which have supplied a large number of refugees and irregular migrants. The IOM states on their website that women and children from India, Kenya, Burundi and the DRC are believed to have been trafficked to Tanzania for forced agricultural labour and prostitution.

Trafficked persons may be men, women, boys or girls, most of whom come from within the same country. Boys are trafficked mainly for cheap child labour on mines, farms and informal businesses, while girls are trafficked for domestic labour and prostitution. Men and women and some children are exported to South Africa, Europe and the United Arab Emirates. According to the IOM, some Somali children have also been smuggled through Tanzania and Zanzibar to the Middle East. However, the bulk of the trafficking is considered to still be internal.

Tanzania has also been identified as a source of human body parts and skin. It has been reported that in areas where the trade takes place, body skin and internal organs are sold for at least \$1 800.⁶⁴ It is suspected that the source of some of these body parts may be the ritual killings

of elderly women on suspicion of witchcraft. There are claims⁶⁵ that about 5 000 child prostitutes under 16 roam the capital city of Dar es Salaam and its graveyards. The concept of human trafficking is relatively new in Tanzania and there is still an absence of research data on the scale of the crime or its effects. It is believed that in 2003, a girl could have been bought for as little as \$20 in Dar es Salaam.

A year later, in 2004, three trafficking cases were on record and two further cases were under investigation. The immigration office also reported a suspected international trafficking syndicate that led to the incarceration of 31 people. In the same year, charges against a Tanzanian man arrested for bringing Indian dancers to Tanzania as artists and then using them for prostitution were dropped for lack of evidence, as were charges against a woman accused of trafficking children from Iringa to Dar es Salaam. More recent anecdotal indications of the existence of the crime have included the exploitation of child labour, suspected underground dance clubs involving minors, and victims of trafficking being sheltered in safe residences. In 2007 a local NGO, Kiwohede, housed 112 victims of trafficking in its residences. A number of Somali victims of human smuggling have been found in prisons in Tanzania. In 2007, the Ministry of Labour withdrew nearly 1 100 victims from situations of forced child labour. Most were given the opportunity to compensate for their missed education by enrolling in one of the Ministry of Education's 305 Community Learning Centres.

In 2008, a Zanzibari businessman was arrested in Bagamoyo for allegedly attempting to traffic 42 boys and six adults from Somalia into situations of sexual exploitation and child labour in South Africa via Tanzania, Zambia, and Malawi.

A Zanzibari brothel marketing children via the internet has also been under investigation. This type of cyber-crime is new in Tanzania and police are seeking organised criminal networks.

MAURITIUS

By 2003, Mauritius had already been identified as a destination country for children trafficked for the purpose of commercial sexual exploitation. Children were also trafficked internally for exploitation in the sex tourism industry. In 2005, the US embassy reported that children were trafficked within the country for child prostitution and in 2007 it confirmed receipt of reports of trafficking on the island.

On the other hand, Mauritians have also been victims of trafficking. In 2007, a case went to court in which 14 Mauritians were trafficked by a Nigerian national to



Photo: <http://trendsupdates.com>

Ireland. In this case, the perpetrator travelled to Mauritius to organise the movement of the people and deceived them by purporting to be a lawyer and an immigration expert

from Ireland. He employed the help of an organisation in Mauritius called MDI Training Academy to verify his Irish credentials.

MALAWI

The US government's State Department's report on Malawi for 2007 states that it is:

... a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labour and sexual exploitation. The incidence of internal trafficking is believed [to be] higher than that of cross-border trafficking, and practices such as debt bondage and forced labour exist. Children are primarily trafficked internally for agricultural labour, but also for animal herding, domestic servitude, commercial sexual exploitation, and to perform forced menial tasks for small businesses. Trafficking victims, both adults and children, are lured by fraudulent job offers into situations of forced labour and commercial sexual exploitation within Malawi and in Mozambique, South Africa, and Zambia. In 2007, a Malawian man was allegedly trafficked to Uganda under the pretence of attending vocational school, but was instead forced to perform agricultural labour. Women and children from Zambia, Mozambique, and possibly Tanzania and Somalia, are trafficked to Malawi for forced labour and commercial sexual exploitation.⁶⁶

Another study carried out by the University of Malawi's Centre for Social Research and commissioned by Norwegian Church Aid (NCA), an NGO working in Malawi, described human trafficking in the country as follows:

Key informants observed that in Malawi, trafficking in women and children for the purpose of sexual exploitation is a common phenomenon. While estimates are difficult to make because of the clandestine manner in which this form of trafficking takes place, the findings of this study suggest that between 500 and 1 500 women and children are trafficked within the country annually.

About 30 per cent of them are children aged 14–18 years. It is also estimated from the findings of this study that there are about 5 000 victims in Malawi, of whom about 1 500 are children and 3 500 are women. Information collected in this study suggests that about 400 women and 50 children are trafficked outside the country every year. Trafficking in women and children for the purpose of sexual exploitation is increasing in Malawi.⁶⁷

While the first report does not provide a comprehensive description of the situation in Malawi that underpins its conclusions about human trafficking, the second study profiles and describes trafficking from the recruiting process to the destination of trafficked people.

An officer in the research and planning unit of the Malawi Police acknowledged that the local police are familiar with the concept of human trafficking. However, they have not grasped the full nature and volume of human trafficking that is taking place in the country due to the secrecy in which it takes place. Another police officer⁶⁸ added, as an example, that years ago they handled a case of human trafficking involving a Malawian woman, originally from Mozambique, who is now living in Germany and married to a German. The couple once ran a nightclub in Lilongwe known as Brussels and were involved in trafficking girls to Europe. It was clear that they were involved in human trafficking but due to the sudden death of a key partner in the 'business' it was never proven, and the Malawian woman and her husband then left Malawi and went to live in Germany.

LESOTHO

Although the magnitude of human trafficking in Lesotho could not be ascertained, there was general consensus that it does occur. The information available suggests that Lesotho is mainly used as a transit country for people destined for South Africa. Most of the trafficking victims appear to be from Asian countries, rather than being Basotho nationals. Authorities in Lesotho are aware of the existence of human trafficking through Lesotho into South Africa. However, they are of the view that it does not affect them directly and they therefore do not have to commit resources to combat it. The victims or their handlers would have presented acceptable documentation to be allowed into Lesotho.

It is technically not possible to ascertain whether these people are being smuggled or trafficked because their final destination is not Lesotho. Their employment conditions in the final destination (in this instance, widely assumed to be South Africa) would need to be established before this distinction could be made.

SWAZILAND

Swazi authorities have come across only two notable cases of human smuggling. In one, a young Swazi woman was stopped at Heathrow Airport in the UK where she informed immigration officials that she was en route to Canada, where she had been offered an accounting job by a recruitment agency based in Swaziland and run by Nigerians. However, she failed to produce the required documentation for either her qualifications or the job offer. As a result, she was stopped from proceeding with her onward trip but was asked if she knew anyone in the UK. She had a number given to her by the person who recruited her in Swaziland in case she experienced problems on the way. She was released by the authorities on being collected by the contact person who, to her surprise, was the same person who had recruited her in Swaziland. She was taken to Birmingham where, she later revealed, she was forced to work as a prostitute in a nightclub. This went on for several weeks until the girl learned of the existence of a Swazi embassy in the UK, to which she escaped. She was helped to return to Swaziland.

In another case, a group of 20 Ethiopians was stopped from proceeding to Swaziland's Matshapa International Airport on arrival from Addis Ababa at Johannesburg International Airport. When questioned about their reason for travelling to Swaziland they claimed to be investors. However, they were all suspiciously young to have the amount of wealth they claimed; nor did they have any documentation to substantiate their claims. They were not allowed to proceed to Swaziland and were sent back to Ethiopia. On being informed of this situation, the Ministry of Foreign Affairs and Trade investigated and found that, in fact, while some officials at the Swazi Embassy in Ethiopia knew about the trip, there was no supporting official documentation.

A warehouse in Swaziland has been linked to possible human smuggling. Large groups of people, apparently of Asian origin, have been observed entering the warehouse, which is owned by a prominent businessman. The reason given is that they are workers in a garments factory inside the warehouse, but the factory does not exist. The establishment houses a boutique, which sells imported rather than locally-manufactured clothing. The boutique is reputed to supply the suits worn by the well-to-do in Swaziland. The indications are that the business is facilitating the transit of people into South Africa. It is technically not possible to ascertain whether they are being smuggled or trafficked because their final destination is not Swaziland. Their employment conditions in that country (widely assumed to be South Africa) would need to be established first before this distinction could be made.

ZAMBIA

Zambia has a large number of illegal immigrants. In 2005 it recorded in excess of 10 000 illegal immigrants, which increased to 11 000 the following year. On average 3 500 illegals were deported between 2005 and 2006. Illegal immigrants from Angola, Eritrea, Zimbabwe and Tanzania, as well as Europeans who come in legally but do not leave when their visas expire, have been arrested in Zambia in the past three years. However, the majority of illegal immigrants are refugees from Rwanda, Senegal, Bangladesh, Nigeria, the DRC and Somalia. They enter Zambia through the un-gazetted entry points at the Kanyara and Mytocha border, into legally-assigned refugee camps. All refugees in Zambia should be in official refugee camps. However, many prefer to stay in the cities. In 2008, the UNHCR reported that Zambian immigration authorities detained refugees and asylum seekers for staying outside assigned areas and for working or studying without authorisation. They also detained asylum seekers who entered or stayed without documentation. The UNHCR interviewed 72 refugees and asylum seekers in detention in Lusaka and others outside the capital. The media reported that a number of foreigners were roaming the streets illegally. These immigrants purchase fake documentation, such as visas, on arrival in Zambia. They also manage to access hotels and guesthouses without much scrutiny of their identity documentation. Research at the fraud office at Lusaka police headquarters revealed that the crime of falsifying documentation ranked high on its list of reported crimes.

Syndicates in the townships, such as Matero, have the machinery to falsify documentation. Invoices, receipts, IDs, company logos and travel documents can easily be printed and sold on the streets. Some criminals sell pages of receipts in Lusaka. A couple of receipts, for instance, can be purchased on the street for K20 000 (\$3.89). Legal documentation can also be organised by officials in government departments. Transparency International reports the highest number of corruption cases in documentation clearance offices, whether in immigration, revenue authorities, land rights or the police service. Criminals have infiltrated these institutions and, along with officials, they provide services that are parallel to the official services offered.

BOTSWANA

Research was conducted at the Ramakgwebana border crossing between Botswana and Zimbabwe, 90 km from Francistown. At this crossing the majority of incomers into Botswana are from Zimbabwe, South Africa and

Namibia. Immigrants from Zimbabwe cross by the hundreds. The immigration officials reported that a minimum of 300 fake or outdated passports are confiscated from Zimbabweans every day. Some Zimbabweans willingly hand over their expired/ fake passports, walk away from the counter and attempt to cross the border by blending into a larger group. Given the amount of traffic at the border and the exhaustion of most immigration officials, this appears to be a common tactic. Many immigrants have fake stamps in their passports (outgoing from Zimbabwe or Botswana). It would appear that there is a group of people involved in producing these stamps.

Immigrants into Botswana are required to hold BWP100 in order to enter the country. As most of the incoming people do not have this amount of money, a group of individuals operate a loan business in and around the border, lending people BWP100 at an interest rate of 20 per cent. It is unclear how the borrowers pay it back; however, the moneylenders are often identified and expelled from the border area as they queue up alongside incomers, with the money to be lent at the ready. It is reported that the moneylenders come from small villages near the border. They walk to work across the veld and, when caught, their passports are often without stamps.

Most Zimbabweans who enter Botswana for a maximum of 90 days overstay their 'welcome' and are expected to pay a fine of BWP10 for each overstayed day. As most are unable to do so, they discard or hide their passports, lie that they do not have passports and hand

themselves over to the authorities. They are 'jailed' for a few hours or a day and then released. Immigration officials report seeing the same people coming over the border repeatedly.

There are cases of Zimbabwean immigrants hiding under petrol tanks of private vehicles or acting as porters for regular immigrants. Many report that they pay a bus driver to drop them off in the Caprivi strip, which runs along the north of Namibia and is bordered by Zimbabwe, Zambia, Angola and Botswana. They cross the border at one of many unmarked crossing places and join the bus on the other side. The cost varies. However, most bus drivers appear compliant.

For the purposes of this research, short interviews were conducted with irregular immigrants who were temporarily detained at the border. Privately they reported that some immigration officials accept a BWP200 bribe (on either side of the border) in order not to stamp passports (outgoing or incoming). Some women have reported that officials demand sexual favours. Although no links to an organised criminal group have been found, these types of actions indicate corruption and abuse of office which are factors that may facilitate the existence of organised crime.



Photo: www.rtfp.org/media



Photo: Institute for Security Studies



Photo: www.redimages.co.za

Stock theft and cattle rustling

STOCK THEFT

Stock theft and cattle rustling only occur in some parts of Southern Africa. Stock theft is a high-priority crime for the Southern province in Zambia, where reported cases increased by 13.5 per cent from 433 in 2006 to 501 in 2007. About 1 908 cases of stock theft were reported in 2005. Of these, 692 went to court and 333 led to conviction. Some 1 227 cases remain unresolved and 285 are awaiting trial.

The theft of large herds of stock is a big problem in towns to the north of Livingstone and in the western province of Zambia. In these cases, criminal groups use arms to ambush villages and drive the animals away and they cross back and forth between Zambia and Zimbabwe. Police data (represented below) indicates that most of the animals stolen are never recovered. They are normally driven far from their place of origin and sold to abattoirs.

This indicates some level of organisation between local criminals at the point of origin, transport companies and criminals from outside towns or from Zimbabwe.

Stock theft is common in the Southern and Western Provinces, as seen in the graph below. These areas are the cattle rich areas and are next to the Zimbabwean, Namibian and Angolan borders.

This crime is transnational in nature as animals are stolen across national boundaries. The thieves are Zambian, Zimbabwean and Namibian nationals. The Zimbabwean thieves steal animals from Zimbabwe and cross with them through undesignated borders, selling them to traders on the markets and also to breeding places. Zambians are believed to steal animals in the Western province and sell them across the borders to Namibia.

In Swaziland, stock theft exists predominantly in rural communities bordering Mozambique. Mozambican

Figure 14: Stock theft in Zambia by province

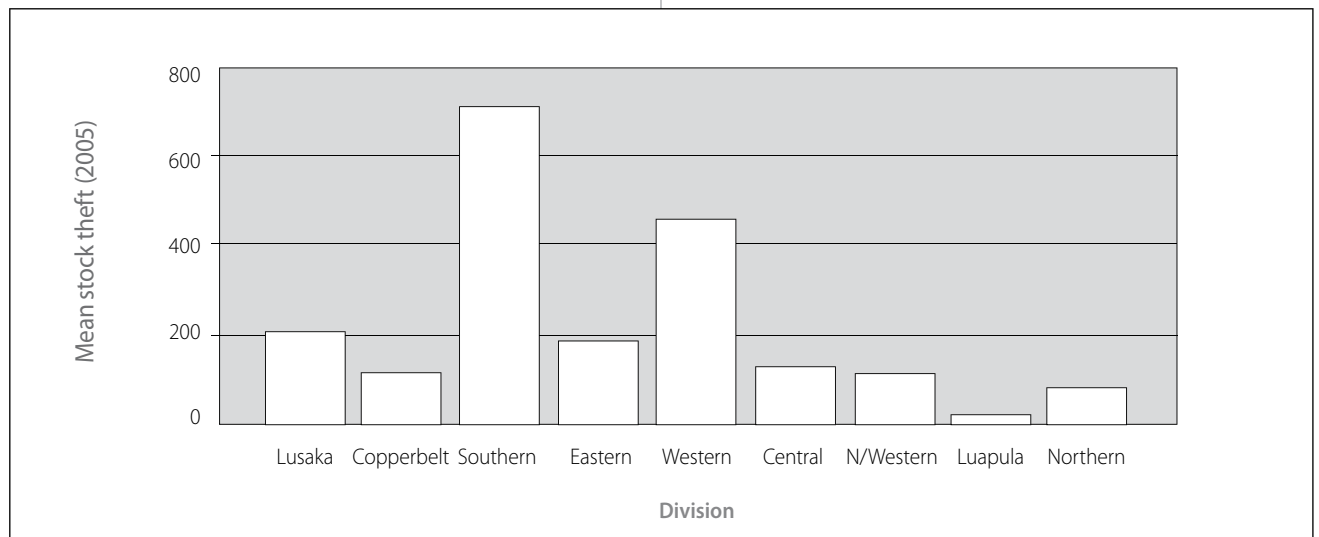




Photo: www.redimages.co.za

syndicates reportedly raid Swazi communities at night and make off with livestock. Occurrences have also been reported on the south-eastern border with KwaZulu-Natal in South Africa. With respect to the Mozambican stretch of the border with Swaziland, a key issue impacting on livestock theft is the presence of two meat wholesalers in Nomahasha, whose major source of business is the informal traders who smuggle the meat to Mozambique. The reason for smuggling is that beef is almost 50 per cent more expensive in Mozambique than it is in Swaziland. While both of these wholesalers get their supplies from Mbabane, one imports its meat wholly from South Africa while the other has a slaughterhouse in Mbabane. The latter is known to sustain its business with a significant number of cattle stolen across the whole of Swaziland. The price difference for beef between Mozambique and Swaziland also fuels cattle rustling and the theft of other

livestock for smuggling to Mozambique. It is believed that smuggling takes place predominantly across the Lubombo Plateau, Swaziland’s longest mountain range, between the two border posts of Lomahasha/Namaacha and Goba/Seshelweni.

Stock theft is a significant problem in Lesotho because of the large number of people who rely on stock for subsistence. Thieves steal cattle from both local and South African communities and sell them to butcheries, use or sell them for ceremonies, or re-brand them for rearing. It’s a market-based criminal activity and shows remarkable organisation at that level. The operational problem for law enforcement is in terms of establishing the frequency of offences by individual entities. This is because even after arrest, only the activities for which criminals are arrested are the ones that are taken into consideration. The retrospective activities of livestock criminals are difficult to establish, leaving in doubt the element of continuity. For example, stock criminals do not leave fingerprints or paper trails that can be referred to by law enforcement in future investigations. However, several stock theft cases over the last few years have exhibited sophisticated organisation. Criminals either steal stock from the veld while they are being grazed or raid kraals in the night. In both instances weapons may be used. The incidents are understood to be significantly lower following the fatal shooting by the police of a notorious kingpin and key members of his syndicate. The following is a generic outline of the *modus operandi* of livestock theft syndicates.

Case study: Stock theft in Lesotho

Although both Basotho and South Africans commit stock theft, Basotho are known to be the more frequent and daring offenders. Cattle are the most favoured, but other animals like sheep and goats are also commonly targeted. In some instances horses and donkeys are stolen, although generally together with other animals.

The general practice is that syndicates spend time surveying the community or herd that they intend to raid. They collect information on the patterns of grazing and the kraals that have the largest number of cattle. The raids generally occur at night and are planned to occur when the community defences are at their weakest. The syndicates arrive on donkey or horseback and most carry firearms to protect both themselves and their loot.

The timing and the terrain

The majority of offences occur in winter, as people tend to sleep more heavily and are reluctant to wake up to

check on unusual noises at night. The raids are made to coincide with those nights and days with the heaviest fog.

The stolen stock are driven off through the whole night and on pre-determined routes, selected to make it extremely difficult for those following to make swift progress and thus as far away from the main roads as possible. The syndicates, as a matter of principle, choose the more difficult and mountainous terrain. It is said that the Basotho have mastered the art of driving stock at high speed across this terrain and so it is almost always impossible to track them and catch them.

By the time victims realise the following morning that their animals are gone, the syndicates and their stolen stock are far away.

The market

Most of the livestock is taken across the border, either into Lesotho or to South Africa, and then sold to butcheries or to those who need animals for

ceremonies, whereupon it is immediately slaughtered or distributed among syndicate members. The stock that is stolen for sale to slaughterhouses or butcheries is generally stolen to order, mitigating the risk of syndicate members being caught in possession while still trying to find customers or negotiating prices.

Livestock stolen for the purposes of supplementing existing stock is usually quarantined in strategic places up in the mountains. There, it is divided among syndicate members and branded accordingly. The animals are then fed, watered and retained in quarantine until the branding marks heal. Once they are mingled with the syndicate members' existing stock, it is generally difficult for victim communities to positively identify

their animals, as their original branding marks will have been obliterated.

The vicious cycle

It is alleged that the victim communities are generally reluctant to pursue the syndicates as this may result in violent confrontations and death. Communities generally wait until opportunities arise, especially in the subsequent season, for them to engage in similar activities. Such revenge attacks are based on season-long intelligence collection that targets the same communities that would have been beneficiaries of the previous attacks. As a result, the industry of livestock rustling and theft is a vicious cycle of alternating revenge attacks.

Field visits to Livingstone in Zambia revealed that there were cases of stock theft both within the province and across the borders, especially between Zambia and Zimbabwe. The local theft within Livingstone predominantly involved the stealing of smaller livestock, such as goats and sheep, for resale in villages and public markets and butcheries. Normally groups of no more than three people are involved in stealing these animals and walking them to the market places. Thefts of large numbers of larger stock, such as cattle, are not frequent in Livingstone. In one case a large herd of stolen

Zimbabwean cattle crossed the border into Livingstone where it was swapped for cattle belonging to a Zambian farmer without his knowledge.

Because Zambian cattle bear locally-known markings, they were sold off at an unsuspecting local abattoir.



Photo: www.fotothing.com



Photo: www.redimages.co.za

The corruption and organised crime nexus

SOUTH AFRICA

Corruption has often been linked to organised crime and research has suggested that organised crime is facilitated by corruption and by collusion between private and public sector actors and criminals. Transparency International's Corruption Perceptions Index (2007) ranked South Africa at 43 out of 179 countries and gave the country a score of 5,1, meaning that corruption is fairly widespread. Corruption within the police appears to be particularly prevalent. A recent study found that an average of 125 complaints were lodged with the Independent Complaints Directorate every year about corruption in the SAPS.⁶⁹

Corporate or commercial corruption is also considered widespread in South Africa. Between 2005 and 2007 the SAPS investigated 13 679 cases of commercial crime. Only 23 per cent of cases were referred to court and 47 per cent resulted in successful convictions.⁷⁰ A study by PricewaterhouseCoopers in 2007 suggested that South Africa is most affected by economic crimes, including asset misappropriation, money laundering, bribery and fraud. It estimated that 72 per cent of companies were affected by these crimes, compared to 43 per cent globally (a 110 per cent increase since 2005), and that South Africa had lost more than R600 million to economic crimes in the preceding two years.⁷¹

Corruption has been found to play a role in vehicle hijackings, either with police colluding with hijackers or the traffic department taking bribes for licencing and re-registration of stolen cars. Second-hand car dealers, panel beaters and owners of scrap yards are also heavily involved. It has been argued that police and private security companies are an integral part of cash-in-transit heists.⁷²

A previous study identified the following problems as factors contributing to corruption in prisons: prison conditions (overcrowding), inconsistency in discipline, lack of skills and low morale.⁷³ Andrew Faull argues that there has been a lack of political will on the part of the SAPS and the government in countering corruption. He stresses the need for civil society to play an active role in monitoring and evaluating the new SAPS anti-corruption strategy.⁷⁴

This research has thus far found that corruption not only facilitates organised crime but is indeed an integral part of it. It plays a role in virtually every type of organised criminal activity surveyed.

Corruption is particularly notable in Mitchell's Plain, Cape Town, where police have turned a blind eye to gang activities or have even warned gang members and drug traffickers about searches that are to take place. Weekly public forums with the police have helped to re-instill trust.

Corruption within the police must be dealt with more firmly and harsher punishments are needed. Officers are not always removed from the police force when they are found to be corrupt but are simply moved elsewhere. Corruption within the police also comes as a result of low salaries, making it tempting to police officers, as the average policeman still struggles to feed his family.

Corruption at higher levels of politics also sets a bad example. The Travelgate scam in South Africa is a notable example of this. Politicians were caught using travel warrants to cover other benefits, such as hotel accommodation, car rentals and so on.

The fines imposed on these politicians were less than they had gained from their corrupt acts, hardly acting as a deterrent.

ZAMBIA

Transparency International reported high corruption perception levels in high political office in Zambia in 2007. This was the case in the criminal and judicial departments, the tax department and the department of lands. Zambia is described as a nation where corruption is generally accepted as the norm. Transparency International gives the following picture:

The 2004 analysis of the Auditor General's reports from 1984 to 2004 estimates that about Kwacha 348.244 billion (approximately \$48 billion) worth of public money is misappropriated, stolen or grossly mismanaged every year. Examples of grand corruption cases coming into the public domain include those involving the former republican President, Frederick Chiluba, and nineteen other public officials, including the former Zambian ambassador to the United States and former Zambia Security and Intelligence Services Director. In May 2007, these were found liable of defrauding the Zambian Government of more than \$41 million by the London High Court.

Public procurement is also vulnerable to corrupt practices. According to the National Governance Baseline Survey, unofficial payments to get government contracts are quite widespread, with managers reporting forfeiting, on average, 6.4% of the invoice value to public officials in order to expedite contracts. The 2007 World Bank Enterprises survey shows a decreasing trend of about 30% of the firms reporting paying a bribe to secure a contract compared to 36,5% in 2002.

Political corruption is perceived as rampant in the country, especially in the context of elections. An opinion poll on Lusaka's residents' perceptions of corruption conducted in 2005 reported that nearly 97% of all respondents reported witnessing candidates buying beer and food for prospective voters and nearly 75% reported donations of money to would-be voters.

64% of companies believe that the judicial system will enforce contractual and property rights in business disputes. [The] TI opinion poll of Lusaka's residents found that the courts are generally perceived as moderately corrupt. The Zambia National Governance Baseline Survey indicates that 63% of the businesses surveyed see corruption as a very important obstacle for using the courts in Zambia. 40% of Zambian households and 25% of businesses employ bribes to speed up the judicial processes.

According to the 2007 National Integrity System country study, petty corruption is also prevalent and mainly affects institutions such as the Police, the Courts, the Zambia Revenue Authority, the Passport Office and the Department of National Registration. In the above-mentioned 2005 survey of Lusaka residents' perceptions, most of the reported incidents of corruption involved paying the police to pass road blocks and getting national registration cards and passports.⁷⁵

In this research, corruption, especially of the criminal justice department and public sector, apparently influenced and was influenced by organised crime. The extent of organised crime in Zambia could be a reflection of weak enforcement enhanced by corrupt enforcement systems stemming from poverty and greed, and an absence of confidence in the regulatory systems. Corruption impacts on law enforcement agencies' capacity to police syndicated crimes. Zambian police officers are some of the lowest paid in the region, with chronic shortages of support staff and deplorable accommodation. Police officers have to be creative and entrepreneurial to afford a decent lifestyle and corruption through acceptance of bribes is one such way of earning additional income. Police officers have been known to hold unnecessary roadblocks to create opportunities for collection of bribes. Police officers indulge in rent-seeking behaviour as individuals when they solicit opportunities to ask for bribes.

Concerning motor vehicle thefts, corruption also happens at an individual level between ringleaders of syndicates and specific border officers.

There is a widespread perception among the public that police officers work very closely with traders of illegal motor vehicles and facilitate the continuity of the business. Buyers pay police bribes to facilitate the passage of stolen vehicles through roadblocks and borders. Investigations conducted with Interpol officers in Lusaka and businessmen on the Copperbelt revealed that police know who the traders and beneficiaries of stolen vehicles are and warn them about laws being tightened or about upcoming clampdowns on stolen vehicles in annual Interpol operations, during which periods the vehicles are not used by the traders.

Other clear enforcement weaknesses are at borders. It is believed that border officials are paid bribes and are aware of the logistical schedule of the vehicles before they arrive at the borders and therefore let the vehicles through unchecked. Car theft therefore depends on the corruption of law enforcement officers. This is a survival strategy on the part of officers and results in public officers depending on organised crime to afford a decent lifestyle.



Photo: www.fotothing.com

The enforcement of measures against drug trafficking in Zambia is dealt with by the independent Drug Enforcement Commission, with different work conditions from the police.

It consists of much smaller units which are easier to manage. These officers appear to have higher levels of success in cracking down on traffickers, which would indicate lower levels of corruption. There are weak levels of bribery among street level cannabis traffickers, possibly because cannabis trafficking includes many unorganised elements and is spread across the country, mostly at the level of street traffickers, with little political or monetary influence.

Hard drugs, on the other hand, involve high-level political and business personalities. They are organised and have influence and backing from other traffickers outside the country. At this level, accepting bribes by high-level people is premised on greed. There is a strong belief among businessmen interviewed in both Lusaka and Kitwe that larger quantities of hard drugs than are reported go through Zambian airports. As these drugs are high value and less bulky, their movement is easier and the value of the bribes is higher, and targeted at much higher levels in the logistical system. Corruption therefore happens at individual as well as business and political levels, and across countries to other airports. Without corruption, the trade would be more exposed and there might be more cases reported. Thus, high-level corruption is the basis for this trade to exist. The more high-level personalities are corruptible and the easier it is for them to become so, the easier it is for the trade in hard drugs to grow quietly and away from the public eye.

Syndicated public-sector economic crimes are based on systemic corruption at all levels. Corruption at ministerial level involves the awarding of service contracts to companies that offer monetary 'thanks' in return. Public officers encourage an atmosphere in which bribery facilitates dealmaking, while the business sector encourages bribery by offering public officers money in return for contracts. A larger corruption-prone business environment encourages public-sector crimes.

Other common crimes, such as printing fraudulent drivers' licences, passports and national registration cards, depend on bribing public officials. In the commercial sector, company officials are bribed to make company logos, date stamps and other document-related items available to criminals for use in the reproduction of documents. Corruption of tax officials at borders through

the encouragement of tax evasion or the undervaluing of goods is solicited by both tax officials and business people.

All businessmen interviewed in Zambia agreed that they would not be in business if they did not bribe someone, be he or she a police official, a border official, an end user of their product or an associate who knows an insider. A normal business based purely on merit would not survive in this environment. On the Copperbelt, for instance, the local private companies supply everything to the mines, except for few specialised items. Corruption is rampant in up to 80 per cent of the contracts awarded. In many instances, buyers create opportunities for corrupt awarding of contracts by proposing bribes.

Getting into the mining business for small-scale suppliers is extremely difficult. An underground group exists in Kitwe that registers new companies as suppliers to the mines for a fee (usually \$1 000). Outside of this system, new firms have no chance of registering. This group has connections inside and outside the mines, but the ring-leaders avoid public exposure and use middlemen (agents) to run the operation. The group organises all the necessary paperwork required for registration as a supplier, such as bank audit reports and bank statements.

On the inside of the supply chain, a different group exists that introduces the new company to end users (the mines). This also requires the payment of a 'token of appreciation'. This situation eliminates competition. Some of the larger mines have been known to award supply contracts to a group of suppliers belonging to an organised ring. Usually the ring involves members of staff on the mines. This organised ring exists to award contracts on a rotational basis so that each company gets an opportunity to supply the mines.

Two kinds of tax fraud happen on the Copperbelt: tax evasion, aided by Zambian Revenue Authority (ZRA) staff, and debt fraud. ZRA-aided tax evasion involves collusion between importing companies (merchandise wholesalers and retail businessmen) and ZRA staff, where goods declared to be in transit at one border (usually Nakonde, the border with Tanzania) are actually destined for the local market. Meanwhile, the truck and goods documentation are cleared at the other border (Kasumbalesa) by ZRA border officials as goods that have exited into the DRC. However, the goods are actually offloaded at night at Copperbelt warehouses.

In some instances, border officials carry official stamps to pubs and bars to meet with businessmen to falsely clear documents. Goods are also under-declared with the help of ZRA staff.

In the second type of tax fraud on the Copperbelt, ZRA debt collectors threaten companies with investigation for possible tax evasion and offer to cancel the penalty on payment of a bribe. This happens especially



Photo: www.redimages.co.za

when there is a change in regulations and companies are not yet fully aware of their tax obligations.

Corruption and the direct involvement of law enforcement officers in these crimes seem to be the major drivers of organised crime in this province. The interviewees in this research exhibited low confidence in the police service, calling the police themselves the biggest thieves.

In all the crimes discussed in this chapter, the involvement of senior police seems to be a recurring theme. Big businessmen involved in drug trafficking, smuggling and poaching have formed corrupt alliances with senior police to enable them easy road access; or, in the case of poaching, the police are directly involved in the crimes. If they were not involved and were vigilant at roadblocks, it is safe to assume that these crimes could be significantly reduced purely because there would be no alternative transport routes to the more profitable markets, such as Lusaka.

The border staff are likewise suspected of corruption. Large consignments of fertilisers, cement and sugar have gone through the borders to Malawi uninhibited (even at times when the export of these items was banned). The Malawian authorities also believe that significant quantities of tobacco are smuggled in the opposite direction, into Zambia.

Border patrols are considered to be corrupt and an offer of a bribe allows the passage of goods, drugs and stolen minerals through roadblocks and borders. It also allows the release of criminals. Without paying bribes, the criminals cannot pass through roadblocks or borders and therefore cannot trade, and without the business, there is no need to pay bribes. Political interference has also been witnessed in crimes involving well-known criminals.

TANZANIA

Between 2005 and 2008, Tanzania registered numerous cases of serious public sector corruption, involving up to \$2 billion. In 2008, the biggest and most public cases

included the Mwananchi gold case, the Kiwira goldmine case, the Alex Stewart case, the Buzwagi gold mine case and the Richmond corruption case. Cases of corruption involving other government functionaries have included the Tangold Limited case, the Rome embassy case⁷⁶ and the Tanzania Revenue Authority cases.⁷⁷

Corruption in Tanzania facilitates many organised crime activities. These vary from facilitating access to resources to aiding criminal activity and tampering with and influencing judicial processes. Corruption has increased the scale of organised crime generally. Organised crime also took advantage of the culture of corruption in this period, contributing 20 per cent of the \$2 billion in corruption payouts. The wildlife concessions discussed above demonstrate how bribes encourage further poaching and other illegal wildlife-related activities. Illegal logging, wildlife crimes and illegal fishing were the largest contributors to corruption. Bribes paid by wildlife hunting-block companies facilitated contract renewals, business deals, political protection, public policy direction and the maintenance of profitable illicit business practices.

Three years after a list of drug barons was drawn up, not a single one has been captured. The police inspector-general points to corruption as one of the main problems. Heavy-handed barons make use of their affluence to influence investigations and even judicial procedures. Even those prosecuted in other countries walk free in Tanzania. Incarcerated traffickers disappear from jail or while on bail and have been implicated in other crimes. In a typical instance, William Michael Onesmo, who was charged in Mauritius, was left free in Tanzania and still sends drugs to Mauritius.

The Free and Fair Competition of Tanzania believe that law enforcement difficulties are compounded by corruption at import points (mostly Dar es Salaam), where fake products come into the country unhindered. This is complicated even further by the involvement of drug barons in the counterfeit business, using their power and money to control the movement of their goods into the country.

Police officers have been named as parties to some of the crimes. They are suspected to have been bribed to facilitate access to arms, or to avoid preventing crimes, or to stage the killing of innocent people or other criminals, either to cover up or to demonstrate good performance. Police have also been blamed for letting drug criminals out on bail and allowing those incarcerated to escape. There are numerous reports of extra-judicial killings committed by the police.

A number of instances demonstrate the nature of connections between organised crime and the judicial process, for instance:

- No drug barons have been brought to court in Tanzania
- Traffickers who were incarcerated are now roaming the streets and committing other crimes
- No-one has been charged or imprisoned for the major corruption cases that have been under way since 2005

Bribes often determine whether bail is granted or whether a case is judged as a civil or criminal matter. Because of backlogs, an average case takes two to three years to come to trial. Clerks take bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes, while magistrates have occasionally been implicated in accepting bribes to determine guilt or innocence, pass sentences, withdraw charges or decide appeals. On 22 November 2008, a Primary Court magistrate was arrested after she received a Tsh 50 000 bribe that she demanded from the accused in a case about grazing rights.⁷⁸

Corruption in Tanzania has tended to involve high-profile political leaders who exert political influence on the management of government systems and offer protection for illegal activities that benefit their interests. With regard to organised crime, the Kiwira mine case involving a former President, his family and the former energy and minerals minister, demonstrates how deep-seated public-sector corruption has become. The situation in the wildlife industry demonstrates how syndicates can flourish under state protectionism derived from association with political figures, to the disadvantage of sound public policy.

MAURITIUS

In 2006, the Independent Commission against Corruption (ICAC) registered 70 complaints of corruption against police officers in Mauritius. Thirty-six were still under investigation and 34 were discontinued for lack of substantiation. Five complaints against immigration officials were reported.⁷⁹ In 2007, there was a general perception that that corruption was rampant in the public service, mostly in the legislative and executive branches. Thirty-three police officers were reported for corruption and three cases involved immigration officers. Some prison officers are known to infiltrate drugs into prisons.

SWAZILAND

Corruption is rife in the public sector in Swaziland. The departments most often cited were the Ministry of Finance, the Departments of Customs and Excise and Trade and Industry, and the police force. Where people engage in corruption as a means of living, and it is committed by networks, corruption amounts to organised

crime. One of the cases currently with the Directorate of Public Prosecutions emanates from the abuse of an agriculture project and has all the hallmarks of syndicated organised crime. A senior official in charge of a project colluded with his assistants to hire seasonal casual field workers for a fee. Junior officials collected the bribes on behalf of the boss who in turn paid the officials their share. The case highlights how officials may organise themselves to exploit opportunities for corruption. It also exposes the negative impact of corruption and bribery.

There are cases of under-delivery, especially in government procurement. After tenders are approved, the officials arrange that the supplier delivers less than what is required, with a view to sharing the difference between them, but vouch that there was full delivery. A number of respondents alluded to a Commission of Enquiry that was appointed in 2007 to investigate the abuse of a government fund, but whose findings were never made public. It is alleged that some former and acting MPs were implicated. In this case, people organised themselves and tendered to supply certain goods. In some instances the goods were never delivered and in others, they were diverted for personal use. Because of syndication, it would have been easy to find numerous people to confirm falsely that the goods were delivered. Consequently, the respective delivery documents would appear to be in order but the actual goods would not exist. The bulk of corruption takes place within public procurement.

It has been demonstrated that all the organised criminal activities experienced in Swaziland are fundamentally underpinned by corruption. It is thus necessary to examine the issues pertinent to corruption in Swaziland. The critical cases involve some PEPs. These have generally been defined as individuals entrusted with prominent public functions. They include senior politicians, senior government, judicial, law enforcement and military officials, senior executives of publicly-owned corporations and political party officials. Some definitions go further, to include their next of kin and associates. This group has been identified as vulnerable to the extent that they can facilitate organised crime and money laundering through corruption.

The concern with PEPs stems from their capacity and tendency to abuse their official positions for financial gain. They may embezzle public funds, receive bribes and participate in or facilitate other criminal activities. Two main areas of vulnerability can be (and indeed have been) exploited by corrupt PEPs or their associates:

The failure of private bankers to apply know-your-customer practices or conduct due diligence on PEPs and their activities because of deference to their social status.

The use of professional intermediaries and/or special vehicles to open or operate accounts, which can enable a corrupt official to do so virtually anonymously.

Research in Swaziland indicates that PEPs have been corrupted by dishonest business practices. A former Commissioner of Customs allegedly frequently received large cash deposits in his bank account, which were strongly linked to cigarette-smuggling syndicates. Further frequent transactions were conducted from the bank account. Despite not having any business interests of note and his monthly income being glaringly inconsistent with these respective transactions, the former Commissioner retired before any action could be taken against him.

A source serving a prison term argued emphatically that ‘all’ government officials are susceptible to bribery because they are underpaid and that it ‘is just a question of how much’, depending on the strategic importance of the information required or the level of the official. An anecdote is that there are reportedly 31 junior government officials who are millionaires and whose bank accounts and activities are under surveillance. It was also established that cigarette smugglers always carry large amounts of cash for bribing officials to ensure easy passage of their contraband. It is said that an official can make at least R7 000 per week from accepting bribes. Juniors who are permanently on the payrolls of the traffickers are said to earn at least R10 000 for every truck that passes.

Interviews with prisoners established that vehicle theft syndicates and their customers throughout the

whole region are always aware of simultaneous operations by SARPCCO and Interpol as soon as they have been planned. The syndicates receive specific information on when, where and specifically what will take place. The explanation given for this was that the majority of the middlemen and customers are typically businesspeople with highly-placed connections in government and law enforcement.

They always have information leaked to them, despite planning sessions for operations being attended only by high-ranking officials.

The following is an account from an inmate at Matsapha Central Prison. Although the criminal activities are very outdated in relation to the project baseline, the account is enlightening in many respects:

- It highlights the threats that exist from organised criminals, showing especially that imprisonment does not necessarily stop their activities
- It shows that, using corruption as a tool, there is very little that cannot be achieved by organised criminals
- It demonstrates how criminals may be involved in diverse activities to maximise their profits

The story raises the possibility that similar activities could be going on now, but have not been detected yet.

Case study: The story of Boyce Gama (inmate, Matsapha Central Prison, Swaziland)

Background

Boyce Gama was formerly on death row until his sentence was commuted to life imprisonment after he was pardoned by the King. He claims to be a born-again Christian and is currently the chaplain of the Matsapha Central Prison. He ran his own informal car repair business before he got involved in criminal activities. He says that his promising business collapsed because criminals broke into his garage and stole all his equipment, which was not insured. Being of Mozambican descent, he went back to Mozambique in 1988 where he received military training and fought in the civil war on the side of FRELIMO. It was in the civil war that he got involved in crime. The explanation he gave was that ‘when you are involved in civil war, it is not easy to avoid being involved in some criminal activities’.

Criminal activities

With his knowledge of Swaziland, he decided to form a gang of armed robbers to generate some money, as payment from the military was meagre. The money

generated from robberies and other crimes would in turn be used to bribe Mozambican officials to facilitate the purchase or theft of firearms from armouries. The arms would be sent to KwaZulu-Natal in South Africa, where a ready market existed. He made frequent visits to Swaziland where he led the gang in committing armed robberies. This continued until early 1992 when there was an exchange of gunfire between the gang and the police. In this confrontation, a man was killed ‘accidentally’ and Gama was arrested. He was tried and sentenced to death by the High Court in 1993.

The prison Godfather

Gama claims to have decided while on death row that being there could not change him. He established contact and got involved with some of the drug syndicates with whom he had previously worked. The syndicates outside needed his specialist knowledge for robberies and other activities, as well his knowledge about Mozambique, Swaziland and KwaZulu-Natal. He claims that even while on death row, he wielded sufficient power to control the activities of the syndicates outside. Although Boyce was not allowed visitors, he claims that using the money he still had on the outside,

he bribed some of the prison officers who spent extended periods guarding him.

He befriended and entrapped some of these officers and by 1997, had eight of them on his payroll. His *modus operandi* for entrapping them was to eavesdrop on their conversations and identify those with financial problems. He would isolate them subsequently and offer to help them by offering them money. After they accepted money from him he would then ask them to relay messages. The officers who tried to resist were threatened with being exposed. Once he had officers on his side, he used them to send messages to his contacts outside prison, as well as to smuggle cash into the prison. He would then receive and send messages through the enrolled prison officers. This happened for five years until 1997, when he repented. He revealed all his activities to prison authorities but protected the identity of his prison officer accomplices. He proved his story by giving the authorities some money and drug stashes that he had, despite being searched three times a day, every day. His sentence was commuted to life in 2001.

In Swaziland he and his gang were based in Manzini. What made it possible for them to commit the crimes were the people who worked at the places that were targeted. They provided information and also approached the gang members to tip them off about

the presence of large amounts of money. According to Gama, very few armed robbery gangs work in conjunction with similar gangs in other countries. Networking between gangs in different countries is more common among those involved in stealing cars and smuggling drugs.

Prison officers were responsible for sending information to Mozambique to one of the kingpins there, to tell him that Boyce was working. All the kingpin had to do was receive information to send drugs to someone else. The drugs would be sent to South Africa and the kingpin would receive money in exchange. Some people dealt with the receiving and conveying of information and others dealt with receiving the parcels and sending them on. Whenever a deal went well, money would be deposited with someone in Mozambique who would keep it for Boyce.

Boyce never disclosed the names of the syndicate members operating outside, to protect them and their families. He claims to have felt that people should not suffer on account of his repentance and that they should decide on their own about changing their lives. He strongly believes that most of them are still operational, especially because some made several attempts to get him to rethink after reading his story of repentance in the newspapers.

An unscrupulous entrepreneur, 'A', is suspected of having several high-ranking officials, including police officials, immigration officials and certain parliamentarians and

ministers on his payroll. Insiders in the media tip him off about any forthcoming stories about his business and other interests.

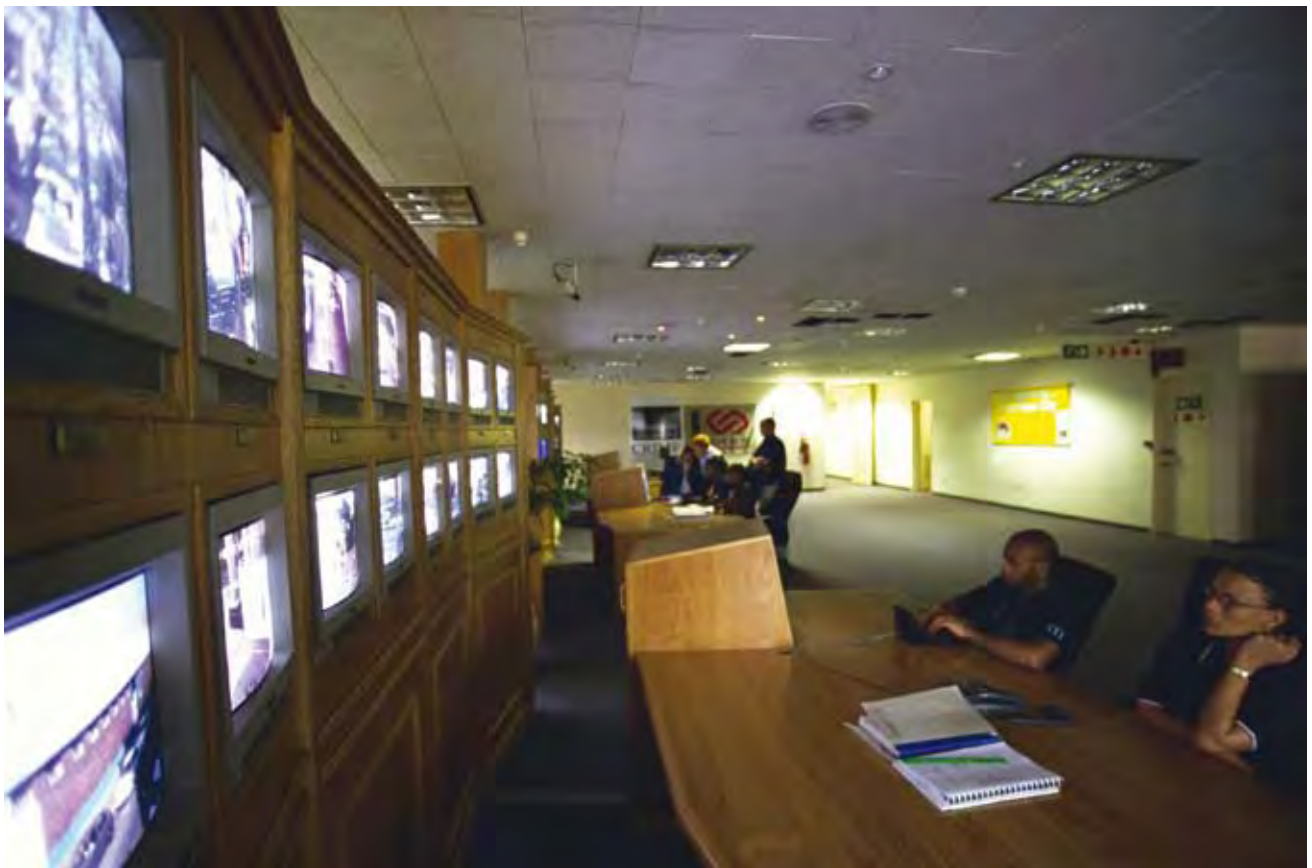


Photo: www.redimages.co.za

Findings and recommendations

VULNERABILITY

Countries in Southern Africa share a number of attributes that may render them vulnerable to organised crime activities. These include:

- Long and porous borders: due to a lack of personnel, limited resources or large stretches of inaccessible landscape, border control is often inadequate
- Major maritime and aviation infrastructures in South Africa that are both regional and sub-regional hubs
- Modern infrastructure
- Emerging markets: prior to the world financial crisis, southern Africa saw a major growth spurt. International investors were lured by major tax breaks and limited red tape to start new business and industrial ventures
- Transformation processes: police reform is ongoing and the Scorpions in South Africa, for example, were remodelled into a different crime-fighting agency called the Directorate of Priority Crimes. What will happen to ongoing cases in the interim? How will the police be policed if the new agency doesn't investigate corruption?
- Rampant corruption within the public and private sectors: it appears there is a strong nexus between corruption and organised crime. Ordinarily there would be very little chance of success if organised criminal groups or networks did not benefit from either complicit or actively participating government or business officials
- The existence of well-organised local criminals and gangs
- Widespread poverty and high levels of unemployment among large sectors of the population. In the region,

there is a huge level of unemployment and great poverty. From an early age, children are recruited into gangs and have little alternative but to continue in gang life

- Law enforcement capacity: while most references to law enforcement in the organised crime discourse are biased towards the capacity of the police (which, as described above, requires more effective responses), the actual situation requires the scrutiny of other agencies beyond the police
- Discordant criminal laws: laws in neighbouring countries would be more effective if they were similar to each other. For example, abalone poachers smuggle consignments to Lesotho or Swaziland where the laws do not prohibit their export. They consignments are then re-packaged for export with South Africa as a transit country, circumventing intrusive search procedures because of jurisdiction issues

CRIME STATISTICS

The official Mozambican crime statistics are organised into 37 categories of criminal activity. Data is aggregated on provincial and national levels. The present categorisation and organisation of crime data precludes the identification of organised criminal activities. Samples of crime statistics gathered at the Department of Information in that country were problematic in at least three aspects:

- There is no specific classification of organised crime
- The data collected is general; no detail as to the perpetrators or *modus operandi* is provided
- Factual discrepancies have been noted when different sources of information report on the same case

It is suggested that ‘organised crime’ is listed as a separate crime category within crime statistics

CENTRALISED CRIME DATABASE

Most countries in the region lack a centralised crime database where information on crime types, *modus operandi*, criminals and criminal groupings can be uploaded and accessed.

SPECIALISED ORGANISED CRIME UNITS

The CID in Mozambique has no specialised unit dealing with organised crime activities. There is a thematic division of ‘brigades’ into drugs, stolen vehicles, armed robberies and others. This division ignores the connections between various organised criminal groupings and renders the exchange of information difficult. For example, where a syndicate is involved in both drug trafficking and car hijacking, different brigades may unknowingly undertake parallel investigations. In light of the expansion of criminal markets, the CID may have to create additional brigades that deal with new types of crimes, or mutations of existing types. Organised criminal groupings do mutate from time to time, meaning that there may be a change in composition, structure and/or focus of syndicates. The better option would be to create a dedicated organised crime unit that fights such groupings in a unified and holistic fashion.

The same is true for most countries in the region, with the exception of South Africa. Namibia created an Organised Crime Unit in 2008. It is still in its nascent stages and its role has not been clearly delineated from that of units dealing with motor vehicle theft, drug law enforcement, protected resources, serious crimes, commercial crimes or protection of women and children, which are also responsible for the investigation of specific related organised-crime investigations.

DEDICATED AND SPECIFIC ORGANISED CRIME LEGISLATION

Most of the countries suffer from either a lack of, or weak, legislation for combatting organised crime. With the exception of Zambia, Mauritius and Mozambique, no laws are in place for fighting human trafficking. Laws are also needed to deal with the illegal extraction of natural resources (minerals, marine resources and timber) in several countries.

REGIONAL COOPERATION

A shortcoming was identified with regard to the implementation of one of SARPCCO’s primary aims of ‘promoting, strengthening and perpetuating co-operation and fostering joint strategies for the management of all forms of cross-border and related crimes with regional implications’. Very few joint operations take place between police agencies in the region. The focus of joint operations appears to be on motor vehicle theft and the destruction of cannabis plants. However, foreign and transnational organised crime syndicates perpetrate a multitude of other transnational criminal activities. There is an urgent need for regional police agencies to engage in joint cross-border and cross-continental operations to address the expansion of regional and global drug and stolen vehicle markets, the smuggling of precious stones and metals, endangered species, rare resources and counterfeit commodities, the smuggling and trafficking of human beings, and financial crime.

LANGUAGE PROBLEMS AND INCONSISTENT EMAIL AND PHONE COMMUNICATION

Technical and structural constraints in the respective member countries hampered the effectiveness of enforcement in regional initiatives such as Interpol. Language barriers, different levels and cultures of use concerning communication tools, such as email, and returning phone calls, stand in the way of these initiatives.

EXTRADITION MATTERS

Nationals from other East African countries collaborate with local gangs in many armed robberies in Tanzania. Prosecution is often hampered or slowed down by complicated extradition processes or other legal wrangles.

The same applies to other countries in the region. To this day, international Mafia fugitive Vito Palazzolo has still not been extradited from South Africa to Italy where a warrant of arrest has been issued.

REGULATING THE MOTOR VEHICLE INDUSTRY

Tanzania has seen an increase in stolen motor vehicles transiting through the country, while syndicates run a growing market in stolen vehicles and vehicle parts locally. A number of ‘chop shops’ exist in the suburbs of Dar es Salaam where stolen cars are either dismantled or certain identifying features such as chassis numbers are tampered with.

The government's *laissez faire* attitude towards the motor vehicle industry provides organised criminal groupings many opportunities and loopholes to go about their business. The Tanzanian Revenue Authority monitors the importation and export of motor vehicles weakly.

Most countries in the region would benefit from a national database that registers cars which are legitimate, written off, stolen, etc.

PROSECUTORIAL INCONGRUITY

The witness-based prosecution of individuals or groups involved in motor vehicle theft overlooks the realities of transnational crime. For the court case to be successfully prosecuted in most countries of the region, the law requires the legal claimant to identify their vehicle in person. Claimants are unlikely to travel from Japan, the UK or elsewhere to do so. This situation is further complicated if the claimant is implicated in the perpetration of the crime. Due to the incongruity of the law, the cars are returned to the unlawful owners in Southern African countries. Of course, some of these owners bought stolen cars unwittingly. Both the ignorant and the informed buyer are able to submit an affidavit of no knowledge of the legal status of the car at the time of purchase and thus escape prosecution.

INTELLIGENCE GATHERING

Intelligence data is effective only in identifying street-level peddlers and couriers, leaving out the kingpins. Consequentially, law enforcement has been quite successful in profiling and arresting peddlers and couriers. However, intelligence data that analyses group structures and formations holistically, which is necessary for the efficient curbing of organised crime, is still lacking.

LAWS AND POLICY

The benefits of drug trafficking far outweigh the penalties; the law protecting buyers of illegal vehicles and the prosecution of vehicle theft is still witness-based; laws in human trafficking are not congruent with supporting policies; and, finally, wildlife policies have been hijacked by organised criminals. The capacity for combatting these crimes is thus still far from being realised.

POROUS BORDERS

The security of both land and sea borders is still a challenge. The sheer length of borders requires extensive human and monetary resources that may be beyond government capacity.

CORRUPTION AND STATE CAPTURE

Rampant public sector corruption is a serious problem. Political clout, interference and direct involvement numb even the best enforcement strategies and intentions.

WAR ROOMS

The ratio of police to the population in South Africa is 1:368. This is a good ratio and suggests that what is lacking is effectiveness, rather than capacity. Law enforcement would be more effective if corruption was rooted out and there was greater police accountability. Policing must be more intelligence-driven and must utilise partnerships with business and NGOs in a practical manner.

Some new ways of policing – such as ‘war rooms’ where police from different precincts meet to compare methods used by syndicates – have been implemented and appear to be effective. Sector policing is also improving the current state of affairs. Community involvement in the Cape Flats area has had some success. Weekly public meetings have re-instilled trust in the police and have led to a better partnership between the police and the community. On the Cape Flats the community is very aware of who commits organised crime and can greatly assist the police. Similar initiatives could be useful elsewhere in the region.

HARMONISING LAW ENFORCEMENT COOPERATION

There is a greater need for cooperation between countries with regard to harmonising law enforcement and cooperation between all law-enforcement agencies involved in fighting organised crime.

INVESTIGATIVE AND INTELLIGENCE SKILLS

Police agencies recognise the difficulties in attempting to penetrate criminal syndicates because of the relatively sophisticated level of organisation of the syndicates, which is further complicated by their transnational character. The secretive nature of criminal dealings means witnesses are rare. Criminal networks are relatively sophisticated and, as demonstrated above, they have the resources to bribe public officials and effectively penetrate state structures. The perception that all persons (including those within law enforcement) are susceptible to corruption was expressed repeatedly. Penetrating secretive criminal business requires capacity within law enforcement to conduct specialised operations and investigations. In this case, full compliance with the international standards implicit in

the Palermo Convention and the Financial Action Task Force 40 recommendations could empower law enforcement to undertake covert operations, including audio and video recordings of suspected criminal dealings.

In terms of priorities, it is generally thought that there is a need for countries to improve the way they focus their effort and resources on organised crime. The preferred starting position is that of gathering comprehensive information. Armed with such an understanding of the scale of organised crime, countries can then streamline national priorities. To achieve this, there needs to be success on three main fronts:⁸⁰

Reducing the profit incentive

Countries should undertake to restrict the opportunities for organised criminals to make money. This entails reducing demand for their goods and services. It also means reducing the vulnerability of the public and private sector to penetration by organised crime.

Disrupting activities

Criminal enterprises should be rendered unprofitable by the disruption and dismantling of their infrastructure, by all means possible, especially the tracking, seizure and confiscation of their assets.

Increasing the risk

The personal risks for the criminals, particularly the kingpins of organised crime, should be increased. More successful and targeted prosecutions can achieve this.⁸¹ Prioritising organised crime also entails focusing resources on the crimes with the most impact. This impact is generally measured in terms of proceeds generated as well as the social costs.

LACK OF ADEQUATE TRAINING AND EDUCATION ON ORGANISED CRIME AND MONEY-LAUNDERING ISSUES

Many respondents expressed the view that the training of front-line operatives and departments, such as the police, customs and excise and immigration, is essential for the effective combating of organised crime. The same could be said of the entire criminal justice system. In this regard, a significant number of respondents cited the lack of expertise in the area of investigation and prosecution of organised crime. It was also observed that other members of the criminal justice system are generally excluded from discussions on organised crime and money laundering, yet they play a critical role in deciding the cases at the

courts. Similarly, training and sensitisation programmes should be rolled out to other government ministries that are significantly exposed to organised crime by virtue of their work, such as the ministries of finance and development planning, trade and industry (or the relevant incarnations in the region), as well as those responsible for enterprise.

PARALYSIS OF THE CRIMINAL JUSTICE SYSTEM

Some respondents appeared despondent about the lack of visible success in the investigation and prosecution of big cases. Delays in the prosecution of the cases that do make it to the courts were cited as a major source of frustration. The lack of implementation of legislation dedicated to curbing money laundering could be a major drawback because even those few organised criminals who are convicted still get away with the proceeds of their crimes.

CALLS TO LEGALISE MARIJUANA CULTIVATION

A few individuals suggested that the governments of cannabis-producing countries should consider legalising the cultivation of marijuana and formalising its cultivation. Their rationale is that marijuana can be harnessed for medicinal purposes and that the government should be in a position to negotiate an international concession to do so, perhaps in the same way that opium is cultivated commercially and legally in Afghanistan and cocoa in south America, despite some being illegally processed into heroin and cocaine. After all, marijuana has been cultivated commercially for many years, but is still impossible to control. Legalising it would assist in alleviating poverty for those struggling to make a living. The government could also conserve resources and divert them to 'better' priorities. Also, European countries that appear to be concerned about the amount of marijuana coming out of the region need to assist in diverting peasants from dependence on its cultivation. So far, the financial outlay towards this end has been negligible.

INSTITUTIONAL FACTORS

Most of the region's police services have been synonymous with low pay, poor conditions of service, impoverished and corrupt police officers and poor top-level management. Thus corruption has been rife and police involvement in crime weakens the capacity to respond effectively.

CROSS-BORDER ENFORCEMENT AGREEMENTS

The cross-border enforcement agreements are still weak in countries such as the DRC and Tanzania, through which most stolen vehicles pass. Capacity and attitude by the police in DRC has been known to hamper the efforts of the Zambian police to retrieve stolen Zambian vehicles in that country. In addition, fugitive laws are not yet well defined. Other laws, like those on money laundering, are still weak and unclear and in turn make policing difficult.

WEAK LAW ENFORCEMENT ON NATIONAL ROADS

Lack of law enforcement on national roads has been noted in the region. For example, drivers of foreign-registered vehicles are seldom stopped and asked to prove the legitimacy of their vehicles.

FRAUDULENT DOCUMENTATION

The region has a serious fraudulent-documents market. Identity documents can be bought on the street and are easy to access, enabling – for example – some criminals involved in vehicle theft to masquerade as local nationals. Driver's licences, passports and national identity cards can be obtained by bribing officials in the specialised ministries. The ease of access to fraudulent documentation decreases the extent to which such documents can be detected by police or immigration officers, and also hampers the detection of stolen vehicles moving past police posts and across borders. Actual cases on record include the fraudulent processing of driver's licenses and passports.

COUNTRY-SPECIFIC LAWS

Fugitive and detention laws differ from one country to another and sometimes do not allow enough time to process all the paperwork needed to charge an individual. For instance, two Tanzanian vehicle dealers caught in Zambia and repatriated to Tanzania were released before the Zambian police could finalise the processing of relevant paperwork.

There are also differences in the levels of co-operation between law-enforcement agencies in different countries; for example, the DRC has a long history of lawlessness, which affects the coordination of transnational laws with its neighbours.

CONCLUSION

The region requires skills enhancement in the collection of intelligence data that is specific to syndicates. There is a general lack of coherent and conclusive intelligence on the nature of syndicates. There is a need for the enhancement of resources allocated to organised crime units. This should help Interpol to hold as many routine searches as necessary and to beef up border security.

A holistic approach to organised crime needs to be introduced in border areas and border security needs to be strengthened. All supporting institutions at borders should receive orientation on organised crime and the role of the border as a strategic point. Resources should also be objectively and systematically enhanced in all units.

Communication among national policing agencies could be vastly enhanced by appropriate language training. The researchers noted the monumental challenges that inhibit networking between, for instance, Tanzanian and Mozambiquan counterparts – with each side lamenting that the few English-speaking policemen 'from the other side' are always away representing the police in workshops.

Approaches to policing organised crimes should be reviewed. A market-based approach, which seeks to understand the nature of criminal markets and targets both the demand and supply sides of the crimes, would appear to be the more enlightened option for combating organised crime. This could make it easier to enlist the support of other sectors and interest groups in confronting organised crime.

Furthermore, the effectiveness of witness-based prosecution for organised crime needs to be evaluated. Witnesses are sometimes involved in crimes or are influenced by the organised criminals and so do not appear in court.

There are a number of challenges in the coordination of law enforcement efforts in the region. It was established that there is virtually no cooperation between customs and the police, as customs officials feel that the police would interfere with their work, or literally police them. Customs officers do not feel at all comfortable with the police being at border posts. They feel strongly that the role of police at borders is simply to monitor whereas they (the customs officials) have the mandate to conduct searches based on their perspective as the revenue authority. They also believe that *they* are being policed, because when customs officials are bribed, the police are the ones to pick it up. Customs officers need to be trained about the power and mandate of the police, that is, that they are empowered to police all the written laws of the country, including those that pertain to customs.

Apart from human traffic, the majority of goods that flow between South Africa, Mozambique and Swaziland enter or pass through the land borders. It was established that, on average, traffic is heaviest on Fridays and Sundays. Some of the most frequent criminal activities known to occur at these borders include the transport of stolen motor vehicles and the smuggling of consumer goods, particularly meat from Swaziland. Although occasional searches occur on both sides of the border, there is a perception that they are too rudimentary to deter any determined criminals. Considering that transnational organised criminals go to great lengths to conceal their identity and contraband, it is conceivable that efforts being made to trace them are not good enough. While there is evidence that all the border posts have been (and are still being) used to smuggle cigarettes, it was observed that there is a general trend by criminals towards using the more isolated border posts because they are regarded as less risky. The officers who man the quieter border posts are reputed to be easier to bribe because they are isolated from scrutiny. At these places it was easy to observe that no trucks at all were searched. The customs officials simply took the declarations of the crossing drivers at face value.

This report offers an overview of the incidence of organised crime in southern Africa. Organised crime in all the

countries reviewed is committed by groups and networks, some of which have been identified. In general, the more serious forms of crime (in terms of the monetary value involved or the potential harm they cause) have a transnational dimension, being committed by people of varying nationalities and affecting more than one country. It has been established that organised crime in most countries is underpinned by corruption, either as a facilitating activity or as an organised criminal activity in its own right. However, there was no concrete evidence to suggest that organised crime is linked to terrorism, save for the notion that globally, the proceeds of crime constitute a significant source of possible terrorist financing.

It has been shown that the geo-political and economic environments of individual countries amplify the significance of specific criminal activities, the commonest forms of which have been identified as stock theft, theft/hijacking of motor vehicles, cultivation of marijuana and a broad spectrum of economic crimes. Further, the research has shown that although economic crimes may not be as prevalent as other forms of crime, statistically their impact on the society and the economy is far reaching.

Finally, the effectiveness of law enforcement against organised crime has been put in the spotlight. The conclusion has been reached that more can be done to move towards more effective responses to organised crime.

Notes

- 1 United Nations Office on Drugs and Crime (UNODC), *Crime and Development in Africa*, Vienna, June 2005, www.unodc.org/pdf/African_report.pdf (accessed 13 September 2006).
- 2 Ibid.
- 3 The SADC Protocol on Combating Illicit Drugs, <http://www.issafrica.org/cdct/mainpages/pdf/Money%20Laundering/International%20Instruments/Protocols/SADC%20Protocol%20on%20Combating%20Illicit%20Drugs.pdf> (accessed 15 October 2009).
- 4 Peter Gastrow, *Organised crime in the SADC region: Police perception*, Institute for Security Studies (ISS) Monograph No. 60, August 2001, ISS, Pretoria.
- 5 UNODC, op cit.
- 6 Gastrow, op cit, 13–14.
- 7 Ibid.
- 8 Ibid.
- 9 Ibid, 15.
- 10 As listed by Gastrow, op cit, 17.
- 11 Peter Gastrow, *The SADC region: A common market for criminals?* *African Security Review*, 10(4), 2001, ISS, Pretoria.
- 12 Quoted by Anna Zongolowicz, unpublished 2008 report of field findings of the EROC Project, Botswana and Namibia, 4.
- 13 Ibid.
- 14 Gastrow, ASR, op cit.
- 15 Andre Standing, *Rival views of organised crime*, ISS, Pretoria, 2003, 43.
- 16 Gastrow, op cit, 28–32.
- 17 Op cit, 30.
- 18 Annette Hübschle, *Unholy alliance? Assessing the links between organised criminals and terrorists in southern Africa*, ISS, Occasional Paper 93, ISS, Pretoria, 2004.
- 19 Standing, op cit, 45.
- 20 Gastrow, op cit, 55.
- 21 Ibid.
- 22 Gastrow, op cit, 29.
- 23 Hübschle, op cit, 3.
- 24 United Nations Convention against Transnational Organised Crime, available at <http://www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext> (accessed on 3 September 2010).
- 25 Ibid.
- 26 Included in the list of informal sources of information are:
 - Journalists
 - Civil society groups
 - Tribal/community leaders
 - Pharmacists
 - Traditional healers
 - Pimps/brothel owners
 - Dug dealers, runners
 - Social workers
 - Faith-based organisations/churches
 - Migrant worker hostels and compounds
 - Lawyers
 - Computer technicians, cryptologists
 - Shop/stall owners at borders
 - Sex workers
 - Smugglers at borders
 - Harbour stevedores
 - Money changers
 - Bankers
 - Homeless people/squatters/street people
 - Long-distance transport companies
 - Medical practitioners
 - Bus drivers
 - Jewellers/rare stone dealers
 - Firearms dealers
 - Taxi drivers
 - Private transporters

- Regular travelers with daily permits
 - Truck drivers and crew
 - Private security companies/security guards
 - Airline staff
 - Fishermen/shipping crews
 - Garages/petrol attendants
 - Check-in staff
 - Bar/club staff and owners
 - Porters
 - Hotels, motels, inns; waitresses/waiters
 - Embassy officials
 - Owners/staff at internet cafes
 - Labour inspectors
 - Informal traders in cities, at borders
 - Refugees and their associations
 - Women cross-border traders
 - Shelters for children, abused women, homeless people.
 - Persons on farms, farm labourers
 - Locations where migrant labour is to be found
 - Persons on construction sites
 - Persons working in factories and industrial sites where migrant labourers may be employed
- 27 All references to dollars in this paper are to US dollars, unless otherwise indicated.
- 28 Tsh = Tanzanian shillings.
- 29 Salomao Mungoi, in an interview with Dr Tania Siteo, Directorate of Pharmaceuticals, November 2008.
- 30 UNODC, Cannabis in Africa: An overview, 2007, http://www.unodc.org/documents/data-and-analysis/Can_Afr_EN_09_11_07.pdf, 3.
- 31 International Narcotics Control Board (INCB), The report of the International Narcotics Control Board for 2008, 2008, available at <http://www.incb.org/incb/annual-report-2008.html> (accessed 18 February 2009), 47.
- 32 UNODC, op cit, 3.
- 33 Masautso Phiri, in an interview with the former head of the ZRA's Investigations Unit in Mpulungu, November 2008.
- 34 Field researcher, in an interview with a senior customs official who requested anonymity, November 2008.
- 35 INCB, op cit, 54.
- 36 Ettienne Hennop, EROC field research on organised crime in the border areas of South Africa, October to December 2008.
- 37 INCB, The report of the International Narcotics Control Board for 2007, 2007, available at <http://www.incb.org/incb/en/annual-report-2007.html> (accessed 8 December 2008).
- 38 EROC research findings during fieldwork in Botswana and Namibia, May to November 2008.
- 39 IPP Media, Zanzibar drug abuse menace alarming, available at <http://www.ippmedia.com/ipp/guardian/2006/08/15/72442.html> (accessed 3 April 2009).
- 40 C Seithy, *Land, forests and people: Finnish aid in Tanzania*, Institute of Development Studies, University of Helsinki, in

collaboration with department of Sociology, University of Dar es Salaam, 1998.

- 41 *Noseweek* online, Absa's role in car theft racket, February 2009, http://www.noseweek.co.za/article.php?current_article=1928 (accessed 3 March 2009).
- 42 *The East African*, Ruthless syndicate driving 10 stolen cars daily across Kenya's border, <http://www.theeastafrican.co.ke/news/-/2558/498928-/view/printVersion/-/1shmw2z/-/index.html> (accessed 8 April 2009).
- 43 Blogspot, Police smash alleged luxury car theft ring, 2008, <http://www.musoma-tanzania.blogspot.com/2008/03/police-smash-alleged-luxury-car-theft.html> (accessed 10 April 2009).
- 44 Malawi Police Service Research and Planning Unit, *Annual report of the Inspector-General for the Malawi Police Service*, 2005, Lilongwe, Malawi.
- 45 *Mail and Guardian*, 12 July 2008.
- 46 Interview with Sephiwe Ntombela, inmate at Matshapa Central Prison, August 2008.
- 47 *Magazine Independente*, Raptores da Holanda queriam 100.000 dólares, 23 July 2008.
- 48 Government of Tanzania, <http://www.tanzania.gov.tz> (accessed 11 April 2009).
- 49 Cullman and Hurt Community Wildlife Project, <http://www.cullmanandhurt.org/antipoaching.html> (accessed 11 April 2009).
- 50 John Nielsen, Poachers target African elephants for ivory tusks, 2007, <http://www.npr.org/templates/story/story.php?storyid=6677444> (accessed 2 January 2007).
- 51 That authority was revoked in 1994 and restored in 1988.
- 52 R Nshala, Granting hunting blocks in Tanzania, 1998, <http://leat.or.tz/publications/hunting.blocks/huntingblocks.doc> (accessed 12 April 2009).
- 53 Nshala, *ibid*.
- 54 Charles Clover, *The end of the line: How overfishing is changing the world and what we eat*, London: Ebury Press, 2004, 171.
- 55 *Zambezia Online*, Madeira em toros: negócio ilícito reduz em Nampula, 11 February 2008.
- 56 *The Namibian*, Mafia linked to Namibian diamonds <http://dusteye.wordpress.com/2007/03/23/mafia-linked-to-namibian-diamonds> (accessed 12 May 2008).
- 57 According to an article posted on 17 June 2007 on <http://www.miningtopnews.com>, entitled 'Expert blows whistle on mechanised mining'.
- 58 According to *The Gemstone Forecaster*, 14(2), Part Two.
- 59 Voice of America, Tanzania prepares policies for uranium mining, <http://www.voanews.com/english/news/a-13-2007-07-30-voa45-66718757.html> (accessed 11 October 2010).
- 60 Interview with Jennifer Irish-Qhobosheane, 2007.
- 61 *Business Day*, 16 October 2007.
- 62 Mr Ngoto, from the fraud and fiscal section at Malawi Police headquarters.
- 63 Annette Hübschle, Charles Goredema, *et al*, *Five country study on human trafficking*, forthcoming.

- 64 *Africa Newsline*, Rituals, sex tourism and human trafficking in Africa, http://www.africanewsline.com/index.php?option=com_content&task=view&id=16 (accessed 9 November 2009).
- 65 Nasser Kigwangallah, Child prostitution poses grave threat, IPP Media, www.pelicanweb.org/solisutv03n04.html.
- 66 US Department of Homeland Security, The 2007 Trafficking in Persons (TIP) Report, 2009, www.state.gov/g/tip (accessed 9 November 2009).
- 67 Centre for Social Studies, *Prevention of trafficking in women and children for the purpose of sexual exploitation*, Lilongwe: University of Malawi, 2008.
- 68 Tiyese Chiuumbuzo, head of fingerprints section at MPS headquarters.
- 69 Institute for Security Studies, Submission by the ISS to the Parliamentary Portfolio Committee on Police on the Independent Police Investigative Directorate Bill, <http://www.iss.co.za/uploads/submissionIPIDBill26July2010.pdf>, 8.
- 70 Jennifer Irish-Qhobosheane, 2007. *Gentlemen or villains, thugs or heroes? The social economy of crime in South Africa*, Pretoria: South African Institute for International Affairs (SAIIA), 15.
- 71 *Business Day*, 16 October 2007.
- 72 Jennifer Irish-Qhobosheane and Neo Moshe. 2007. Modern day pirates of South African roads: Cash-in-transit networks in South Africa, in Irish-Qhobosheane, *Gentlemen or villains, thugs or heroes? The social economy of crime in South Africa*, Pretoria: South African Institute for International Affairs (SAIIA), 17–64.
- 73 Transparency International. 2007. National Integrity Systems country report 2006/7, www.transparency.org/content/download/28009/422208/file/NIS_Zimbabwe_Report_2007.pdf. (accessed 16 November 2008).
- 74 Andrew Faull, *Corruption and the South African Police Service: A review and its implications*, ISS Occasional Paper 150, ISS, Pretoria, September 2007.
- 75 Anthea van der Berg, *Summary and comment on the Final Report of the Judicial Commission of Inquiry into Allegations of Corruption, Maladministration and Violence in the Department of Correctional Services - "the Jali Commission"*, Bellville: Civil Society Prison Reform Initiative, University of the Western Cape, 2007.
- 76 In which the Tanzanian ambassador was accused of forging a purchase price for the embassy building in Rome.
- 77 In which 187 containers had unlicensed logs. *AllAfrica*, Tanzania: Where are these graft case files?, 18 September 2008.
- 78 N Kigwangallah, Interpol report slams Tanzanian judicial system, 12 March 2006, <http://www.nationmedia.com/east-african/current/Opinion/opinion2702200614.htm> (accessed 28 February 2006).
- 79 Mauritius Country Reports on Human Rights Practices, 11 March 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100494.htm> (accessed on 13 October 2010).
- 80 Bojan Dobovšek, *Organised crime – Can we unify the definition?* Slovenia, College of Police and Security Studies, 1996.
- 81 In South Africa the Scorpions are renowned for the use of plea bargains to secure the conviction of key figures. This is the case in point with regard to the prosecution of the SAPS Commissioner, Jackie Selebi.



ISS Head Office

Block D, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria, South Africa
Tel: +27 12 346 9500 Fax: +27 12 346 9570
E-mail: iss@issafrica.org

ISS Addis Ababa Office

1st Floor, KI-Ab Building,
Alexander Pushkin Street,
Pushkin Square, Addis Ababa, Ethiopia
Tel: +251 11 372 1154/5/6 Fax: +251 11 372 5954
E-mail: addisababa@issafrica.org

ISS Cape Town Office

2nd Floor, The Armoury Building, Buchanan Square
160 Sir Lowry Road, Woodstock, South Africa
Tel: +27 21 461 7211 Fax: +27 21 461 7213
E-mail: capetown@issafrica.org

ISS Nairobi Office

Braeside Gardens,
Off Muthangari Road, Lavington, Nairobi, Kenya
Tel: +254 20 386 1625 Fax: +254 20 386 1639
E-mail: nairobi@issafrica.org

ISS Dakar Office

Stèle Mermoz, 100x El Hadji
Ibrahima Niassé MZ83
Tel: +221 33 869 1024 Fax: +221 33 824 0942
E-mail: dakar@issafrica.org

ISS Pretoria Office

Block C, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria
Tel: +27 12 346 9500 Fax: +27 12 460 0998
E-mail: pretoria@issafrica.org

www.issafrica.org

REPORT

This publication was made possible through funding provided by the government of the Federal Republic of Germany. In addition, general Institute funding is provided by the governments of Denmark, the Netherlands, Norway and Sweden.



The
Federal Government