Crime - General

1998
‘We are prisoners on our land’

By JACQUI REEVES

I will pay for this land with my blood, but I will not leave my farm.

Andre Maree, from the farm Roopepan outside Venterndorp in North West Province, speaks with a quiet determination.

Maree is one of the latest farmers to have been held up by criminals, but unlike many of his counterparts, he got away with his life.

Last Saturday evening, a domestic worker on one of the farms neighboring Roopepan warned her employer that armed men had been spotted in the vicinity.

In a chain-link calling system, farmers in the area contacted each other via cellular telephones, warning their neighbours to be on the lookout.

Maree fetched his shotgun and placed it alongside his chair as he watched television.

Remembering that he had left his garage door open, Maree got up to close it, taking the gun with him. On his way out he stopped in the kitchen to switch the litter on, but was startled by his dog’s deep growling.

“As soon as I heard him, I knew there was trouble,” Maree said.

The young farmer turned around for a shotgun and fired pistol aimed at his head.

“The two men just looked at me and one said: We are going to kill you,” Maree said.

With his shotgun out of reach, but out of the view of his attackers — whom he described as focused and aggressive — Maree realised he had to play for time.

Speaking Township to the gangsters, which appeared to be their mother tongue, Maree offered to show the men his sound system — an offer they refused.

When Maree’s telephone rang, one of the men picked it up, and held the receiver in the air.

“I could hear my neighbour shouting my name but I did not want to shout back because I knew the men would shoot if I did,” Maree said.

When the telephone rang the second time, the attackers let it ring, but were startled by Maree’s voice as his answering machine was activated.

“When they turned around to see where the voice was coming from, I grabbed my gun and began shooting at them. That was when they fled out the door,” he said.

Venterndorp police were at the scene within minutes but were unable to make any arrests. Heavy rain that evening quickly washed away the attackers’ tracks before the local thatch could pick up a trail.

Farmers in the Venterndorp area were not surprised by Saturday’s attack; they had been expecting something, they had all been warned.

Many farmers have been receiving threatening telephone calls for the past few months, but have seen an increase in the number of raids over the holiday period.

The callers have either telephoned the farmhouse and simply kept quiet, or told farmers that “they are coming to get them” and that they will be killed.

“Now that this has happened, I have realised that we have not been letting ourselves become concerned by what has been happening with other farmers in the country. It has always been removed from us — until now, that is,” Maree said.

The idyllic countryside of North West Province, lush and green after recent heavy rain, presents a misleading façade of a broader campaign against farmers, because of similarities in the modus operandi of the attackers.

In most cases, no household goods are stolen, only cash and guns. Attackers appear to know the routines of the farmers, suggesting surveillance of the farms and offices by the attackers. This suspicion was confirmed in the Maree attack, when police discovered a miniature lying facing the main house, with a clear view of the property.

Although this attack resulted in immediate action from the Venterndorp police, the station is seriously understaffed.

Captain Jacob Rabenbush, station commander at Venterndorp, told the Saturday Star that, including typists and clerks, the station has a staff of 42. The suggested staffing number is 115.

The station covers a massive 2,445 square kilometres, but has only one vehicle per shift to cover this ground.

“We have two officers in the van, one in the nearby township, and the officers in the station are on standby,” he said.

Rabenbush said that, because of the staff shortages, the officers did not have time to patrol internal farms roads, only the main routes.

“About 80% of our staff spent answering complaints and about 20% on crime prevention, but the main issue is crime prevention occurs on the next complaint,” he said.

A community-organised block watch and the local commando — made up of reservists from the area — are working together to increase security on and around the farms.

Members of the commando had warned Maree not to pose for photographs for the news reports.

“I don’t want to remind these guys what I look like. And I don’t want them to see my house again, I’m not going to make it easier for them,” he said.

Although reports that the Pan Africanist Congress and its former military wing, the Azanian People’s Liberation Army, were behind the attacks were vehemently denied, local farmers believe that this explanation is correct.

“They are threatening us, they are attacking us, but they don’t even bother to take our possessions. They want us off this land so that they can claim it as their own, but it is not going to work one farmer said.

“Those attacks have a pattern, it is no longer a rumour. It is a fact. The Government is doing nothing to stop this and we are on our own. We are turning into prisoners on our own land,” Maree said.

PHOTOGRAPHY PETER BAGCHUS
Banks to hold crisis meeting over heists

Bonile Ngqiyaza
and Andrew Austin

A CRISIS meeting of senior banking officials and the Reserve Bank is planned for next Monday to seek solutions to the rash of armed robberies of cash-in-transit vans around SA.

This will follow a similar meeting today in Midrand called by Gauteng safety and security MEC Jessie Duarte to discuss the heists with the cash transport firm SBV, the Council of SA Banks (Cosab) and senior SA Police Service officers.

The bankers’ meeting, scheduled some time ago, has taken on a new urgency following Wednesday’s heist on the M1 in Sandton in which four security guards were shot and injured. It will discuss widespread staff intimidation, the sophistication of weaponry used in heists, the increasing numbers of gang members taking part in robberies and the problems associated with the movement of vast amounts of cash.

First National Bank (FNB) MD Viv Bartlett said yesterday the industry was facing a crisis. Petrol had been poured over staff members in several instances, with robbers threatening to set them alight.

There was a crisis when safety and security measures were constantly threatened by increasing numbers of gang members and sophisticated firepower. The number of robberies at FNB branches had risen substantially.

While the use of aircraft to convey cash had been discussed, cost constraints continued to be a factor mitigating against using them.

Duarte said today’s meeting would look at co-operation between security companies, police and the public.

Heists

Continued from Page 8

80 23/1/98

Cash transportation techniques, the nature and pattern of the heists, information management, and the use of modern technology in fighting the robbers would be discussed.

SAPS provincial commissioner Shamsa Maharaj, Cosab CE Bob Tucker, and SBV chairman Rod Held were expected at the meeting.

In another development, SBV and the Society of SA Banking Officials, the financial union, announced the establishment of a joint forum to try to eliminate armed robberies. They said the forum would seek advice from local and international security experts. The forum’s immediate aim would be to secure the safety of SBV personnel, safeguard SBV security vehicles and analyse past incidents in a bid to reduce the vulnerability of staff.

The union on Wednesday accused the four banks which owned SBV — Standard Bank, Absa, FNB and Nedcor — of criminal negligence, saying they continued to opt for low-cost solutions at the expense of human lives.

Banking sources ruled out the possibility that Wednesday’s heist was an SBV inside job, saying the unarmoured ‘‘panel van’’ had unloaded most of its cargo at bank branches by the time it was attacked. They did not rule out the possibility that the 15 to 20 armed robbers could have received a tipoff at one of the bank’s earlier stops.

The sources said the increase in bank robberies meant branches kept less money on the premises. As a result, huge quantities of cash were being ferried around by security guards.

Tucker suggested a medium to long-term solution would be to reduce SA’s dependence on cash. “The amount of cash handled by SBV each day has increased by 30% over the past year.”

SBV MD Colin Gregor said the security measures his company had put in place had ensured that Wednesday’s heist had not been worse. “We were transporting R6.6m and they only managed to get R3.3m of that.”

He said it should be noted that SBV transported billions of rands and its vehicles travelled about 1.4-million kilometres a day. He refused to describe the new security measures, but said there would be further improvements.

“The next stage is for these vehicles to have gun ports, which our rural vehicles already have. If the vehicle involved in the last robbery had had this, it would have been a different story.”

Asked whether he felt his job was under threat because of all the heists, Gregor said: “Definitely not.”

Saps reports that a man arrested in connection with last month’s R10m cash-in-transit heist in Mpumalanga escaped from a police car yesterday.

A coin security guard was shot dead in his vehicle at the Kemilworth, Cape Town shopping centre shortly before he was to have collected money from a bank yesterday. Two suspects grabbed four empty money boxes and fled.

Continued on Page 2
Protect us, plead security guards

Banks must find ways to counter gangs
increasingly heavy use of firepower

BY CILLA GIES

City Reporter

Society of Bank Officials (Sabo) and SIB Services were locked in meetings today to discuss increasing attacks on the cash-in-transit company after Sabo accused SIB of "criminal negligence".

Sabo threatened national protest action unless Standard Bank, Absa, FNB and Nedcor act decisively after yesterday's attack on an SIB cash van near the Marlboro off-ramp on the M1 highway.

And, Collin Grogg, executive officer of the numerous cash-in-transit Executive Outcomes, said SIB was not considering using the company to protect the cash convoys.

"I have no problem with the Sabo guys making statements like this, they just need to be correct," Gregor said.

Grogg added that while beefed-up security measures on the cash van had worked, the robbers managed to escape with R500,000 because "correct procedure" had not been followed. "But if it was only part of the R5-million total - the bull was left untouched."

Police said armed robbers were using increasingly heavy firepower in their merciless highway raids.

A 16-man gang fired dozens of armour-piercing AK-47 bullets at an unoccupied SIB money van during a well-executed robbery which lasted less than five minutes.

Four SIB guards were wounded in the robbery. A Mong (24) was in a critical condition last night at Milpark hospital, where surgeons were battling to save his life. The others - Nietsie Scherman (30), C de Beer (30) and F Pietro (30) - were taken to the Sunninghill Clinic, which refused to release details of their conditions.

Resident Constable Craig Sacks of Golf Manor police station told how, shortly after 10am, a friend had called him from a house in Kranmar Road, which overlooks the highway near the Marlboro off-ramp. The man reported he had seen six bald-headed, rifled men climb into a bakkie.

A few minutes later, three bakkies surrounded an SIB security van and opened fire on it near the Marlboro off-ramp. They followed it "firing constantly, before ditching it off the road near the Geyser Drive bridge over the M1 highway in Randburg.

According to Johannesburg police spokesperson Superintendent Chris Wilks, a fourth bakkie blocked the Geyser Drive off-ramp.

After shooting the guard, the occupants of the three bakkies broke open the boot of the van with crowbars and removed some of the money.

The robbers fired a random spray of bullets into passing traffic, hitting several cars and causing some motorists to drive off the road. No one was reported injured, although several cars were damaged.

The gang escaped up the off-ramp, which they had blocked, in the direction of Alexander.

Detectives spent several hours getting the scene while the highway was closed to city traffic for most of the day. One of the four bakkies was abandoned about an hour later.

A policeman, believed to have been guarding the home of Housing Minister Sankie Hlatshwayo in Fairway Road, saw a group of men in a bakkie offloading bags of money into another car waiting in the street.

According to reports, the man approached the man and was involved in a scuffle, during which he was robbed of his service pistol but managed to take possession of a suspect's AK-47.

A spokesperson for the Centre for the Study of Violence and Reconciliation's Trauma Clinic said they had received a number of calls from pedestrians, motorists and witnesses who were caught in the gun battle.

The social worker said people who had witnessed the armoured robbery were encouraged to call the police to talk about their experience.

People in need of trauma counselling can contact the clinic on (011) 903-5950.

Motorists caught up in the gun battle are required to contact the police on (011) 903-5950 to report damage to cars or give witness accounts.
Board must lead fight against fraud

© 2001/01/98

Companies need to take a more active role to both prevent and detect fraud, writes Robert Cameron-Ellis

HOW many directors would include fraud prevention as an element in their job description? Regrettably too few, yet this should be an integral part of every action taken by a board of directors, with a proactive fraud prevention strategy as a discernible aspect of any company's corporate culture.

Incidence of fraud is rising dramatically in SA, yet it is estimated that 50% of white collar crimes are not reported to the police. A factor that contributes to this is management's lack of experience in being able to detect and then deal with a suspected case.

Fraud prevention is now an essential management skill that, if not acquired by training or outsourcing, puts an organisation at risk.

Directors' overall duties can be described as "drive, strive, survive and thrive", all of which include fraud prevention as an integral element.

Drive provides direction and strategy, and should recognise the business environment factors that could become a fraud risk which can then be addressed by developing a suitably comprehensive fraud prevention strategy.

How? If directors apply their specialist industry knowledge to consider areas of risk and how these may be avoided, they can then draw on external expertise to develop a preventative strategy. Regular monitoring of the adequacy of such strategies is essential.

Directors should provide vision and leadership. They should strive to set high standards and ethical values. Where necessary, a company's ethical standards and cultural values must be developed, using focused communications strategies and appropriate reward systems.

Formal adoption of the Code of Corporate Practices and Conduct recommended by the King report is a first step in this strategy. Additional codes of ethics and written value systems will also move the company forward.

The measurement and monitoring of ethics and cultural values as well as properly implemented internal controls creates an environment which is not conducive to fraud.

Survival strategies will anticipate changes in the business environment. And a fraud response plan should always be included in management's strategies.

This plan should include minimising the risk of subsequent loss, improving the chance and scale of recovery and demonstrating to employees and the public that the company is not a soft target.

But prevention is always better than cure. Continuing assessment of the internal control environment is vital, and fidelity underwriters should be considered if appropriate.

* Thriving companies are particularly vulnerable to fraud. Growth and restructuring generally create changes which can present fraud opportunities.

* Risk assessment is a key aspect of change management. The creation of excellent working conditions removes some of the more passive internal fraud while stimulating an even better performance from staff.

* Sound management structures are vital to proper corporate governance. The splitting of responsibilities of executive and non-executive directors as recommended by the King committee is a top-level step towards an effective fraud prevention policy. Non-executive directors should have the independence and courage to question executive directors and senior management, and to examine strategies and results critically. Integrity tests for board members and senior management should become more common practice, and specialised training for non-executive directors should be mandatory to ensure they are able to interact effectively with management and perform confidently.

* Audit committees are another way to strengthen a company's integrity and promote more open communication between auditors and management, while providing an independent, objective view on the operation of systems and controls.

* Reporting on internal controls in the directors' report is one of the King committee's recommendations. Directors must now take an active role in ensuring that controls are adequate for the corporation's needs.

* Sound financial control is more than just procedures and checklists. Leadership and involvement by senior management and the board are essential to ensure a properly functioning internal control environment.

* The possibility of fraud can never be entirely eliminated, but each director's commitment to sound corporate governance principles will reduce their company's vulnerability.

Cameron-Ellis is a partner with Deloitte & Touche Forensic Services, Pretoria. This article first appeared in the Institute of Directors Journal.
"Strategic war on crime needed"

By Mokgadi Pela

JUSTICE Minister Dullah Omar has called on South Africans to develop a comprehensive strategy to defeat crime and create a better society.

He was among the panelists in Pretoria at the launch yesterday of Safe, Secure and Streetwise, a Reader's Digest publication providing tips on how to protect oneself.

He said a vision was required to establish:

- An effective strategy for combating crime, such as a proper criminal justice system;
- Methods of taking preventive steps to frustrate crime; and
- Ways of addressing causes of crime without which the country would be caught up in the spiral of crime.

Turning to the overload in prisons, Omar said this was indicative of the fact that "police have done their work. "It's also a fact that courts have been refusing bail in many cases."

In what he referred to as a "diversion strategy", Omar said the country should find a way of handling serious and petty offences in separate courts.

Speaking at the same occasion, Gauteng MEC for safety and security Mrs Jesse Duarte urged every citizen to take part in the fight against crime.

"If there's a suggestion of a threat against somebody, react to it before it materialises," She said it was "unacceptable" for criminals to intimidate victims or their families to prevent them from testifying in court.

Safe, Secure and Streetwise, which sells for R169.95, offers tips on everything you need to do to protect your home. One chapter deals with the safety of your car.

This section covers public transport and what to do if you are hijacked."
Gauteng set to tighten up prisons, police

JOHANNESBURG: Construction of Gauteng's maximum security cells, planned as the central holding point for high escape risk awaiting-trial prisoners, will start at the Johannesburg Central police station — formerly John Vorster Square — tomorrow.

Gauteng Safety and Security MEC Ms Jesse Duarte yesterday announced that provincial commissioner Mr Sharma Maharaj would oversee the operation, which has priority status.

Duarte and Maharaj also outlined measures that are to be followed by station commanders, area heads and detective branch commanders to clamp down on police inefficiency and custody breaks.

"We have found the overall standard of discipline among Gauteng police to be unacceptable low. Station commanders need to sort out the problem," Maharaj said.

"In the past strict but caring approach was taken. But the focus has shifted too much on to caring and not enough on to discipline," Maharaj said. Senior police officials would be required to do after-hours duties to ensure proper cell visits were done. Drunkenness on duty would no longer be tolerated.

Detective heads would be asked to re-evaluate the availability of detectives at night and at weekends to attend to serious cases.

Duarte said: "Every single station commissioner is to make sure the message gets out: that policemen have to do their jobs."

Duarte stressed action would be taken on codes concerning the care of in-custody prisoners: cell door and gate lock would be repaired and upgradable if necessary; the entry of visitors would be limited and visitors would be searched.

"We can only change negative perceptions of the police if we change the facts," Duarte said. — Own Correspondent

‘MORAL BELIEFS CONFUSED’

SA’s ‘violent culture’ blamed for crime

PRETORIA: Society’s decaying moral fibre is to blame for the soaring crime — and it is not a problem the government can address, says Justice Minister Dullah Omar.

"TERRIBLE" culture of violence and a breakdown of the moral fibre in South Africa could be blamed for a large percentage of crime, Justice Minister Mr Dullah Omar said yesterday.

This was evident from the high rate of domestic violence, he said. "This is not something the government can address, it is a social problem," Omar said during a panel discussion in Pretoria at the launch of a book outlining measures to protect oneself against crime.

To curb crime effectively, he said, the country needed a total strategy. This should include developing a culture of respect for life.

The death penalty was not the correct way to do this, Omar said. Capital punishment was not a deterrent to crime.

"I know there is a big demand for the reinstatement of the death penalty. But there is no way in which this government will question the judgment of the Constitutional Court. There are too many implications," Omar said.

O’Sullivan said a large section of the community were becoming criminals themselves by skipping red robots, parking illegally and speeding.

"The benchmark of an acceptable level of conduct has changed," he said. "We have to bring civilisation back to society."

Duarte said many criminals walked free because the government was unable to "turn around" the police, correctional services, and the courts.

Many individuals in these institutions were still clinging to old practices.

"We have let go of our anchor," Duarte said. "Our moral beliefs have become confused."

She said many people, for example, bought stolen goods without asking: "Whose blood are you buying?"

The business community also faced a moral dilemma, Duarte said. It had no official code of conduct and highly paid senior executives were not accountable to the public, hence the high rate of fraud.

Businesses should publicise the names of senior people convicted of economic crimes, she said.

Also, officials earning more than a certain amount of money should be subject to public scrutiny.

"I would like to explore that possibility through Business Against Crime," Duarte told the panelists.

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Duarte said many criminals walked free because the government was unable to "turn around" the police, correctional services, and the courts.

Many individuals in these institutions were still clinging to old practices.

Members of the public had to question such practices, Duarte said.

Another problem cited was South Africans' high tolerance of crime. Many criminals walked free because members of the public did not report the crimes, or declined to testify.

"We can no longer afford to be dispassionate onlookers," Duarte said.

Omar said the police and the courts were achieving some degree of success. The reason the courts were so overloaded, he said, was that police were arresting more people than before.

Also, the large number of people awaiting trial in prison was an indication that courts were increasingly refusing bail.

Asked if the police were on top of crime, Assistant Commissioner Frank Alton said: "We like to think we are getting there."

He said the police needed the help of communities.

"There are two things needed for any crime — a person with a criminal predisposition and an opportunity to commit a crime," he said, adding that if people were more proactive they could eliminate the opportunity factor.

O’Sullivan said the community policing forums were starting to have an impact on crime.

"Every member of the South African society is a victim of crime to a lesser or greater extent," he said. "Therefore, all people need to participate in combating crime."

The book, Safe, Secure and Streetwise, advises people how to secure their homes and themselves, while driving, walking, on holiday, and in the workplace.

It also contains chapters on family violence, consumer fraud, and self-defence skills.

The book was produced by Reader’s Digest. It is issued with a free booklet for children, teaching them to be more aware of crime.

— Sapa
Duarte's plan met with scepticism

Belinda Anderson

THE private sector responded yesterday with scepticism to Gauteng safety and security MEC Jessie Duarte's call for the earnings of top executives to be open to public scrutiny in a bid to reduce white collar crime.

She proposed a code of conduct for the private sector requiring top earners to disclose their financial records.

Council of SA Banks spokesman Lincoln Mali said Duarte should be supported in her efforts to combat business-related crime. However, he said her focus on the private sector was "inappropriate" given that shareholders', rather than taxpayers', money was at stake.

"Our policy is not to disclose our top people's earnings," said a Standard Bank spokesman.

First National Bank's Mick Ellingham declined to comment, calling the issue "tricky". Anglo American and De Beers also declined to comment.

15/11/98  Comment: Page 7
Rural crime wave claims more victims

Young cop, farmer join growing death toll

MZILIKAZI WA AFRIKA

A POLICEMAN who was killed during a six-hour gun battle with robbers on a Mpumalanga farm on Friday, and his partner who was seriously injured, had forgotten to put on their bullet-proof vests.

Sergeant Lebaphokollong Zondo, 28, was fatally shot in the head and back as he and eight other policemen tried to apprehend armed robbers who had murdered Balfour farmer Daantjie van Vuuren on his farm Wilgerspoort earlier on Friday.

Zondo's partner Gilmia Masangane, 31, was shot in the upper chest and is recovering in hospital.

Three robbers were also shot dead in the shoot-out.

Witnesses said four heavily armed men burst into Van Vuuren's house at 7.30am.

They shot Van Vuuren once in the back of the head and stabbed his girlfriend, Tienie van Zyl, 32, on the right side of her head and left upper arm.

A bleeding Van Zyl and her 89-year-old mother, Johanna Pieterse, were tied up with telephone cord.

A labourer who heard the shooting summoned help from passing farmer Nico de Wet.

Neighbouring farmers and about 20 labourers rallied to the defence of Van Vuuren. They allegedly killed the first attacker before police arrived and managed to arrest another as he tried to flee the scene with R1 900.

Masangane said from his hospital bed yesterday that none of the policemen who rushed to the scene were wearing their bullet-proof jackets as "we left in such a hurry that we all forgot them at the station."

"When we arrived surrounding farmers already had the gang pinned down in some long grass and were shooting it out with them," he said.

"One of the suspects was already dead. It was a war zone. Hundreds of bullets were flying all over the place."

"As we jumped out of our vehicles, a volley from the gang caught Zondo and me. He died and I was hit in my arm and back," said Masangane.

Investigating officer Captain Danie Hall said that a group of unarmed farm labourers arrested the fourth suspect that evening.

Police arrested a second suspect, who allegedly drove the get-away car, during a raid on a house in Katlehong on the East Rand early yesterday.

Both men are due to appear in the Balfour magistrate's court tomorrow.

Zondo's brother, George Zondo, 30, said he was sure the attacks were not purely criminally motivated.

He warned of a community backlash if the "political planners" were found.

"We're all still numb from shock but anger is rising. Don't these people know that everyone wearing a blue uniform also has a family and loved ones," he said. "He said his brother, who hadn't yet formally married, would be buried at Balfour cemetery on Saturday.

Zondo is survived by two sons, Thabo, 7 and Sechaba, 2.

De Wet, the unsung hero of the day, who alerted the Balfour police and sent a general alarm to the farmers was not available for comment.
Not just order but democracy threatened

COMMENT & ANALYSIS

new democratic order's virtue is seen in freedom, not in the government's embrace of authoritarianism. The mantra of "government must show its muscle on the job of preventing the collapse of the unity that is needed to maintain a functioning society."

In this light, the legal basis for actions taken by governments to prevent the collapse of the unity that is needed to maintain a functioning society is questionable. The idea of a government's embrace of authoritarianism as a means to maintain a functioning society is problematic. The government's embrace of authoritarianism may lead to the collapse of the unity that is needed to maintain a functioning society.
Crime rate is dropping steadily but not in Johannesburg.

By Robert Brand

Perceptions about crime are out of tune with the actual crime rate, which has been dropping steadily over the past four years, latest police statistics show.

The figures, confirmed by independent criminologists, show that most forms of serious crime — including murder, assault, armed robbery and car hijacking — have decreased significantly per capita since 1994.

Violent crimes that have increased are rape and indecent assault. This, criminologists say, is partly because reporting of these crimes has improved.

"The public perception is wrong," said University of South Africa criminologist Professor Beaty Naudé. "Crime is not really as high as they think."

But Naudé and other criminologists cautioned that while the overall crime rate is dropping, the rate in a number of specific areas — including Johannesburg — is increasing. And the rate of violent crime remains unacceptably high.

The rate of murder per 100,000 of the population dropped from 48.8 in the first nine months of 1994 to 41 in the corresponding period last year; armed robbery fell from 116.1 to 116.8; theft of motor vehicles dropped from 182.2 to 172.2; and bank robberies from 1.2 to 0.8.

John Kane-Berman of the South African Institute for Race Relations, which collated the statistics, said the drop in the crime rate did not mean that the criminal justice system was winning the battle against criminals and crime.

"We need a much more dramatic decrease, particularly in terrifying, violent crimes, before people will feel safe again."

Report and graphics... Page 19
Crime 'not as bad' as public perceives

"The public's perception about crime is wrong," says University of SA criminologist Professor Beatty Naudé.

"Crime is not really as high as people think," he said yesterday in response to the latest, independently confirmed crime statistics from the police.

It indicates that most forms of serious crime have decreased significantly per capita since 1994. The exceptions are rape and indecent assault. And this, criminologists say, is partly because reporting of these crimes has improved.

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See page 6
OVERALL DECREASE IN INCIDENTS

Prophets of doom get crime figures wrong

VIOLENT CRIME ATTRAITS media attention, and it is this publicity, rather than a real increase in the level of crime, which has filled South Africans with gloom, experts say.

The common perception that South Africa's crime rate is spiralling out of control is out of touch with reality, statistics suggest.

"In fact, almost every category of crime, including violent crime, has decreased since 1994. If anything, the crime rate is spiralling downward in an ever-tightening circle. People get angry when you say it," says University of South Africa (Unisa) criminologist Professor Beaty Naude. "But the public perception about crime is wrong. Crime is not really as high as people think."

Figures released this month by the South African Institute of Race Relations (SAIRR) tell the story. With the notable exceptions of rape, indecent assault, common robbery and burglary of residential premises, every category of crime has been on the decrease since at least 1994.

The per-capita murder rate is down 16%; robbery with aggravating circumstances 25.3%; theft of motor vehicles 10.4%; theft from motor vehicles 10.8%; car hijacking 1.7%; and bank robberies 33.8%. The list goes on.

The total number of crimes reported in South Africa from January to September 1994 was 1,476,811. This figure increased to 1,517,207 in the corresponding period last year.

But taking into account the population increase, this represents a per-capita decrease in all crimes of about 2%.

Says Mr Azhar Cachalia, the secretary for safety and security: "Existing government information has indicated that there has been a consistent reduction in the level of crime in the country over the past two years."

"South Africa's overall crime rate does not compare badly with Western countries. The rate of all crimes reported per 100,000 of the population is about 5,700, compared with an average of 5,000 in all Western countries, says Pretoria criminologist Mr. Demet Takoulas."

But this statistic disguises two important facts: the rate of violent crime in South Africa is much higher than that in Western countries, and crime in South Africa is area-specific, meaning that while the overall crime rate may be low, the rate in certain areas is much higher than the average.

Key areas with an inordinately high crime rate include metropolitan Johannesburg and Cape Town, and rural Kwazulu-Natal, Takoulas says.

Mr. John Kae-Berman, head of the SAIRR, which collated the statistics showing the downward trend, says the perception that crime is out of control has more to do with the state of the criminal justice system as a whole than with the incidence of crime.

"There is a widespread belief that the take-off of crime is a post-1994 phenomenon."

"That is not true, it was long before that. More importantly, there has been a steady decline since 1989 in the rate of conviction. It is less a question of crime being out of control than that the criminal justice system is less effective in getting and keeping behind bars the people they catch and convict."

Cachalia agrees: "Although crime levels appear to be on the decline, they are still unacceptably high. Our main focus this year is to reduce levels of especially violent crime, and to build and broaden our anti-corruption initiatives."

"I am convinced that in the long term these efforts will restore people's feeling of safety and security."

Says Cachalia: "Media reports are incident-driven, consistently focusing on incidents of crime, especially high-profile, violent crime. Since reporting is often sensationalised, this contributes to a sense of fear, causing people to feel angry, frustrated and unable to control their lives."

Takoulas agrees: "The incidence of (media) reporting on crime is undoubtedly higher now than three, four years ago, and that is definitely a factor in the perception of the public."

Anyone who doubts this should think briefly about the phenomenon of prison escapes. Ask anyone in the street, and they will tell you our prisons are leaking and it is getting worse.

You cannot blame them, because the media, encouraged by a number of high-profile prison breaks, has consistently focused on escape stories in the past few months.

Yet the opposite to this perception is true. Our prisons are much better now at keeping inmates inside than they were during the iron rule of apartheid.

In 1997, 937 prisoners out of a prison population of about 140,000 escaped. But in 1974, 2,339 prisoners out of a prison population of 94,000 escaped.

This represents a significant decrease (though it excludes escapes of awaiting-trial prisoners from police cells, which certainly seem to have increased). - Staff Writer, Own Correspondent
US takes dim view of mob justice in SA

Pagad singled out in report

RICH HOKHONDO

Washington - The US government praised South Africa's transition to democracy, but said there were still problems with vigilante and mob justice, as embodied by People against Gangsterism and Drugs (Pagad) in Cape Town.

In its 1997 Report on Human Rights Practices in 193 countries, the US State Department said the South African Government had consolidated its democratic institutions and respected the human rights of its citizens.

"South Africa's governing institutions and society continued to consolidate the democratic transformation initiated by the historic 1994 election. There are no official restrictions on academic freedom. The constitution provides for freedom of peaceful assembly and association and freedom of religion, and the government respects this right in practice," said the report, which devotes 24 pages to South Africa.

"The Government generally respects the human rights of its citizens, and the laws and newly independent judiciary provides effective means of dealing individual abuses. However, problems remained in several areas in 1997. Some members of the security forces committed human rights abuses. Deaths in police custody and as a result of excessive force remained a problem. Prisons are seriously overcrowded. The judiciary was overburdened, and lengthy delays in trials were a problem. Discrimination against women and the disabled continued. Violence against women and children remained a serious problem. Vigilante action and mob justice was also a source of concern. "Pagad continued to engage in acts of intimidation and violence against suspected drug dealers and gang leaders," the report said.

Among the concerns raised was the fact that more than 60% of the black population was either unemployed, underemployed or working in the informal sector.

"Several laws permit the government to restrict publication of information about the police, national defence forces, prisons and mental institutions. While these laws are not often employed, they remain a genuine threat to freedom of the press," the report said.
Sea Point residents angry over ‘You-Live-Heels’ riots

The budget blocks from hell

A view of the scene at the Sea Point police station. (Photo: Jonathan Schofield)
Why Kahn can't cop out of job

THE BIG ISSUE
is showing progress
Intensive crime plan
Aug 30/98
Corruption ranked the biggest threat to business

WASHINGTON — Corruption has been ranked as the biggest threat to business over the past decade, according to a report by the Business Anti-Corruption Initiative (BACI). The report, released last year, surveyed 1,200 business leaders in 12 countries and found that corruption is one of the biggest challenges facing businesses worldwide.

The BACI report highlights the impact of corruption on business operations, including increased costs, reduced efficiency, and decreased competitiveness. It also notes that corruption undermines trust in institutions and can lead to financial losses and reputational damage.

Corruption is not limited to developing countries; it is a global problem that affects businesses of all sizes and industries. The report calls for increased transparency and accountability in government and business to combat corruption.

Experts agree that tackling corruption requires a multi-faceted approach, including legal reforms, strengthened enforcement, and public awareness campaigns. They also recommend strengthening anti-corruption mechanisms, such as anti-graft agencies, and increasing penalties for corruption.

The BACI report recommends that businesses develop robust anti-corruption policies and practices, and that they work with governments and other stakeholders to promote transparency and accountability.

In conclusion, the BACI report highlights the urgent need for global action to combat corruption and protect businesses from its negative impacts. It calls for a collaborative effort between governments, businesses, and civil society to create a more transparent and accountable global economy.

Source: Business Anti-Corruption Initiative (BACI)
Kahn upbeat on fight against crime

CAPE TOWN — SA had the potential to become, within three to five years, one of the safest countries in the world as far as crime was concerned, police service CEO Meyer Kahn said yesterday.

Briefing the media and MPs on the National Crime Prevention Strategy, he said this would be the result of efforts being put into the fight against crime.

There could be no end to the effort needed to bring crime down to acceptable international levels; fighting crime was a process which did not have an end.

However, he believed that within three to five years, SA could be ranked among the safest countries in the world.

The crime situation had stopped worsening and statistics showed that with the exception of rape, serious crime levels were beginning to drop. "We are turning the corner," he said.

The new system of crime pattern analyses had played a major role in crime prevention.

Kahn said the police service had the dedication, ability and skill to beat criminals.

National police commissioner George Fivaz told reporters the police service was moving in the right direction as far as setting up and utilising its crime intelligence network was concerned, but it was a long process which could not be accomplished overnight.

Crime intelligence had resulted in police making breakthroughs and arrests in many serious crimes. Armed robberies, including heists and vehicle hijackings, had dropped dramatically over the past two years by more than 50%. — Sapa.
Heath probe has exposed ‘only the tip of the iceberg’

Kevin O'Grady

THE special investigating unit established to root out corruption, fraud and maladministration involving state assets and public money had uncovered 834 cases involving R9.17bn, its head, Judge Willem Heath, said yesterday.

"Many of the cases had been fully investigated and the unit was "ready to prove them and get orders issued for the funds to be repaid."

Heath told a meeting of the British Chamber of Business in Southern Africa that corruption was rife in SA.

"You don't know the extent of it, the politicians don't know and we have only just started to discover the extent of it. What we have uncovered is just the tip of the iceberg."

Heath said the theft of government cheques was a major problem. "In any government department you can pick up as many cheques as you want. There is no control," he said. Other types of irregularities included nepotism, bribery and corruption and corruption in feeding schemes.

Investigations in which funds had been recovered or were in the process of being recovered, included:

- About 10 000 cases of housing subsidy fraud in the Northern Province each of about R15 000;
- A number of cases in the former Ciskei in which government officials and politicians sold state-owned farms to themselves for as little as R7 000 and resold them for as much as R750 000;
- Sixteen cases in which district surgeons wrongly enriched themselves by claiming to have driven up to 200 000km a year and seen more than 1 000 patients a day; and
- More than 100 Tramkei schools had yet to receive furniture for which payment had been claimed from the provincial government by suppliers.

Heath said that if it was not for budget constraints and the resulting staff shortages, irregularities uncovered by the unit "would have been much, much more than that."
Perceptions of Crime not backed by fact
Three cops expelled as crime grips Parliament

HENRY LUDSKI

THREE policemen have been booted out of Parliament after being linked to the theft of computers worth tens of thousands of rands.

One, a sergeant attached to the National Protection Services, has signed a written confession implicating two of his colleagues in the crimes last year.

A Western Cape police spokesman this week confirmed that the three policemen had been transferred to duties at ministerial complexes in Rondebosch, Cape Town, pending a decision by the Cape Attorney General, Frank Kahn, on whether to prosecute.

Crime in Parliament dropped during the end-of-year recess, encouraging police and officials to believe the problem was under control. But thieves have struck with a vengeance this year.

• On January 28, thieves broke into the car of a policeman attached to the VIP protection unit metres away from the presidential parking area.

• On February 3, a cellphone was stolen from Tshwane, the President's office, and four incidents of theft and vandalism were reported to the police.

• On Tuesday, an expensive CD-shuttle system was stolen from the car of a National Council of Provinces member, Mohammed Bhabha, while it was parked in Parliament's garage on Staple.;

• A few hours later, while veteran politician Dave Dalling was in the National Assembly, a thief stole a cellphone out of his briefcase in his office.

• On the same day, a policeman smashed an entrance door to Parliament off its hinges; and

• EFF National Council of Provinces member Geoffrey Bengu arrived back in Cape Town for the opening of Parliament to find someone had broken into his car, parked at Staple.;

The superintendent of Parliament Buildings, Themba Nkosi, confirmed on Friday that a staff member, Ferdinand Julies, had been dismissed this week after being found guilty of breaking and entering. He is the fourth parliamentary worker to be dismissed in the past year for a criminal offence.

Shocked MPs are now appealing to the Speaker of Parliament, Frere Ginwala, for greater protection.
NEIL LURSSEN
Washington Letter

AST year, 671 South Africans received notification from US Immigration authorities that they were among 55,000 people around the world whose entries in the annual Green Card lottery were unsuccessful.

This year, there is likely to be a similar result. Computers in the state of New Hampshire are selecting, at random, among the estimated seven-million people who entered during the mail-in period last November.

Successful ones will be notified by post in May or June, says officials of the US State Department. "Don't call us," they implore, "We'll call you."

They add that there will be yet another lottery sometime after August for those who did not make it this time. Announcements will appear in the press.

No regional or country breakdown is available at this stage for the latest lottery, known as DV-99 (the DV stands for diversity) because the cards will be issued in terms of the 1999 fiscal year.

But it is known that many South Africans of all races entered in the hope of a little plastic ID card which allows them to live and work permanently in America.

With Africa getting the lion's share of the 55,000 available cards — a total of 21,409 to be shared by all countries in Africa with no individual country allowed to receive more than 3,850 — there is a fair chance that about 700 or so South Africans will again receive letters from the US government later this year.

This letter will contain instructions on what to do if they want to complete the process of getting the cards. (It includes details of a health test, the provision of information about the applicant, the payment of visa fees and so forth.)

Obviously, for the 671 South Africans who did receive such letters last year, there were 671 different reasons for wanting to go to the enormous trouble and uncertainty of uprooting and moving to the other side of the planet and starting all over again. For a few it may simply be wanderlust — an irresistible urge to work and experience daily living in foreign countries and a treble dose of the impulse we all have to drive down a new highway every day.

That's understandable, and you can forget about doing it without a green card in America. The Immigration and Naturalization Service (INS) enforces the law thoroughly and very firmly.

For a tiny handful who come here, the reason for moving appears to be an attraction to their concept of America's glamorous lifestyle as portrayed in Hollywood movies and on TV. But this is often a perception which does not match reality. Life in America can be tough — especially on a modest income.

Some come to America because it gives them an opportunity to function at the very highest levels of their chosen field — whether it be science, medicine or computer technology.

South Africans have reached prominence in these other countries and other areas — a tremendous gain for America and a major loss for their homelands.

In California's Silicon Valley, home of the international computer industry, in leading hospitals and clinics, in university and commercial laboratories, you will hear South African accents — in some cases giving the orders.

In many cases, such people are awarded green cards on the basis of their special abilities and they do not have to depend on the lotteries.

But, judging from the stories that circulate in the South African expatriate community in North America, a large number seeks to come here out of fear — fear of violent crime and the inability of the police to control it, and fear of societal turmoil if efforts to close the white-black privilege gap results only in poverty for all.

One hears from recent white arrivals that, even while they agree affirmative action is necessary to correct the sins of apartheid, they left to find a new life because they found their own kids would have a difficult time of it in the future because of their race.

There is fear of an inevitable decline in health services and education standards as the rand is stretched as far as possible to provide for those who were deprived in the past.

But fear of rampant and violent crime does appear to be the prime reason for pulling up stakes and moving out. A recent social of multiracial South Africans here heard from one of those present how her elderly parents were brutally thrown to the ground and robbed at gunpoint in Johannesburg.

One of the most frightening aspects of the episode was that nobody seemed to find it especially surprising or out of the ordinary.

The police response when the victims went to the station the next day was that they should consider themselves lucky they were not killed.

Another at the same gathering told how her brother and her brother-in-law had been violently carjacked in Gauteng. Again, the victims were among the lucky ones — they were not killed.

Such accounts are common when South Africans get together, a depressing form of social glue which holds them in a shared sad experience and, perhaps, helps them feel a bit better about leaving when they know that the skills and resources they have brought to America are urgently needed back home.

Clearly, their expectations are not going to win them much sympathy at home — either from their peers, who are plodding along and dealing with the difficulties of change, or from those who point out that they were forced to live with crime and deprivation all their lives.

But it does show, equally clearly, that the cost of crime in South Africa is far more than just the value of stolen property or even the tragic loss of lives.

You can add the immeasurable loss of skills and knowledge from a country which needs all it can get.

Every time a criminal thugs commits an act of violence in South Africa, he is helping to drive away people who are desperately needed at home.
Graft inquiry recovers R10bn

Johannesburg — The Heath special investigating unit, which investigated government maladministration and corruption, had recovered R10 billion from fraudulent schemes, Judge Willem Heath said yesterday.

An additional R8 billion of corruption and maladministration was still under investigation, but this was “just the tip of the iceberg”, he told members attending a British Chamber of Commerce in Southern Africa lunch.

Heath stressed that the seeds of a large proportion of the corruption and maladministration had been planted during the reign of the National Party before 1994 and had continued to grow under the new government.

The unit was investigating cases stretching back to 1976, chosen as the cut-off year because that was when the Transkei received its independence, and the pattern of corruption was unchanged over the years.

Of special concern was corruption in apartheid’s former homelands, which had left a criminal legacy which was still flourishing under the guidance of sophisticated syndicates.

His unit had established 400 categories of graft in the former Transkei. This made up part of the 798 categories identified in the Eastern Cape which accounted for more than R3 billion in graft. Another 18 had been identified for KwaZulu-Natal, worth more than R12 million; 11 in Northern Province (R5 billion); three in the Northern Cape (R17 million); two in Gauteng (R40 million); 11 in Mpuulanga (R322 million); and one in the Western Cape (R4 million).

He said his unit regarded maladministration in the same light as corruption and officials who were grossly negligent in their duties were as liable as those helping syndicates.

He believed his unit had produced a success story in the battle against government corruption because it was not only uncovering graft, but was also recovering the proceeds of corruption. “Our success isn’t because we arrest people; the effectiveness is that the government is getting back a small percentage of what we are losing,” he said.
Morkel puts his faith in Madam

COMMUNITY SAFETY MEC Gerald Morkel told the Cape Times/MTN Breakfast Club yesterday of his “personal support” for crime prevention and his faith in the new anti-crime initiative Madam (Multi Agency Delivery Action Mechanism).

"I am assured of my personal support to prevent crime and make this province a safe place to live in," Morkel said.

The meeting, at the Cape Sun Inter-Continental Hotel, focused on crime and business.

Morkel's fellow-speaker was the past-president of the South African Chamber of Commerce, Mr Philip Krawitz, who discussed crime from a business perspective.

Morkel was appointed Western Cape MEC of the Police Service in April last year and last month was re-appointed MEC of Community Safety.

He is leader of the Provincial Legislature and deputy premier.

Krawitz is chief executive of the Cape Union Mart group of companies.

Morkel said that, according to surveys, commercial crime had increased from 20% in 1994 to 53% in 1996.

However, he was confident that several initiatives combating crime in the Western Cape would solve the problem.

Madam was the new crimefighter in Cape Town, Morkel said.

Established earlier this month, it was expected to bring crime under control in the beleaguered Cape Flats.

"I believe that Madam will sweep the floor clean of crime," Morkel said.

He urged business people to support Madam by becoming involved in anti-crime projects.

During his speech, Krawitz handed over a cheque of R6 300 to Mr Mike Thompson of Business Against Crime.

This was followed by a spontaneous donation of R20 000 to BAC by Mr Peter During of MTN.
Organised crime big threat

willem steenkamp
security writer

organised crime now posed "the biggest threat to democracy in south africa", police commissioner george fivaz said yesterday.

speaking in the city, at one of a week-long series of presentations on the national crime prevention strategy (ncps), he said that under ncps the policing priorities were illegal firearms, organised crime, crimes against women and children, corruption in the criminal justice system and crime prevention.

the ncps, in essence, involves a multi-agency approach to fighting crime, including partnerships between the state and organs of civil society.

of the priority crimes, organised crime was "the biggest threat to democracy in south africa".

however, fivaz said, there were numerous programmes within the framework of the ncps to deal with organised crime. these included the possibility of special legislation and special courts to deal with organised crime trials, working in conjunction with departments such as home affairs and the receiver of revenue, and co-operating with southern african development community (sadc) countries in crime-busting operations.

corruption in the criminal justice system, fivaz said, was also "a real threat against democracy," but "fortunately" the entire system was not compromised and there were many honest officials within it.

he later pointed out that, with about one million case docket in circulation countrywide on any given day, "it is very easy to steal a case docket, and it is very easy to misplace a case docket".

however, an ncps-related project already existed to combat this problem.

south africa had "the highest rape rate in the world and we are probably very high up on the list of crimes against children," said fivaz, who linked the prevention of such crimes to one of the ncps' stated aims, that of changing public values and norms regarding crime.

saps chief executive mr meyer kahn said the two-year-old ncps was starting to bear fruit, and crime with the exception of rape had decreased or "stopped deteriorating".

Farmers safer as Mandela plan kicks in

Rural protection plan ordered by president credited with reducing number of incidents and arrest of suspects

BY RYAN CRISWELL

Steps taken to counter the brutal attacks on farmers have drastically reduced the number of incidents and resulted in the arrest of a large number of suspects.

In Mpumalanga, Northern Province, the Free State and KwaZulu Natal – which last year bore the brunt of attacks – strong action has cut the number of attacks down from 15 in December alone, to just four so far this year.

Farmers say the Rural Protection Plan, ordered by President Mandela during the height of the attacks late last year, had made a "tremendous difference." The plan is a "triangle concept" linking farmers, the army and police in a certain area.

Farmers, police and army officers agree that attacks have abated and many more arrests are being made.

In Mpumalanga there were about 10 attacks during the violent six-week crime spree last year but, in the past month or so, there have been only two attacks. And four alleged attackers were shot and four others arrested.

Gawie Hugo, who farms near Ermelo, told The Star that things were "definitely better" since the plan got under way.

"Communication is our biggest help, the radios keep us in touch. The reaction time from our neighbours also seems to be faster now," he said.

Hugo was one of the farmers who took his gun and went into a neighbour’s maize fields last week after hearing a panic button go off. One suspect was killed and another arrested after the farming community and police combed the area for hours.

Hugo said farming communities felt more secure now. At one stage there was talk that the attacks were politically motivated but now most farmers agreed robbery was the motive because some of the attackers always seemed to be connected to the farm concerned and knew the layout of the area.

Captain Izak van Zyl of the Mpumalanga police said there had been quick arrests in two recent attacks and the Rural Protection Plan had played a part in both cases.

"Farmers and local commandos mobilised within minutes. If they keep on communicating on their radios, things will get even better. We must not give up," he said. Several operations with police and soldiers in the past month had resulted in 1277 arrests, he said.

Colonel Gerhard Botha of Eastern Transvaal Command said commandos in the farming areas had played a big part in the success of the plan. They were aided by the "explore system", where community members gather intelligence which they pass on to commandos.

Northern Province provincial secretary Saul Kachalia said there had not been a farm attack in the province since December, adding: "It just shows what can happen if people pull together."
Criminal-friendly SA a money-laundering haven

BY DEREK ROONEY
Crime Reporter

South Africa is fast becoming an international money-laundering haven as lawmakers continue dragging their feet on legislation to close loopholes in the country’s criminal-friendly financial system.

Money-laundering has become one of the fastest-growing crimes worldwide, attracting everyone from drug barons and Third World despots to errant husbands and crooked accountants.

International experts estimate up to $500 billion (R5,45-trillion) in dirty money is hidden offshore around the world, and barely a tenth of it is ever recovered.

Simply put, money-laundering entails filtering money (gained through crime) through channels in the financial system to a point where it has the appearance of being legally earned. Money-launderers use many ways to funnel illicit cash into the system. The “starburst” is very popular.

A starburst is when a large sum of money, usually a few million rand, is split into dozens of smaller amounts which are deposited or used for purchases before being consolidated later.

Offshore banking is growing at a phenomenal rate, from established centres like the Cayman Islands and Bermuda to tiny Pacific islands and southern Africa, and tax regulation is encouraging the money-laundering boom.

Estimates of how much ill-gotten cash is filtered through SA’s sophisticated financial system are difficult, as the mechanisms to monitor it are not yet in place.

Some estimates put the amount laundered through the region at R1-billion annually.

Already there are signs that organised crime cartels such as the Russian and East European Mafia, Japanese Yakuza and Chinese Triads are laundering illegal cash through real-estate deals in the Western Cape.

The Department of Finance has been scrutinising suggestions made by the Law Commission since February last year, but according to department spokeswoman Jennifer Wilson the new bill will not be presented to the first session of Parliament.

Current legislation, such as the Proceeds of Crime Act, makes money-laundering a criminal offence and provides for a limited duty on financial institutions and businesses to report “suspicious” transactions to the police’s Commercial Crime units.

The new bill should make provision for a hi-tech, independent financial intelligence centre (FIC) to handle reports from the business sector. The FIC will in turn report to a statutory money-laundering policy board representing all relevant institutions.

A major stumbling block to creating the FIC is whether the departments of finance or of justice will administer it.

National commercial crime commander Assistant Commissioner Louis Esterhuizen believes cases reported by financial institutions to the police are not even the tip of the iceberg.

Esterhuizen said police received 140 reports from May to December last year. Of these, 114 were opened and 26 closed for lack of evidence.

“One of our proposals makes provision for a police representa-tive to sit at the FIC, so queries can be channelled from the centre directly to the commercial crime unit for investigation,” he said.

But limited resources and a drain of experienced investigators to the private sector has seen pending commercial crime and Office for Serious Economic Offences investigations quadruple to R15-billion last year, placing tremendous strain on specialists tackling intricate investigations.

The commission made proposals on sophisticated technology the FIC will need to analyse and detect cyber crime.

It also suggested that the Reserve Bank, whose exchange-control arm may soon fall away, could form the nucleus of FIC staff.

Uranga Mcrystal, chairman of the Johannesburg Money Laundering Forum, said the expertise and technology for intricate long-term money-laundering investigations is lacking in the police, who are tasked with investigating this crime in the absence of the FIC.

“There are simply too few resources and trained personnel in the police to handle these investigations,” she said.

While the industry awaits the introduction of new legislation, Mcrystal argues there are already loopholes in the existing Proceeds of Crime Act.

One looming problem is a proposal regarding the new Open Democracy Bill, whereby investigators or institutions cannot go into a person’s account without informing them first.

“If this becomes law, then what’s the point? The last thing you want to do is give a guy a heads up long before you’ve even got close to him,” Mcrystal said.
Kahn upbeat in the fight against crime

In three to five years SA could be one of the safest countries, says police chief: adding ‘you ain’t seen nothing yet’

SOUTH AFRICA IS MAKING HEADWAY IN THE FIGHT AGAINST CRIME, police services chief executive officer Meyer Kahn said yesterday. "We are turning the corner," he said, briefing the media and MPs on the National Crime Prevention Strategy (NCPS).

Within three to five years, South Africa could become one of the safest countries in the world, he said, vowing he would quit his job in June if he had not made significant progress in "winning the streets back from crime".

Referring to "damaging and gruesome" cases of crime against tourists as well as armed robberies, including highway heists, Kahn said the police had an excellent record of arrests "and you ain’t seen nothing yet".

The crime situation had stopped deteriorating and statistics showed that with the exception of rape, serious crime levels were beginning to drop.

The new system of crime-pattern analyses had played a major role in crime prevention.

Kahn said the police service had the dedication, ability and skill to beat criminals.

Police commissioner George Fivaz told the briefing that the police service was moving in the right direction as far as setting up and utilising its crime intelligence network was concerned, but it was a long process which could not be completed overnight.

Crime intelligence had resulted in police making breakthroughs and arrests in many serious crimes.

Armed robberies, including heists and vehicle hijackings, had dropped over the past two years by more than 50%.

Although there were still some teething problems with certain aspects of the NCPS, the service now had a well-structured approach to take the crime level is getting better."

Fivaz said crime was not only a policing problem but society’s as well.

The emphasis would have to be on education, planning the right environment to prevent crime, and increasing community involvement through mechanisms such as police/community forums.

"Crime is a social problem – society must accept a role in fighting crime," the commissioner said.

He added that the automated fingerprint identification system, which would eventually replace the manual searching of fingerprint records, would speed up the judicial process, including the provision of dockets to the courts.

It would also assist with national and international intelligence functions.

Kahn did not think the base salaries for junior police officers – close to R50 000 a year with medical aid – was out of keeping with what South Africans earned at a young age.

However, he would like to see an incentive system, with "good policeman and women" earning double this amount. Steps had already been taken to assess performance.

While there had been much focus on corruption, what was important was that the police were rooting out corrupt elements, he added.

Serious crime levels beginning to drop

strategy forward, Fivaz said.

Referring to the co-ordination of the departments of safety and security, justice, correctional services and defence in the fight against crime, Kahn said the NCPS was working well. "Co-operation is good … but changing the soul of the nation is not going to be achieved overnight."

Kahn said he agreed the public perception was that crime was at unacceptable levels.

"I don't think anyone disagrees. Anyone who sees differently is being naive, but it
Call for Special Inquiry into Heists

By Donald Pressley

Police Commission

Debate in Parliament raises the question of a link between cash-in-transit robberies and party funding.
Call for special inquiry into heists
EDITION
THE STAR

DEPARTMENT

Top-level backing for Kahn’s approach

Please, for his bullish statements and willingness to put himself on the line over crime.

Interim Commissioner George F. Peterson, former director of business affairs, told this newspaper that Kahn’s approach is nothing but a series of “one-size-fits-all” solutions.

Kahn, who currently serves as interim commissioner of public safety, has proposed a series of policies aimed at reducing crime, including increased police presence and the use of technology to track and deter criminal activity.

Peterson, who has been with the city for over 25 years, said that Kahn’s approach lacks the necessary collaboration and coordination with local communities and law enforcement agencies.

“I think Kahn is well intentioned, but his approach is too simplistic and doesn’t address the underlying issues,” Peterson said.

The police department and other city agencies have expressed concerns about the impact of Kahn’s proposed policies, particularly around the use of technology.

“Technology can be a powerful tool, but it needs to be used responsibly and with a clear understanding of its limitations,” Peterson said.

Kahn, who has been with the city for nearly two decades, said that he is committed to working with the community and other stakeholders to develop a comprehensive approach to reducing crime.

“I understand that there are concerns, but I believe that my approach will be effective in the long term,” Kahn said.

The city council is scheduled to vote on Kahn’s proposal next month.

“While it’s important to listen to concerns, I believe that we have a responsibility to act on this issue,” said Councilmember Jane Smith. "Kahn’s approach is bold and necessary."
Crime victims have rights too

More sensitive policing and witness-friendly courses are on the cards.
Organised crime targets SA

Serious crime figures are down but much remains to be done

By Joe Mdlolola and Thembale Molefe

The advent of democracy in 1994 brought with it great expectations, including the hope that South Africa would become a prosperous and crime-free country.

However, the expected Eldorado did not come about. Instead, to ordinary people in the cities, townships, villages and informal settlements, crime is perceived to be on the increase.

Lawmakers and law enforcers, on the other hand, argue differently. The latest South African Police Service quarterly report shows that serious crime has declined between 1994 and 1997 – with the exception of rape.

"Ten of the 20 categories of crime (accounting for 42.9 percent of the total volume of serious crime) are stabilising, while only rape is on the increase," according to the SAPS quarterly report.

In a joint interview this week, Sowetan spoke exclusively to Safety and Security Minister Sydney Mufamadi and Police Commissioner George Fivaz.

On the perception that crime was on the rise, Fivaz said: "The fight against crime has two legs: the first leg is to fight crime itself, the second leg involves removing the fear from the minds of our people perceptions about crime.

"We have statistics to prove that the crime rate is coming down in South Africa. The problem we have is that perceptions which I believe are being fuelled by sinister forces which say crime is not coming down.

"Whether it is coming down fast enough is another matter. The media can play a role in convincing people that crime is coming down (by using scientifically researched data)."

"We are not dealing with a magic wand. It is not going to disappear overnight."

Mufamadi said: "We are a country in transition, and transitions of any kind have a rise in the level of crime. I in the past people had all sorts of reasons not to report crime, today people are increasingly reporting incidents of crime.

"We don't have to pretend every incident is not taken account of. The task therefore is to reduce the dark (unreported) figure of crime."

On why it was important to keep accurate and reliable statistics, Mufamadi said: "With this information we are able to plan strategies to deal with crime.

"If rape continues to be on the increase, we must ask ourselves: Do you put more detectives on the job of tracing people who are stealing cars or do we make sure we have more detectives with the requisite skills to combat rape? Our detectives need to be more focused."

On claims that crime figures were being distorted, Mufamadi said: "There is a debate on whether we are distorting statistics in order to create the impression that we are in control of the situation.

"One of the things we did was to say: 'These reports will be released quarterly. But before we release them to the public, we send them to independent experts -- non-governmental organisations, criminologists, political analysts and academics."

"Anybody who says the report is questionable must provide alternative sources of information. It cannot just be a baseless refutation, with no basis at all.'"

On comments by opposition parties which discredit the police, Mufamadi said: "Opposition parties do not say anything about police breakthroughs. They cannot resist the temptation to criticise.

"Crime is supposed to be the Government's underbelly, and you stand a good chance of gaining a lot of votes in the coming election if you portray the police as weak."

"The behaviour by the opposition is counterproductive because the interests of our society are best served if the police are sufficiently motivated to continue with their good work."

"It is important sometimes to sacrifice the fight against crime on the altar of political competition."

On whether police are better equipped to deal with armed robbers involved in serious crimes, Mufamadi said: "Criminals behind the heists know police are now better organised than they were six or seven years ago.

"You just have to look at the way they respond to these incidents of crime. In some cases you hear about a robbery today; the next day the suspects have been rounded up. That is somewhat unprecedented."

"(And) it is not just the number of arrests police make but the quality of those arrests. When they arrest a chap involved in some crime in Ulundi, they are able to link that person to a number of crimes committed far away."

"It must tell you something about the quality of the arrests."

On translating arrests into convictions, Fivaz said: "We have identified more than 100 people involved in these heists."

"Why are they not arrested? When making an arrest in a democracy, you must be sure of your case. When we are convinced we have gathered enough evidence, we will go for that person.

"Most people on our wanted list will eventually be arrested as the net closes. We are insisting on quality arrests so that we will be in a position to object successfully to a bail application."

"On organised crime and how it destablises democracy, Mufamadi said: 'The single biggest threat facing the world is organised crime."

"It is in the nature of people who are involved in organised crime to seek to circumvent law enforcement mechanisms because you can't commit crime and survive if there are very strong mechanisms in the countries you are targeting."

"You don't have to circumvent them by bringing down governments. You achieve that by ensuring that within the organs of state you have friends. You have people who facilitate this illegal enterprise of yours.

"Organised criminals must be able to travel around the world under false identities. In South Africa they have contacts in the Ministry of Home Affairs ... who can issue false documents at a go."

"If dealing with stolen vehicles, they infiltrate the traffic department. This undermines good governance because the public must be able to rely on the structures of the state to protect their interests and those of the state."

"On the presence of a third force in crime-related incidents, Mufamadi said: 'Whether there is a third force is neither here nor there. The impact of corruption is that it defeats the ends of justice."

"Many officials in government and in state organs have been involved in varying degrees of self-enrichment practices that can best be described as corruption."

"It is those practices that make it easier for organised crime to operate easily in our country. It is something we have to address."

On police involvement in crime, Fivaz said: "Crime syndicates deliberately infiltrate the police service, and this undermines democracy."

Mufamadi said: "The world today has become a global village. For a long time South Africa was insulated because of apartheid. We are now integrated."

"Your legitimate businessperson sees an opportunity in South Africa, and so does a member of organised crime. Look at the people who appear in our courts today."

"A few years ago you would not dream of a Nigerian national or a Bulgarian national being taken to our courts. This must tell you that foreign criminals are active in South Africa."

"In the same way a legitimate businessperson will come to South Africa to look for a strategic equity partner, so do the criminals. They also seek alliances."

"It is clear we have become a target. We are not alone; it is a global phenomenon."
Claims of low crime disputed

Azapo rejects Kahn’s statement

By Saint Molakeng

The Azanian People’s Organisation (Azapo) has rejected claims by the South African Police Service chief executive officer Mr Meyer Kahn that serious crimes have declined in the country over the past two years.

Azapo media liaison officer Mr David Lebethe argued yesterday that Kahn was "committing sedition by suppressing the truth and misleading the nation".

Lebethe alleged that crime had been "on the rampage" and challenged Kahn to provide exact statistics to support his claims.

To show that the SAPS was committed to combating crime, the police had to "round up all those Parliamentarians who are and have been implicated in crime or corruption because there is no Government department that has had no taste of crime", Lebethe said.

Addressing a hearing of the portfolio committee on safety and security in Parliament on Tuesday, Kahn said that serious crimes, such as murder and armed robbery, had declined by an average of 15 percent.

He further boasted that within the next five years, South Africa could be among the top 20 crime-free countries in the world as a result of anti-crime programmes set up as part of the National Crime Prevention Strategy.

Lebethe said that Azapo was "appalled" that the Ministry of Finance had paid R1.6 million towards former president Mr PW Botha’s appearance before the Truth and Reconciliation Commission.

"It is also appalling that ex-president Mr FW de Klerk is being paid R549 000 despite having resigned from politics," Lebethe said.

"The Government is setting a bad precedent by funding the upkeep of the old-government, while our people are without jobs, live in squalor, and our children are fed gutter education."
Crime is declining  
- Khan

By Ido Lekota  
Political Reporter

CONTRARY to common belief, the number of serious crimes, including murder and armed robbery, had declined in the country, South African Police Service chief executive officer Mr Meyer Khan said in Parliament yesterday.

Addressing a hearing of the portfolio committee on safety and security, Khan said for the past two years there had been an average 15 percent decline in serious crimes, with the exception of rape.

Khan and national Police Commissioner George Fivaz were addressing the committee on the progress of the National Crime Prevention Strategy (NCPS) as part of the National Crime Prevention Week which started on Monday.

Khan said with the programmes put in place in terms of the NCPS, he believed that in four to five years South Africa would be among the top 20 of the world's safest countries.

Scientific statistics

Of the 190 countries of the world, South Africa was among only 70 that were capable of releasing reliable scientific statistics on crime — an important step towards understanding the nature and level of crime in the country, Khan said.

Fivaz said police would implement a R1-billion automatic fingerprint identification system to facilitate the effective tracing of suspects and the linking of such suspects with any other crimes.

The programme would be installed over a period of two years because of cost implications, he revealed.

Fivaz said the biggest challenge facing the implementation of the NCPS was crime syndicates. "Organised crime is a major challenge." This was compounded by transnational syndicates operating largely from the Southern African Development Community countries, he said.

Fivaz said the NCPS was a multi-pronged effort to reduce the levels of crime by involving various Government departments.
Hacking law on the horizon

SA lags behind UK, US in cracking down on hackers

Mooted 10 years ago, legislation to guard against computer crime in SA is only now under formal discussion. Meanwhile, businesses are powerless to act against hackers who are stealing information worth billions of rand every year. In SA the law offers no legal safeguards against these computer criminals.

Hackers are people who use their computer skills to tap into computers via telephone lines that link networked computers. The majority are amateurs, hobbyists who do it for fun. However, there is a growing minority of professionals who either destroy computers, steal credit card information, or engage in industrial espionage.

Unisa law professor Dana van der Merwe says incidents of hacking are on the rise. "The Internet is making it easier for more hackers to enter computers and steal information."

Some hackers use e-mail technology to obtain sensitive company information. Using the Internet, they are able to introduce software that will find, for example, details of a company’s financial standing. Once the information has been traced, it is bundled into an e-mail message and delivered electronically to whoever has ordered it. Data theft, by its nature, is difficult to detect. Good hackers are able to penetrate a system undetected and copy the information they want.

"Many people think computer crime is in the world of the tangible — it’s not," says Ian Melamed, head of Fraudnet, a company that investigates computer crime. "Hackers are able to steal information, yet leave you with it. They just make a copy."

Whether it’s strategic information or product formulas, it is vulnerable if it’s on a networked computer.

Victimised SA companies are publicity-shy because penetrable security doesn’t look good. According to a local survey conducted by Ernst & Young, nearly 72% of organisations polled suffered at least one information or hardware loss during 1995 and 1996. Almost 68% of these victims could not or would not estimate the amount of their losses. Of those that did, 78% estimated losing less than R250,000, 17% lost between R250,000 and R1m and 5% reported losses of R1m or more. The respondents cited viruses, internal malicious acts, external malicious acts and industrial espionage as causes of information loss.

For obvious reasons, computer criminals are not easy to pin down — especially by the understaffed, under-equipped and underskilled SA Police Service computer crime unit. Even if they are caught, there are plenty of holes in the legal net.

In the UK, the Computer Misuse Act allows computer crooks to be brought to book, says Van der Merwe. In the US, legislation exists that has put many hackers behind bars. "We at the Law Commission’s special project on computer crime will be able to draw heavily on existing legislation in countries like the US, UK and Germany to draw up our own recommendations."

SA’s laws don’t yet take into account the possibility of hackers or the effect they have on businesses and individuals, says Melamed. "Hackers make an illegal copy of data but they leave you with the information you had in the first place."

The only way to guard against hacking is to get computers to work for an organisation, says Melamed. "Computers are wonderful devices for committing computer fraud — they are also wonderful devices for detecting it."

Unauthorised access to computers doesn’t only take place from outside companies. However. Nearly half of computer fraud cases originate from within an organisation’s premises.

Submissions to the SA Law Commission make clear recommendations on what needs to be done. But it will be some time before these are crafted into draft legislation and passed into law.

Greg Gordon

YEAR 2000

Companies to be called to account

Following a meeting between the Institute of Directors, the JSE and the SA Institute of Chartered Accountants, a committee of the King Commission will meet soon to discuss the responsibility held by companies for the Year 2000 date-change crisis.

A "cyber committee" has been formed to investigate the issue and to look at steps taken by governments in the US, the UK and Australia.

Executive director of the Institute of Directors Richard Wilkinson says his organisation sees the matter not as an IT problem but as something which needs to be dealt with by management at board level. "We will probably make a recommendation that a statement be made in companies’ annual reports regarding their readiness."

The committee could also recommend that responsibility for the problem be placed on one individual in an organisation, possibly the CEO.

Duncan McLoud

Financial Mail - February 6 - 1998
**FM NEWS FOCUS**

Email: fanfocus@tel.co.za

**WHITE-COLLAR CRIME**

**Fraud cops flounder under caseload**

Big business steps in to help speed up prosecutions

As the growth of white-collar crime explodes in SA, the Office for Serious Economic Offences (Oseo), is closing its books to new cases. It already has 34 on its hands, involving R11.8bn (up from R2bn in 1993).

Oseo executive director Jan Swanepoel says the crisis is the result of losing key staff and not being able to replace them. “We just can’t run an office on this basis.”

At the end of December the office had 14 advocates. Six quit in January.

Nine investigations have been derailed by the resignations. “There’s a case we’ve been busy on for three years,” says Swanepoel. “The policeman on the case resigned; the accountant on the case left. Now the advocate, who’s been off since last July, has applied for discharge on medical grounds. That means the case has to be started from scratch — if I can get a new advocate.”

Even updating the caseload figure is a problem: “The person in charge of statistics left on Friday.”

Apart from Oseo’s big fish, by the end of September there were 31584 commercial crime dockets — 80% for fraud — unresolved nationwide, involving more than R7bn.

A desperate community has moved in to “privatise” the prosecution of fraud. Fed up with having to wait years for action, corporate fraud victims are paying top accountancy firms to do the police’s work for them.

“The law enforcement agents are just not coping,” says John Louw, who heads the accounting sleuths at KPMG.

“The good prosecutors are leaving in droves and the ones that are left are being pressurised with assignments beyond their capabilities — not from a legal point of view, but in terms of understanding the financial aspects.

“Not only has white-collar crime exploded, but the deals in these major syndicate-type frauds are complex. In murder or robbery cases the agencies are more than competent. But in cross-border scams, the judges, AGS, prosecutors and police cannot cope.”

Bringing in the private sector to prepare the State’s case is not cheap. Attorneys and accountants in the mushrooming “forensic and investigative accounting” business charge around R300/hour.

But Rennies Transfer CE Lilian Boyle, for one, believes it’s worth it. Her company’s policy with rogue employees found guilty in the internal disciplinary procedure is to fire them — and prosecute.

Rennies has paid more than R500 000 to have a KPMG forensic unit investigate a senior manager alleged to have taken the same amount in bribes.

“KPMG has done a superb job,” says Boyle. But getting Witwatersrand Attorney-General Andre de Vries to move on a prosecution is another matter.

“It’s an open-and-shut case,” maintains Boyle. “We’ve done all the work and have presented them with all the evidence they need. It’s been in the Attorney-General’s hands for over a year, but we still haven’t had an arrest. We pay a lot of money to have the case prepared but it doesn’t get anywhere. It’s extremely frustrating.”

An example of cross-border foul-ups took place in December when an engineering group Murray & Roberts fled the country on an Irish passport after allegedly diverting R20m of his employer’s money into an offshore account in Guernsey. Forensic accountants had been called in and they arranged for the British police to meet the suspect at Heathrow.

The police offered to hold the man, requesting only that SA issue a warrant of arrest and a guarantee that an extradition warrant would be prepared within 30 days. De Vries said he had no staff to meet this deadline, so the suspect was freed — and now vanished.

Then there’s the R137m lost by corporate investors who fell for a scam allegedly operated by bank manager Vito Assante and attorney Nic Nel. Assante, who was manager of NBS’s branch in Kempton Park, allegedly offered spectacular rates of interest (as much as prime) to attract more than R300m in the name of his bank. But NBS was unaware of the venture.

It is claimed that cheques, made payable to NBS, were deposited in Nel’s NBS Corporate Saver trust account with the Standard Bank and that from there the money went to close corporations involved in property developments in Kempton Park.

Interest was paid out of new investments. But the apparent fraud was rumoured when Benji Lapiner of Port Elizabeth-based Cape Produce Co, which had stumped up R35m, took his “NBS letter of guarantee” signed by Assante to Nedbank, as collateral for an increased facility.

A list of investors was found in Assante’s safe. It included Norwich Holdings’ D&E Health Benefits (in for R35m), SA Eagle (R25m), Cologne Reinsurance (R1m) and African Life (R3m).

This was in December 1996. Assante is no longer employed by NBS. Nel is no longer with the Kempton Park law firm of Nel, Oosthuizen & Kruger. He

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**White-Collar Crime: Tip of an Iceberg**

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<td>Western Cape</td>
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<td>Zhuhue Textile</td>
<td>R5.3m</td>
<td>April 21, 1997</td>
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<td>August 20, 1997</td>
<td>Natal &amp; Transvaal</td>
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<td>R9.6m</td>
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Source: OSEO

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Financial Mail - February 6, 1998
When you're retired don't regret employed and

The income you have after retiring is the money you've saved while still working. But just as important as the amount you invest, is the length of time you give it to work for you.

By delaying just 5 years, you could lose at least 25% of your final payout. Speak to your Old Mutual
HOMELAND FRAUD

That monkey still clings to our back

SA lost nearly R1.47bn to fraudulent civil servants of the four formerly “independent” homelands in just five years — and that may be the tip of the iceberg.

The amount — calculated for the first time in an Auditor-General’s audit — was paid in salaries between July 1991 and March 1996 to staff who promoted and overpaid themselves and their cronies. Coincidentally, it nearly equals the amount Finance Minister Trevor Manuel set aside last week to bail out provinces with “critical problems”.

Not surprisingly, the provinces in the worst financial shape are those that inherited the civil services of the once nominally independent homelands — Transkei, Bophuthatswana, Venda and Ciskei.

The Eastern Cape, which has an overdraft of R800m, absorbed the Ciskei and the Transkei. Venda fell within Northern Province, and highly fragmented Bophuthatswana filled mostly into the North-West. The Northern Province and the Eastern Cape compete for the unenviable position of poorest in SA.

Though a report on the AG’s audit has been drafted, the figures have not yet been released to allow Justice Colin White’s commission — investigating corruption in the public service prior to the 1994 election — to conclude its work.

The White Commission is scheduled to complete its work in July; only then will the full extent of the loss be known.

However, in a letter to parliament’s Standing Committee on Public Accounts, deputy AG Bertie Loots gives a preview of what is contained in his report.

His audit does not include money paid to so-called “ghost workers”, the non-existent persons whose salaries are being drawn by other workers involved in scams. It also does not take into account the cost to the taxpayer of the thousands of “supernumeraries” — civil servants on the payroll who have no work to do.

The money lost to these two categories is not yet known, but is expected to run into hundreds of millions of rand.

Loots’ confidential letter shows that the overpayments were made by civil servants who appointed and promoted themselves, with generous salary increases, in the chaos that followed the collapse of the homeland system and its subsequent amalgamation in 1994.

Many of the overpayments also arose from alleged attempts to provide party in salary scales between the various systems.

The audit exposes a huge gap in accountability with regard to the employees. In the Transkei, for example, the salary position of 35% of a sample of workers “could not be tested owing to the personnel files of these employees not being submitted for auditing and a lack of sufficient alternative supporting documentation.” Four percent of these employees’ files could not be audited due to insufficient information on their files. The trend repeats itself in all the other homelands.

The audit finds that in the Transkei R484m may have been overpaid, R222m in the Ciskei, R62m in Venda and R301m in Bophuthatswana.

Eastern Cape Finance MEC Enoch Godongwana said this week that the province had “irredeemable difficulties” and would itself probably need all of the R1.5bn offered by Manuel.

In opening parliament two weeks ago, President Nelson Mandela said that “the measures that have been taken to eliminate corruption have uncovered many fraudsters in the government machinery, but we still have a long way to go.”

Justice Mbala
Mandela claims crime is waning, but criminal syndicates could be gaining strength, writes David Beresford

South Africa appears to be teetering on the brink of the nightmare of crime which is reality for Russia and Colombia, in the wake of the recent heists and the controversy surrounding this country’s so-called “public enemy no 1”, Colin Chauke.

A recent report from the World Economic Forum stated South Africa’s organised crime was second only to Colombia’s, with its frightening drug cartels, and Russia’s, with its omnipresent mafia.

Local criminologists scoffed at the report, arguing there was no comparison, largely because there was no evidence that organised crime in South Africa had infiltrated the state and corrupted high-level officials. But Chauke’s escapades suggest that confidence on the point might be misplaced.

It transpired recently that the alleged mastermind behind the heists had been a guest at a party hosted by Deputy Minister for Environmental Affairs and Tourism Peter Molaha while he was on the run from police.

And at the weekend Chauke himself told City Press — cheekily meeting the chief crime reporter, Pitalize Motele, outside Sandton police station — that the top detective hunting him, Bashy Engelbrecht, was part of a criminal syndicate together with other top police officers.

Molaha has denied inviting Chauke to his party and, coming from a wanted criminal, the escapee’s allegations about senior police officers obviously have to be treated with a huge dose of scepticism.

But his allegations, against an acknowledged background of widespread corruption in the South African Police Service, — 1996 figures show one in four officers in the greater Johannesburg were under criminal investigation — does offer the warning that the earlier might extend farther into the criminal justice system and government than generally acknowledged.

South Africa appears particularly vulnerable to organised crime at the moment. The credibility of the information is open to question, but police intelligence estimates that there are more than 190 crime syndicates, more sophisticated, organised groups, excluding common gangs — operating in the country, and claim to be keeping nearly 2,000 prime suspects linked with them under surveillance.

They include elements of the Russian mafia, which are involved in diamonds and weapons smuggling; Chinese triads, which have specialised in the trade of endangered species; and Nigerian drug rings.

Drug trafficking seems to be their favourite activity, thanks to South Africa’s geographic position, burgeoning air-link, long and poorly controlled borders and sophisticated internal infrastructure in the way of communications and banking facilities.

Vehicle-related crimes are also popular — stolen cars from South Africa being found as far afield as Portugal and Cyprus — but many of the syndicates diversify in the way of their corporate models, engaging in criminal activities where opportunities beckon and conducting legitimate operations as fronts to help money-laundering.

Whether organised crime is a recent development in South Africa or has simply gone unrecognised is a matter of debate.

Mark Shaw, at the Institute for Security Studies, argues that “crime grows most rapidly in periods of political transition and violence, when state resources are concentrated in certain areas only and gaps emerge in which organised criminal gangs may operate”. He cites the former Soviet Union as the most obvious example.

There was, clearly, a degree of organised crime before South Africa’s political settlement — notably among the Cape gangs, which imported mandrax, and the short lived “Boere Mafia”.

But it does appear that the political and diplomatic isolation of South Africa during the apartheid years protected it to some extent from the organised crime phenomenon which was rapidly going international in tandem with the growth of the “global village”.

What is known about the Civil Co-operation Bureau, for example, is limited largely to the activities of its “Region 6”. The activities of the other regions remain a mystery.

But the allegations levelled at the former head of the country’s chemical and biological weapons programmes, Wouter Basson — who is facing charges of mass-producing mandrax and ecstasy — raises the possibility that the National Party government, whether intentionally or not, literally created an “army of criminals” which is still in arms.

If South Africa is effectively at war with organised crime it is appropriate that the South African National Congress government has committed a large part of its intelligence assets to the battle.

The secret service is believed to have been tasked with investigating organised foreign crime which might impinge on South Africa. Military intelligence has been given responsibility for controlling the borders and monitoring weapons smuggling, and the National Intelligence Agency — which boasts a staff of about 3,000 operatives and analysts — is becoming increasingly involved in combating crime.

But the contribution of the services is believed to be suffering from intense rivalry between the agencies and in fighting within them between the “old guard” and the recruits from the liberation movement.

The frustration of the government with the intelligence agencies was reflected in an outburst by President Nelson Mandela at last week’s opening of Parliament, when he denounced “bad apples” in the services, describing them as an “affront to our security and our pride as a nation”.

Despite the president’s boast that South African crime statistics are improving — with reductions in the incidence of some serious categories of offences — other figures showing the decline of convictions suggest that the forces of law and order are alarmingly on the retreat. Convictions for using and dealing in drugs, for example, collapsed from 464 in 1997/98 to 19,685 in 1998/99.

The wholesale flight of experienced detectives from the force (including the highly regarded former commissioner with responsibility for fighting organised crime, Neels Venter) has left the police service badly weakened. If Chauke is seen to be laughing at South African society, it is not without justification.

Computers outsteal the gunmen, PAGE 23
Critics question effective anticorruption unit’s key powers
Blowing the whistle will now be safer

New act will provide protection

"Whistle-blower" is a term South Africans are hearing frequently.

Used last year by the media in connection with former housing director-general Billy Cobbett, who "blew the whistle" on possible maladministration in the award of a Mpumalanga housing tender, it is again being used — this time in connection with possible leaks of information from Gauteng MEC Jessie Duarte's department.

A whistle-blower is a person who exposes corruption or maladministration at his or her workplace — and protection of whistle-blowers is a key mechanism in rooting out corruption.

The proposed Open Democracy Act — due to be tabled in Parliament later this year — will provide protection for whistle-blowers in the public sector.

The whistle-blower clauses in the draft Open Democracy Bill seek to harness the support of "insiders" in the fight against corruption.

The bill encourages government employees to expose corruption or maladministration by first providing procedures for how the information can be made public and, second, providing protection for the whistle-blowers.

Protection means that whistle-blowers cannot be subject to any civil or criminal charge, and it means that they cannot lose their jobs as a result of going public with evidence of corruption.

The clauses allow a whistle-blower to speak out about any corruption, illegality, dishonesty or serious maladministration in a government body.

This includes an abuse of power by a government official, the unauthorised use of funds, and even negligent administration that results in either a substantial waste of public resources or a substantial danger to someone's health and safety.

The Open Democracy Act, once passed, will apply to all government departments at local, provincial and national level. It will also apply to institutions that exercise public power or use public funds.

The only elements of government that will be excluded are the cabinet, the courts and judicial officers.

The bill must strike a balance between encouraging the exposure of corruption, while offering sufficient protection against scandal-mongering and party-political game playing.

In achieving this balance, the bill introduces several checks.

First, employees must believe that what they are exposing is illegal, corrupt, dishonest or amounts to serious maladministration.

Second, the bill establishes that exposure must be made to certain institutions, a parliamentary committee, a committee of a provincial legislature, the Public Protector, the Human Rights Commission, the Auditor-General or an attorney-general.

Whistle-blowers can go straight to the media only when they can show "on clear and convincing grounds" that there is some imminent threat to the public interest.

The cases of Mr Cobbett and Ms Duarte raise some interesting issues about whistle-blower legislation.

Although the Democratic Party has denied that Theo Burger, recently re-instated director of support services in the provincial department of safety and security, acted as a whistle-blower in the recent allegations against Ms Duarte, questions remain about whether the DP's information came from someone inside Ms Duarte's department.

Ms Duarte has hit out at those making the allegations of maladministration, saying that it amounts to a smear campaign against her.

Gauteng Premier Mathole Motshekga, in an apparent reference to Mr Burger in the Duarte case, has said that his government will consider criminal charges against those who "steal state documents".

If this case does turn out to involve a whistle-blower, the fate of the whistle-blower may depend on whether the Open Democracy Act has been passed.

If the act is in place, the whistle-blower will, on the one hand, be protected from the threat of prosecution issued by Mr Motshekga.

On the other hand, the whistle-blower will have to blow the whistle publicly (the bill makes no provision for anonymous whistle-blowers) and he or she will, in all likelihood, not be protected if the information is leaked to an opposition party.

But, if he or she formally approaches a provincial legislative committee, such as the Portfolio Committee on Safety and Security, he or she will be protected.

Similarly, one can speculate that Mr Cobbett's fate may have been different had
the Open Democracy Act been in place, Mr Cobbett clearly had a bona fide belief that serious maladministration had taken place.

He approached the Auditor-General (one of the specified institutions in the bill) with his evidence and (by his account) was fired by Housing Minister Sankie Mthembu-Mahanyele for doing so.

Had the act been in place and if it was established that he was indeed fired as a result of his actions, he could have approached the high court for an order to re-instate him. He felt that his relationship with the minister had deteriorated to such an extent that he could not envisage working with her in future, he could have asked to be transferred to another department on terms no less favourable than he enjoyed as director-general of housing.

The bill has been around, in various guises, since 1985, but was only published for comment in November last year.

Comment received is currently being processed and the deputy-president’s office has indicated that the bill will probably be tabled in Parliament in April.

Mandy Taylor is the project manager for the Political Information and Monitoring Service of the Institute for Democracy in South Africa.

Giving more power to protection bill

A comparative review carried out by Idasa, the Human Rights Committee and the Black Sash on whistle-blower legislation, shows that the bill’s clauses are well thought out and compare favourably with whistle-blower legislation in other countries.

Possible ways in which the draft legislation could be improved, however, are:

- Extending the protection afforded public sector whistle-blowers to whistleblowers in the private sector.
- Extending the protection to the courts (for example, if court clerks or transcribers expose corruption on the part of a prosecutor or magistrate, they should be protected as whistle-blowers).
- Permitting a whistle-blower to remain anonymous where this is desirable and where it would not compromise the rights of the person accused of corruption.
- Ensuring that legal aid is available to whistle-blowers so that they do not find themselves defending a claim with the whole might of government resources stacked against them.
SA banks lose millions as heists and loot soar

Johannesburg - Nearly R140-million was stolen from South African banks last year - an increase in the number of robberies and the amount of money stolen, the Council of SA Banks said here.

Cosab chief executive officer Bob Tucker said at a news conference there were 466 bank robberies last year compared with 408 in 1996.

The amount of money stolen from banks last year amounted to R139.9-million - R31.5-million more than in 1995.

"The increases indicate that while the Government is able to report a general reduction in armed robberies in South Africa, this is definitely not the case in the banking industry," he said.

"We accept the police finding that these robberies are not politically motivated.

"It is pretty clear that this is big business for big syndicates.

"The banks have two major and serious concerns.

"First, the safety and peace of mind of staff and clients. Next, is the increased cost of handling cash," he said.

Mr Tucker said Cosab would continue to work with the police, but it was clear from the increases that authorities would have to increase their resources to address this rising problem.

"It remains the Government's responsibility to maintain law and order," he said.
OWN CORRESPONDENT

PRETORIA: The notion of third force involvement in attacks on farmers has been dispelled by Land Affairs and Agriculture Minister Derek Hanekom.

Speaking after a meeting attended by President Nelson Mandela, a delegation from the SA Agricultural Union, and Safety and Security Minister Sydney Mufamadi at the Union Buildings yesterday, Hanekom said an intelligence report showed criminal intent was the major factor behind attacks on the agricultural sector.

This intelligence report, compiled by the National Intelligence Agency, will be discussed at a meeting next week to decide on further action to protect the country's agricultural sector — an important contributor to both stability in rural areas and the national economy, according to SAAU president Mr Chris du Toit.

Hanekom said there were obviously certain isolated elements with their own agenda, but the intelligence report — which was not going to be made public — pointed overwhelmingly to criminality as the major factor behind attacks on farmers.

Mufamadi said the combination of police, the national Defence Force and the farming community had seen 110 suspects arrested from November last year to the end of February in connection with attacks on farmers.

These successes were the result of joint operations — which were still being mounted. Farm attacks were now rated a priority crime alongside cash-in-transit heists and gangsterism on the Cape Flats.
Spate of heists is warfare, banks declare

Police say robberies are down, but the victims say it depends how you count

Levels of violence expected only in war have been used in bloody cash-in-transit heists, the Council of SA Banks (Cosab) announced yesterday.

Despite a R500-million investment in improved security over the past year, the number of bank robberies has increased.

Cosab's research, which contradicts police statistics which show a decline in armed robberies, also states that the justice system has exercised too little expertise in prosecuting robbers and fraud perpetrators.

"We are not saying that government's statistics are wrong; they may well be correct. The difference comes in the way we define and categorise the crimes. And the reality is that bank robberies have increased," Cosab chairman Bob Tucker said.

He said that while more than R500-million was spent to combat bank robberies last year, there were 486 robberies in which R130-million was stolen. This was up on 1996's 408 bank robberies in which R105-million was snatched.

The police reported late last year a 25.4% decrease in robberies - a figure that was disputed by the banks. "In May last year, banks broke with tradition and released bank robbery statistics and the amount of money stolen. It succeeded in highlighting the problem and provoked action, and we believe the arrests that followed had a lot to do with the energy that was triggered by shocking facts," said Tucker.

Nearly 50 heist suspects have been arrested in the past few months, and police say this shows that they are winning the war against crime.

Brigadier Mosie Myburgh, a former SAPS-syndicate and unit commander and head of the police component of the Office for Serious Economic Offences, has been appointed to implement a new strategy that will see Cosab 'introducing' a high-tech assault on robbery gangs and syndicates. He will take up his new position on March 16.

A R10 million crime strategy project is also aimed at educating bank employees on information security and improving witness protection.

North Rand police confirmed yesterday that a police constable had been arrested in connection with an attempted heist in Benoni. Superintendent Eugene Opperman said the suspect was arrested by a highway patrol shortly after the 10am attempted cash heist on a Fidelity Guard vehicle. He was due to appear in court tomorrow.
SA branded as drugs crossroads

Country straddles major routes and has a problem, US report finds

BY RICH MUKWENDO
Washington

The United States has listed South Africa among 17 sub-Saharan countries with drug trafficking and production problems.

The US Department of State says in its 1998 International Narcotics Control Strategy Report that South Africa may be the largest consumer of Mandrax and largest producer of marijuana.

"South Africa may be the world's largest consumer of Mandrax (Methaqualone) ... South Africa continues to be a significant cocaine and heroin transshipment area. South American cocaine transits South Africa to Europe, and Far Eastern heroin transits to European and US markets, although we have no evidence indicating it enters the US in sufficient quantity to have a significant effect on the US," the report says.

"South Africa continues to be one of the world's largest cannabis producers, the majority being consumed domestically or by regional markets," the report adds.

The report was released as the US began to consider a proposal by the Federal Bureau of Investigation and the US Drug Enforcement Agency to help establish an international police training academy in South Africa.

This year's report declares Nigeria "the hub of African narcotics trafficking," adding that General Sani Abacha's government is ineligible for US assistance.

Other nations listed as having drug control problems or as transit points for drugs are Botswana, Ethiopia, Mauritius, Mozambique, Seychelles, Swaziland, Togo, Uganda and Zimbabwe.

The Department of State says South Africa's problems with drug trafficking can be attributed to its geographic location -- "South Africa is on major trafficking routes between the Far and Middle East, the Americas and Europe" -- as well as "a rapid expansion of international air links; a well-developed transportation infrastructure; and relatively modern international telecommunication and banking systems."

"South Africa's long, porous borders and its weak border controls give traffickers easy entry into South Africa."

"A 1997 study by the Department of Home Affairs noted that of South Africa's 97 ports of entry, only 17 were fully covered by customs, immigration and the police; 31 airports had no coverage by any of these agencies," the US government report says.

"Also, drug enforcement is largely the responsibility of the South African Narcotics Bureau, an underfunded and undertrained unit of the South African Police Service."

"South Africa has no inter-ministerial body that specifically considers drug control issues. However, drug trafficking is identified as a priority in the South African Government's National Crime Prevention Strategy, a policy initiative that created an interministerial framework for addressing South Africa's massive crime problem," it adds.

The US also says it has begun negotiations for a mutual legal assistance treaty and an update of the extradition treaty. -- Star Foreign Service
Foreign diplomat dispute claim that crime is on decline.
Staff woes thwart crack fraud unit

All new cases put on hold

THABO MABASO
BUSINESS REPORTER

Staff shortages at the
Office for Serious
Economic Offences were
likely to block the
investigation of new cases
until the end of the year,
said head of the office Jan
Swanepoel.

He told the Cape Argus the
moratorium imposed last
May on the investigation of
new cases probably would be
lifted towards the end of the
year.

The Department of Justice
had made funds available for
the filling of 23 posts at Oseo
offices. The unit has 48 people
working for it throughout the
country.

"We are dealing with 35 cases at
present, some of which are three
years old."

"We are dealing with 35 cases at present, some of which are three years old. When the 23 vacancies have been filled, we will try to finish the cases with which we are busy with at the moment, then remove the moratorium and start taking new cases."

The posts would probably be filled towards the end of June.

More than 50% of the cases handled by Oseo are in the Gauteng region. The Western Cape is handling 14 cases and one preliminary investigation.

The provincial head of the office in the Western Cape, Tommie Prins, said he had a staff complement of seven legally trained people and 13 police officers.

"The workload is quite bad and we cannot even touch new cases until we get more people," he said.
V & A security clampdown
Special barriers, horse patrols on cards

SPECIAL REPORT

CHENÉ BLIGNAULT

HI-tech barriers may be installed at V&A Waterfront exits to prevent cars leaving onance gates, says operations manager Duncan Cloete.

The devices, which would cost R20 000 to install, use boom arms and spikes that rise from the road and can be activated in seconds.

Surveillance cameras may also be installed at main entrances to photograph every vehicle passing through.

Mr Cloete said other measures to improve security would include horse patrols and training for staff.

And security staff may soon have powers of arrest but will not be allowed to carry guns. Mr Cloete said staff would not be armed “for their own safety”.

“If you give someone a gun, he’ll use it. Security guards have a proactive role and are not trained to deal with shooting incidents,” he said.

Waterfront management had applied for peace officer status for their guards, which meant they could arrest suspects, draw up dockets and give evidence in court. At present they are empowered only to make citizens’ arrests.

“We don’t want to take over the police’s work but want to assist them where we can,” said Mr Cloete.

The new measures come after a shoot-out at the Victoria Mall shopping centre a week ago, when a security guard was shot in the chest.

Two private guards contracted by a chain store tried to catch two alleged shoplifters who shot at them. One of the guards and a member of the public allegedly shot back.

The Waterfront had no control over private guards and some of them were armed, said Mr Cloete. But he would ask tenants to disarm their guards to prevent such incidents.

The guards involved in the shooting had not been wearing uniform. He believed guards should be identifiable unless they were specifically trained to do undercover work.

Management had decided not to install metal detectors at the centre’s 20 entrances, because it would be impracticable to stop and check 1.8 million visitors a month.

The 185ha Waterfront premises has a security complement of 150 guards, 40 police and private guards employed by shops and the fishing industry.

Fifty guards and five police are on duty each shift. The shopping centre is patrolled by 15 guards at a time and another six man the control room.

From here a number of hidden closed circuit cameras in the mall, parking areas and on the quays are monitored 24 hours a day.

Most shops have panic button and fire alarms, which are also monitored from here.

Camera recordings can be used to identify suspects in court.

Control room staff are in contact with port control, Metro Rescue and patrolling guards. A public address system which can override other sound systems, including those in the cinemas, can be used in emergencies.

“There is no such thing as absolute security,” Mr Cloete said. But he believed the Waterfront was safer than most similar centres because it did not frequently have serious crimes such as armed robberies and rapes.

Crime at the Waterfront includes:

- An average of five cars thefts a month.
- About 12 reported cases of shoplifting a month.
- Two tourists mugged near the Coen Seyffel Avenue entrance last August.
- One man shot dead during in a Pagad demonstration in 1996.
- A woman raped by a Waterfront security guard in a car park near Bertie’s Lending in 1994.
- Armed robbery from the parking garage last month. Most of the money was recovered.
SA, Russia agree to co-operate against organised crime

Pretoria — With the International Monetary Fund (IMF) estimating that 4% of the world economy was now controlled by international crime syndicates, two of the hardest-hit countries — SA and Russia — yesterday signed a co-operation agreement to combat crime.

During a meeting at the Union Buildings, Safety and Security Minister Sydney Mufamadi and his Russian counterpart Anatoly Kulikov signed the agreement which includes the exchange of police attaches by both countries.

The two countries would in future co-operate in the prevention, detection, suppression and investigation of a wide range of crimes — from violent acts against human life, to the trafficking of firearms, radioactive material and money laundering, Mufamadi said.

The agreement will further include public order policing, identification of corpses, scientific and research activity, development of data systems and basic and advanced training of personnel.

"Both countries are confronting a serious threat from organised crime and a proliferation of organised crime syndicates," Mufamadi said.

SA and Russia were in transition, with their law enforcement agencies having to confront a new criminal threat with limited resources.

"We also have to deal with a political situation where dangerous elements in our own societies continue to obstruct and subvert the transition process itself, often resorting to crime for this purpose," Mufamadi said.

Like many other developing countries, both SA and Russia were wrestling with the growing activity of international drug barons from Colombia, the Asia.

He said not only governments and companies were thinking globally, criminals were increasingly doing so too.

Mufamadi said it was a priority for both governments to bring international criminals, who were increasingly trying to exploit natural resources illegally on world markets, to book.

"Where it involves the smuggling of uranium, it is also relevant to another key concern of the international community to which we subscribe — the prevention of nuclear proliferation community," he said.

Russian and SA law enforcement agencies would in future co-operate very closely to track international syndicates that smuggle uranium, diamonds and gold, Mufamadi said.

Kulikov said the appointment of police attaches would "settle issues of implementation of intelligence" and that Mufamadi had accepted an invitation to visit Moscow in the near future.
DP leader challenges Mbeki on crime syndicates claim

CLIVE SAWYER
Political Correspondent

Deputy President Thabo Mbeki is to be challenged in Parliament to name former and present security force members allegedly involved in crime syndicates.

The African National Congress national executive committee said in July last year there was evidence "elements of the old state machinery" were involved in drug dealing, money laundering, hijacking, taxi violence and organised crime syndicates.

Mr Mbeki said at the time that former security force members had moved into private security force firms and might be continuing third-force activity aimed at destabilising South Africa.

Democratic Party leader Tony Leon, in a question scheduled for reply in the National Assembly next week, has asked Mr Mbeki to identify those involved.

In an interview, Mr Leon said he assumed that what Mr Mbeki said had been based on fact.

If not, it would be "very dangerous" for the deputy-president to make such a claim and then not produce any evidence to prove it.

But it had been seven months since the ANC made the claim, and since then not a shred of evidence had been produced, nor had anyone been identified or arrested.

"I think it is time for the ANC to come clean with the people of South Africa about whether there is substance to these allegations."

It was to be assumed that the claim had been made based on evidence garnered by South Africa's intelligence agencies.

"I do not want to prejudge the issue, but if evidence is not produced, it could be there is a serious problem with the National Intelligence Agency and the SA Secret Service and we should look again at their budgets and management.

"We spend about R1-billion a year on these agencies, so it is not that they do not have the wherewithal to prove such allegations."

The Government should not "scapegoat" its responsibility for bringing criminal syndicates under control.

On the issue of allegations by the Government of a conspiracy involving members of the former establishment to bring down the new democracy, Mr Leon said the state risked racial polarisation if it made such claims and they were proved to be unfounded.
SA, Russia in joint drive to fight criminals

SOUTH Africa and Russia are to appoint police attaches in each other's countries in a joint drive to fight international crime syndicates, in terms of a treaty concluded in Pretoria yesterday.

The agreement was signed by Safety and Security Minister Mr Sydney Mufamadi and visiting Russian Federation deputy chairman Mr Anatoly Kutilov.

Kutilov told journalists the move to appoint police attaches would streamline the exchange of intelligence between the two countries.

Mufamadi said the police forces of the two countries would cooperate closely to track international syndicates smuggling uranium, diamonds and gold.

They would also work together in the prevention, detection, suppression and investigation of various other crimes, including murder, money laundering, trafficking in firearms and radioactive material.

Mufamadi said there were strong similarities in crime patterns in South Africa and Russia.

Both were in a period of transition, facing new threats in the form of organised crime.

"In both countries a number of criminal syndicates are operated by foreigners who ruthlessly exploit the vulnerabilities of a state in transition."

There were also elements resorting to crime to obstruct the transition process, Mufamadi said.

Other problems included the growing activity of international drug barons and a rise in sophisticated economic crimes.

"It is not only governments and companies that are 'thinking globally, but criminals too,'" Mufamadi said.

"He said Russia and South Africa were richly endowed with a variety of valuable natural resources." — Sapa.
Comparing Corruption

New report challenges some myths

Despite its reputation, Africa is by no means the most corrupt region in the world, says academic Daniel Kaufmann in the World Economic Forum’s 1998 Africa Competitiveness Report.

"In comparison with other regions ... Africa does not deserve to be singled out. The evidence of corruption in the former Soviet Union appears to be higher, as possibly does Central America. Africa is on average one notch below, on a par with Eastern Europe, South America and Asia."

Kaufmann says Botswana has the lowest levels of bribery, and SA fares "relatively well overall". He believes the most corrupt African states are Nigeria, Cameroon, Mozambique and Kenya.

Ugandan and Tanzanian respondents said there had been a fall in corruption over the past five years. But those polled in Ghana, Zambia and Morocco said they had seen a marked deterioration.

The good news is that reforming countries can start to control corruption "relatively quickly". The key is "a focus on fundamentals: strengthening rule of law, reducing State intervention, reforming trade, tax and exchange rate regimes".

FINANCIAL MAIL · MARCH 13 · 1998
Commercial crime is out of control, according to police

Durban — South Africa was beginning to lose the battle against commercial crime, Buster Carlston, security consultant to Tongaat Hulett, warned Durban businessmen on Friday.

Carlston is a part of the Business Against Crime national working group on commercial crime. He and Margaret Kruger, head of the KwaZulu Natal commercial crime branch, told an anti-crime seminar that the commercial branch of the South African Police Service (SAPS) handled on average 2 500 and 2 800 cases at any one time.

Commercial crime was more difficult to deal with because it was secret, the potential rewards far greater and the risk of detection and prosecution extremely low. Carlston said only two to three percent of frauds were uncovered.

Commercial crime statistics were horrific and understated by at least 20 percent. This, coupled with gross understaffing in the SAPS, necessitated a buy-in from business.

He and Kruger warned that criminals were ordering goods, having them delivered to houses where there was nobody present during the day and paying with fraudulent cheques before disappearing with the goods.

They warned that some fraud syndicates were operating through new or dormant companies controlled by foreigners.
Actor plus new project on SA visit

UN crime crackdown

Ushakov spearheads

10
Evidence on heists stolen from NIA
The gun king behind heists

Cops know his name but are ‘reluctant’ to arrest him

By JIMMY SEEPE

A KNOWN gun-runner who allegedly supplied arms to heist gangs is walking free because the police are “reluctant” to arrest him.

City Press knows the man’s name, as do the police.

Heist gang investigators this week told City Press that they first needed to trap the man, but sources inside the SAPS said they feared the trap might never materialise.

The man is believed to be the key link in the supply of weapons to the gangs.

Investigators say they need “ample proof” to convict the man, whose name has featured prominently during the interrogation of those already arrested. Some of the suspects are even prepared to turn into police informers.

The gun-runner, who is from the KwaZulu-Natal Midlands, is said to have previously worked with the knowledge of certain police officials prior to the 1994 elections in supplying arms to the Inkatha Freedom Party’s self-protection units on the East Rand.

This startling information was contained in a police intelligence report and is said to have been with top investigators for some time.

There is suspicion that the suspect had direct links with arms smugglers in Mozambique and was to clinch a deal to re-arm the heist gangs, who have allegedly run out of ammunition, according to information passed on to the police.

It is not yet clear whether former MK-operative and Foreign Affairs deputy director

for Asian Affairs, Robert McBride, was investigating the suspect in his own capacity.

It has been asked why the suspect has not been arrested yet and whether he was working in collaboration with corrupt SAPS officials.

Martin Aylward, spokesperson for Bushy Englebrecht who has been charged with investigating the cash-in-transit heists and other high profile robberies, said the police reluctance to arrest the suspect was not odd.

Aylward said heist investigators had received a lot of information about several individuals who were currently being investigated.

He said police wanted to build a solid case on some of the individuals, including gun suppliers, before making arrests so as to ensure a conviction.

“We have received a lot of information about suspected criminals but need solid proof before we can hand them over to the courts. If we did not do that, most suspects would have been thrown into jail purely on hearsay.”

But City Press has learned that other police investigators are now getting frustrated that the trap might never materialise.

Turn to Page 2.

The gun king behind heists

From page 1.

The gun-runner, who is currently based in an East Rand township, is said to be now specialising in renting out heavy-calibre guns to the heist gangs and is suspected to be part of a network of an eight-member group that was earlier identified by an intelligence report leaked to City Press.

Police officials investigating heists have still not recovered some of the weapons used in the heists. It is suspected the gun-runner, together with some key individuals in the heist gangs, are responsible for their safe storage.

Suspicion is also rife within police circles that the suspect has connections in the SAPS who were involved in third force activities in the country before the general elections.

It is alleged that junior police investigators who might have had connections with certain criminal syndicates are protecting the gun-runner from being arrested.

It is suspected that his arrest could trigger him to spill the beans and force him to name police officers who have been protecting him.
Robberies and fraud cost SA banks R1 bn

By Shadrack Mashalaba

The banking industry lost about R1 billion through robberies and fraud last year, the Banking Council of South Africa (BCSA) said yesterday.

Speaking at the release of its review of banks' operation last year in Johannesburg, chief executive of BCSA (formerly called Council for South African Banks or Cosab) Bob Tucker said bank-related robberies were on the increase from 408 in 1996 to 465 last year.

The council said thousands of the country's 7,200 cash points were vandalised by thieves, whose intentions were to defraud users. This cost the banking industry a further R2 million.

Another R2 million was lost to burglaries. "This is a major concern for the industry," Tucker said.

He said due to international competition the profit margins that were used to subsidise low-income people had to be used to improve local banks' capacity and efficiency.

A total of R100 million was spent in 1997 on metal detectors, video cameras, double doors and other security devices.

The South African Banking Review is the first issue to be published and will be an annual feature.

The review intends to reflect the conditions and role played by banking in the economy as well as issues that confront banks.

Total post tax profit of all banks for 1997 was R5.3 billion.

Tucker said the release of the review was a "revolutionary" step which will see the banking industry becoming more transparent.

According to the review, the big four banking groups in South Africa each have assets in excess of R90 billion. The medium-sized and small ones share among themselves R8 billion in assets.

By year end last year, the total funds of the banks amounted to R549 billion.

Total deposits amounted to R396 billion.

It quoted R8.2 billion as the total value of black empowerment transactions that were undertaken by banks last year.

Tucker said the Asian crisis last year increased the concerns regarding the vulnerability of the entire international banking system.
Violence leads those as victims start shooting back

assist crime trauma suffers

New network established
Bank Robbery Suspect

Police Seek Volkskars

[Images of suspects]
Call for state of emergency
(34) Star 28/3/98

Prominent religious leaders are urging President Nelson Mandela to allow security troops to overthrow the country's violent criminal elements by force.

They have asked for a virtual state of emergency, including old-style curfews.

The call comes from the Inter-religious Commission on Crime and Violence, an organisation representing leaders from all the country's major faiths.

Heading the call is the Anglican Archbishop of Cape Town, the Most Reverend Njongonkulu Ndungane, who has urged that security forces be given the go-ahead to "wrest the initiative from violent criminals running riot in our towns and cities."

The call comes in the wake of the murders of three more high-profile people within the past few days.

The victims were 33-year-old Chinese restaurateur Cheung "Dennis" Leung, who was found shot dead near his car on the N2 near the Blue Lagoon in Durban yesterday; an American, Dr Patrick Precladio-Elliot (57), and floral artist Gwen Barlow (87), who were murdered execution-style in the Eastern Cape mountain village of Hogback on Thursday night.

TO PAGE 2

Crime plea
(34) Star 28/3/98

The two women were apparently shot as they were taking their shopping out of a car.

Precladio-Elliot had come to South Africa a few years ago "to do good works" and had worked at Victoria Hospital in Alice.

Ndungane, who recently crossed swords with Mandela over crime, said the people of South Africa had every right to expect the government to act in their interests.

Representing the Inter-religious Commission on Crime and Violence, Ndungane suggested that curfews be introduced in certain areas to enable law enforcement agencies to do their work effectively.

Law enforcement officers, he believed, should also be allowed to seize unlawful weapons while keeping a keen eye on the activities of suspected gangsters.

"It is appreciated that - given the history of the country under the old apartheid regime - the Government does not want to appear heavy-handed," he said. "However, ending crime and violence is a matter of urgency."

Ndungane said: "We need to return to a normal society. At present we have a deeply distressing situation where our children cannot attend school and people can't walk the streets in peace and safety.

"We feel that law-abiding people have a crisis of confidence in authority, and the time has now come for the Government to stamp its authority on the situation and bring an end to this unacceptable level of crime and violence."
THE HEATH SPECIAL INVESTIGATION UNIT

CORRUPTION PROBE STRIKES IN GOVERNMENT’S BACK YARD (34)

Omar decries ‘white conservative’ view of rationalisation plan

There may be more to the persistent tension between Justice Minister Dullah Omar and the Heath Special Investigation Unit than meets the eye.

Omar this week angrily denounced a suggestion that politics was behind his stated intention to “rationalise” the Heath unit and the office of the Public Protector.

“That’s a white conservative journalist’s view,” he said, referring to a report in East London’s Daily Dispatch last week. “People mustn’t read sinister motives into the word ‘rationalisation’.

Omar’s remarks came amid renewed ill-feeling between government and the corruption-busting unit, after a letter from the DG of President Nelson Mandela’s office, Jakes Gerwel, to Judge Willem Heath accusing his unit of preparing sloppy referrals for anticorruption inquiries was leaked to Business Day Gerwel claimed the poor referrals had led to “litigation or threatened litigation”.

The Heath unit is entitled to launch an anticorruption inquiry only after a specific Presidential proclamation has been issued. For such a proclamation, it must send a referral to the President’s office setting out the motivation for the inquiry.

Heath has complained of delays of up to 11 months in the processing of referrals. He has asked that the proclamation requirement be dropped to enable speedier and stealthier investigations.

A senior Heath unit official this week expressed surprise at the Gerwel letter, saying he was “unaware of any litigation, or threat of litigation, that has been brought against the President as a result of a proclamation based on a referral by us”.

Since being appointed to head an expanded national investigative unit in March 1997, Heath has frequently crossed swords with Cabinet Ministers and provincial premiers over the extent of his investigative powers. But the latest spat appears more serious, revolving around the proposed “rationalisation” of the unit itself.

This has led to claims in opposition circles that the ANC government is becoming worried that the Heath investigations could cause political embarrassment for the ANC in the run-up to next year’s elections.

Heath warned last November that “high-profile politicians” were under investigation. This week a senior Heath unit official confirmed that “there could be shocks” involving “important people in central and provincial governments”.

Omar complains of wasteful duplication in the anticorruption activities of bodies such as the Heath unit, the Public Protector and the Office for Serious Economic Offences.

He suggests setting up an “anticorruption centre” under the direction of an inter-Ministerial committee which he chairs, to co-ordinate and plan the various institutions’ work.

Wouldn’t such a centre be prone to political decision-making and impinge on the independence of the Heath unit, the Public Protector and others?

“That’s the biggest load of rubbish,” replies Omar. “Both of those bodies deal with the combating of corruption after it has occurred. What I am talking about is preventing corruption before it occurs.”

The anticorruption centre, Omar explains, would co-ordinate a comprehensive programme against corruption — including the Heath unit and Public Protector, which would continue to operate.

“Up to now, both bodies have done excellent work. Rationalising them will not mean collapsing them into one, abolishing one or clipping their wings.”

Exactly what it will mean, though, the Minister couldn’t say. Nor could he say how, or whether, it would entail cutting the Heath unit’s R16.4m budget.

Omar says the advantage of an anticorruption centre is that it would be empowered to conduct criminal prosecutions of corrupt officials, whereas the Heath unit is empowered only to conduct civil prosecutions, which can recover State property but cannot send the thieves to jail.

But Heath unit spokesman Guy Rich says the unit and its special tribunal have legal clout way beyond the strict confines of their brief, and have on several occasions handed their findings to Attorneys-General who have successfully prosecuted offenders.

Heath points to his unit’s impressive track record when calling on government to increase its budget (to about R32m) and hire more staff, the recovery, or protection through deterrence, of State assets worth over R10bn, and a current workload of over 90 000 cases involving nearly R8bn.
Honest civil servants more important than systems

HONEST and properly-trained civil servants were more important in the fight against public sector corruption than implementing new systems and technology, Deputy Finance Minister Gill Marcus told the anti-corruption conference yesterday.

She said the need for a separate body to deal with corruption in the public service had to be considered.

The possibility of minimum sentences for civil servants found guilty of corruption also had to be investigated.

Accountant-general Gert van der Linde told delegates that the government's success in beefing up its financial controls should not be ignored.

Plans had been approved to train about 30,000 financial personnel over two years, he said.

Kobus Botes of the auditor-general's office and Gerhard Vissagie of the Heath special investigative unit called for stiffer penalties for people who flouted financial controls.

Marcus said the most common form of fraud was related to the illegal issuing of government cheques.

In the 1997/98 financial year, the state expenditure department had found 426 fraudulent cheques with a total face value of R24 million. Most had not been paid out. — Sapa
Country counts the cost of crime

GREED and a gullible public are among factors that increase white-collar crime, Advocate Jan Swanepoel, director of Investigating Directorate of Serious Economic Offences (ideo), said on Friday.

White-collar crime did as much damage to society as its more publicised counterpart — violent crime, he said in his address to the Chartered Institute of Management Accountants (Cima) in Port Elizabeth.

Accountants, lawyers, members of the auditor-general’s office and the deputy director in the Ministry of Public Prosecutions, Advocate Lungi Mahlai, attended the meeting.

Swanepoel said his office was investigating 32 serious economic offences involving R10 billion and was doing preparatory investigations into crimes totalling R296 million.

By March, the South African Police Service’s commercial branch was also investigating 34 674 white collar crimes, he added.

Swanepoel said that in the first three months of this year 15 345 cases involving close to R394 million had been reported to the unit.

The cost of investigations, court actions and legal aid fees meant the state had to foot a huge bill.

Swanepoel said, Ideo was at present handling about 10 High Court cases nationally.

Some of the cases involved three Americans, a German and Dr Adam Bossak and Dr Wouter Basson. They were also investigating ISB-related fraud cases, he said.

He said a R130 million fraud case at NBS Bank had been handed over to the directorate of public prosecutions — formerly the attorney-general’s office — in Johannesburg.

He praised the government for introducing legislation which helped curtail white-collar crime.

Procedures of crime

It included the Procedures of Crimes Act of 1996 which provides for the recovery of the proceeds of crime.

Legislation, still before Parliament, includes the Money Laundering Control Bill which prohibits money-laundering and makes it an obligation to report certain information to the authorities.

Severe penalties for non-compliance are imposed.

Other factors that contributed to such crimes, according to Swanepoel, included weak management control, systemic political uncertainty and a general lack of morality.

His office had access to information from newspapers and the black community than before.
A CRIME BECOMING MORE VIOLENT AND BRUTAL

Police also say violent farm murders are up 500% — but report has good news.

ACROSS THE NATION

NATIONAL

BUSINESS DAY WEDNESDAY, NOVEMBER 4, 1998

Exercise caution when reporting this information.
Black men at risk

According to the report, black men in South Africa face a higher risk of being killed by police. The report highlights the disproportionate number of black men who are killed by police, both in the context of operations and in other circumstances. The report calls for an end to systemic racism and for police accountability and training to be improved.

By Lebo Letsoa

("Y" marks the spot.)

Experts list SA’s crime factors

Police experts have found a result of a political motive for rural murders, writes Wyndham Hartery.

Extreme violence and brutal nature of attacks on farms was seen as evidence of a provincial crime wave. The motive for the violence, according to the experts, was the result of a political motive.
D-Day for Organised Crime

THE PROGRESSION OF ORGANISED CRIME HAS BEEN SEALED IN THE PASSPORTS OF THOUSANDS OF PEOPLE弴 IN THE PAST, WITH THE OBJECTIVE OF OBTAINING EASY MONEY. This has been the case for years, with the emergence of new criminal networks and the expansion of existing ones. The police have been working tirelessly to combat this threat, and the results are beginning to show. The number of arrests and seizures in the past year has been significant, with many high-profile cases brought to justice. However, the fight against organised crime is far from over, and the police are continuing to work hard to ensure that justice is served. The public can help by reporting any suspicious activity to the police, and by supporting their efforts to prevent organised crime. Together, we can make a difference and bring an end to this threat once and for all.
SA as corrupt as ever
- Heath

By Russel Molefe

CORRUPTION in South Africa before the national elections in 1994 was severe, and sophisticated as it was now, head of the Heath special investigating unit Judge Willem Heath said yesterday.

Addressing representatives of several institutions, government departments and interested individuals at the "Cost of Controlling Corruption" seminar in Midrand, Heath said: "I challenge everybody to visit us to get more details on this. We now know of corruption because there is transparency.

In the US, Germany and other countries, corruption is not a foreign concept. As you get into discussion with anti-corruption agencies in those countries, they admit corruption is a serious problem."

Heath said with the positive steps by both the provincial and national governments had taken to combat corruption, the special investigating unit was more resourceful than ever to strike at the very heart of those people and groups who plundered state coffers.

He warned that the cost of corruption should not only be limited to the monetary value. "The tremendous hardships of those who relied on state monies for survival should also be borne in mind."

Heath disclosed that his unit alone had since January this year recovered about R640 million.

The combined budget of all anti-corruption agencies – the National Crime Prevention Strategy, the Office of Serious Economic Offences, the Public Protector and the Heath Special Investigating Unit – for the year 1998-99 was R550 million.

"If one takes into account that the recovery or the prevention of loss of state assets and state monies by the Heath Special Investigating Unit alone since January this year has been R640 million, you will agree that the profit of only R90 million is indicative of major financial input which is required to cure corruption."

Heath added that the new unit was also a symbol of the new SA in action, just as the old unit was a symbol of the old SA in action.
BMW Chairman sounds warning about SA’s crime

Situation is being monitored

By ALI MPHAKI

THE crime situation in South Africa, and in particular the recent rape of two tourists in Kwa-Zulu-Natal, has done nothing to enhance the image of this beautiful country as a safe tourist destination.

This view was expressed this week by the chairman of the board of directors of BMW AG, Bernd Pischetsrieder, at the relaunch of the BMW world manufacturing plant in Rosslyn outside Pretoria.

Pischetsrieder also sounded a warning, spelling out that the successful outcome of the plant would depend largely on the ability of the South African government to come to grips with the crime epidemic that is ravaging the image and the economy of the country.

“When I visited South Africa in 1986 to announce BMW AG’s intention to invest R1 billion to upgrade this plant, I highlighted the fact that we would be monitoring the crime situation closely. On the basis of our observations, we would then decide on what our future investment policy with regard to this country would be,” said Pischetsrieder.

“May I say that I have been most gratified to see that in certain categories of crime a stabilisation in statistics appears to be taking place. Sadly however, this progress is offset by increases in certain instances of violent crime such as car hijacking and more particularly rape,” he said.

The relaunched plant will manufacture the latest BMW 3-Series range (to be launched in SA this month) both for the South African market and for export to markets abroad.

Rosslyn is currently one of only two plants outside Germany where BMW’s are manufactured. The other is in the United States.

Opened in 1986, the Rosslyn plant has produced the 3-Series, 5-series and 7-series ranges of BMW sedans for local consumption.

Gradually however, changes began to take place with the focus finally being placed solely on the production of the 3-Series range of vehicles.

With the newly installed machinery and technology duly commissioned and the plant fully re-integrated into the BMW global network, the Rosslyn facility is poised to ramp up production from a current 13 000 units per year to approximately 40 000 units per year by the turn of the century.

The relaunch of the plant was attended by deputy president Thabo Mbeki, premiers of provinces, mayors and employees and associates of BMW.

Pischetsrieder closed by remarking that as Mbeki “has called for an African Renaissance, this concept has begun in Rosslyn where we are working to global standards.

“It is from ventures like this one here at BMW that the vision that you have for the future of this continent must beam out to the rest of Africa. We support and endorse your vision and will assist wherever we are able,” he said.
POLITICS & PARLIAMENT

Gloves off in SA’s war against gangs

Tough new bill has organised crime in its sights

David Greybe

CAPE TOWN — It was time for the “gloves to come off”, SA’s gangbuster-in-chief Bulelani Ngcuka said yesterday.

The new national director of public prosecutions was referring to the passing of the Prevention of Organised Crime Bill in the National Assembly on Friday.

The tough new anti-gang legislation put SA in the forefront of international efforts to fight the multi-billion-dollar transnational business of organised crime, Ngcuka said.

Justice Minister Dullah Omar told Parliament SA had begun discussions with the European Union, the Commonwealth, the SA Development Community and Organisation of African Unity on extradition and mutual co-operation treaties — a cornerstone of any successful global strategy against gangs.

Drafters of the bill said it was SA’s most sophisticated and complex piece of legislation ever. Omar said yesterday it was “the most drastic law passed by this government”.

The new law creates offences related to racketeering and the proceeds of criminal gang activities. It also deals with the confiscation of the proceeds of crime after conviction and with the forfeiture of property before conviction.

Under the law, it will be possible to sentence gang members and leaders to long prison terms even if they are guilty of only relatively small crimes; put away gang bosses if it can be proved they managed or helped to run the gang, even if they did not commit any offence; and hit at the pockets of gang bosses, allowing the government to seize assets used to commit crimes, or the proceeds of crime.

The bill is expected to sail through the National Council of Provinces this week after it was unanimously adopted in the National Assembly.

Omar said yesterday that President Nelson Mandela would enact the bill before the end of the year.

Although most commentators welcomed the bill, some critics argued that the new law was too harsh or unnecessary and government should rather concentrate on the effective implementation of existing laws.
Pagad hits at anti-gang bill

Organised crime legislation 'aimed at our group'

ASHLEY SMITH
Star reporter

Pagad believes the new Prevention of Organised Crime Bill was created to destroy it and not powerful gang bosses.

At a Pagad meeting in Rhyns on Saturday, the organisation's legal spokesman, Custum Parker, said the new legislation could be twisted and used against Pagad.

"If any organisation is to be targeted by the bill as a group which is undesirable, it probably will be Pagad," he said.

In terms of the bill, which was passed by the National Assembly on Friday and goes before the National Council of Provinces this week, belonging to a "gang grouping" will be illegal.

Exactly what constitutes a gang grouping is unclear and the definition may include the anti-drug group, which is involved in a bloody conflict with gangsters and drug dealers in the Western Cape.

The bill will allow prosecutors to charge 10 or 20 people at one trial by linking them to a gang and also makes provision for seizing the property of known drug dealers.

Mr Parker said that over the past 18 months, at least three Pagad members had appeared in court every week on charges relating to its anti-drug programme.

This led him to believe it would be a mistake to think the new anti-gangster legislation could not be used against Pagad.

He claimed the law would be used by politicians in the run-up to next year's elections as a "smokescreen" behind which to hide their inability to deal effectively with gangsters and drug dealers.

Mr Parker said that when Pagad supporters shouted "Kill the merchants", they were serious. They were telling the Government there was no middle road in the drugfight.

"Every Mandrax tablet the drug merchant sells kills a child and kills a community. The Government must say with us, 'Kill the merchants,'" he said.

Pagad spokesman Godlam Alije said the organisation had brought a new consciousness to South Africa about the illegal drug trade and "it was destroying communities."

Nothing would silence Pagad or stop the organisation from continuing its programme, he said.
Gang busters eye trust-fund rackets

BY CATHY POWERS

No one should be above the law — not even those who function to uphold it — but the major weak link in the fight against organised crime is, in part, the legal profession, according to KwaZulu Natal state attorney, said Krish Govender.

He said during an interview that new legislation aimed at cracking down on organised crime would throw the spotlight on unscrupulous attorneys who were benefiting from their clients' criminal profiteering, either willingly or unwittingly.

The laws he was referring to — the Prevention of Organised Crime Bill, which targets crime syndicates and gangsters and carries a fine of up to R1-billion if contravened; and the Proceeds of Crime Act, which allows the state to confiscate the proceeds of crime — were introduced recently to stem the rapid growth and power that syndicates are enjoying.

Under the Proceeds of Crime Act, the money in an attorney's trust account can be confiscated if it is found to be due to crime, said Leo Swart of the monitoring unit of the Transvaal Law Society.

Many of these trust accounts are used for money laundering, said Swart.

The Money Laundering Bill, still in the proposal stage, will do even more to prevent criminals from using their attorney's trust accounts for illegal gain.

In theory, a criminal can go to his or her attorney, deposit R100 000 cash in the trust account and ask the attorney to take care of a transfer of property or any other asset. In this way, thousands can be laundered through a trust account.

If the idea that all cash deposits in excess of R50 000 have to be reported to a government office is accepted, this will make this practice much more difficult.

A trust account, by its very nature, is completely confidential, said Swart. A client gives money to the attorney for deposit in the trust account and no one else can get to it.

He stressed that most of the attorneys who become involved in money laundering were acting in good faith.

In the past six months the Transvaal Law Society had investigated only four such cases, said Swart. Two were still under investigation and the other two attorneys concerned were found to be unsuspecting victims of criminals.
Fivaz fails to solve police’s financial problems

Cape Town – National police commissioner George Fivaz is under fire from Parliament for not keeping his promise to tidy up police finances by March.

And the department has been sharply criticised for unauthorised spending in the 1996/97 financial year of R116-million.

A report by the public accounts committee, adopted by Parliament, noted progress in solving shortcomings exposed in two successive auditor-general’s reports, but said it was “concerned” that Fivaz’s promise to address the problems by March had not been met.

“The committee has noted the vast extent of systems and procedures to be rectified and the problems regarding funding and other resources.”

However, the long period being taken to rectify these shortcomings is of “great concern to the committee.”

The committee proposed a range of reforms to the police’s internal audit unit, which said might not be doing its job as independently and effectively as it should.

It also sharply criticised the police for unauthorised spending of more than R116-million.

This sum was made up of overspending of R40.5-million, and spending of RDP funds of R76.3-million outside of guidelines.

“The committee regards the overspending on the vote in a very serious light and requires of the accounting officer to ensure any future potential over-expenditure is addressed timeously by seeking supplementary funding (through the Adjustments Estimate).”

Its conclusion on the breach of guidelines for RDP fund spending was similarly harsh: “Parliament makes funds available for specific purposes and such funds may not be utilised for other purposes.”

The committee said it wanted a report as soon as possible from the accounting officer about why funds were not spent according to guidelines and “what activities the funds were in fact used for”.

It also expressed “grave concern” that a consultancy firm had been paid more than R10-million over three years “for services for which no value was received”.

The report noted that R165 000 was paid to another consultant without services having been rendered.

The committee said it was very concerned at the inability of the police to stay within their budget.

The practice of withholding payments negated effective budget management and was unacceptable.

In other findings, the committee expressed further “grave concern” about:

- The increases in spending on the guarantee scheme for housing loans from R318 955 in 1997 to R633 801 this year;
- Flaws in the administration of leave;
- Serious deficiencies in internal control over fuel and oil;
- “Unreliable” information on stock.

The committee also called for reviews of the provision of free services to semi-official messengers and on the payment of rewards.

It also recommended that effective steps be taken to ensure the police were able to deal with the Millennium Bug, which will affect computers unable to cope with the date change to the year 2000.

- Political Correspondent

Government set to create a single anti-corruption agency

Cape Town – The Government is to consolidate its anti-corruption agencies into one and launch an all-out offensive against corruption in the public service.

The two-day Public Sector Anti-Corruption Conference, which starts in Parliament today, will also look at ways to educate the public about the prevention of corruption. Deputy President Thabo Mbeki will give the keynote address.

The conference focuses on short, medium and long-term measures to fight corruption, which could lead to legislation focusing exclusively on corruption. It will also look at obstacles and review the structures and mechanisms to fight crime.

Professor Stan Sangweni, chairman of the Public Service Commission, said agencies like the Office for Serious Economic Offences, the Independent Complaints Directorate and the Presidential Task Team could be consolidated into one so that they had a co-ordinated strategy in fighting corruption.

“The public should expect that as a result of this conference there will be a strong, united, solid action nationwide addressing corruption,” Sangweni said.

Other corruption-fighting agencies include the auditor-general and the public protector. Sangweni said that although the Health Commission did a good job in dealing with corruption, it did not do anything in terms of educating the public against corruption.

South Africa would follow closely the anti-corruption model used in Botswana, which had education programmes that reinforced the fear of detection and punishment. Sangweni added that for corruption to happen there was someone in the community allowing it to continue.

He praised the community participation in the Botswana programme and said this was a project South Africa could copy.

Schoolchildren would also be targeted in order to develop among them a culture of shunning corruption.

Government departments participating include constitutional development, justice, finance, and safety and security.

- Parliamentary Bureau
The prevention of crime will be more effective if it is linked to local government initiatives, with Azteq Catches in the wake of all.

Local government action can help to prevent crime.
Corruption in Public Sector

Lack of Sanction at Root of Politics & Parliament

Govt lacks the technical expertise to build cases against the perpetrators.

Corruption, which could be seen in a pond, is not the problem. The problem is the lack of sanction at the root of the corruption.

The lack of sanction at the root of corruption allows corrupt officials to continue their practices with impunity. This perpetuates a culture of corruption within the public sector.

To address this issue, there is a need for robust anti-corruption laws and strong enforcement mechanisms. It is essential to ensure that officials are held accountable for their actions.

By strengthening the legal framework and enhancing the effectiveness of anti-corruption agencies, we can combat corruption and promote a culture of integrity and transparency.

End corruption.
corruption, war

The government is taking steps to address corruption. The government has announced new measures to combat corruption in public service. The government is committed to ensuring that public officials are held accountable for their actions. These measures include increased transparency, regular audits, and strict penalties for corruption. The government is also working to improve the efficiency of the public sector, which will help to reduce corruption and improve services to the public. Additionally, the government is working to strengthen the legal framework to dealing with corruption. These efforts are being supported by the public, who are strongly advocating for a more transparent and accountable government. The government is committed to continue its efforts to combat corruption and improve the public service.
GOVT TO GET TOUGH ON CORRUPTION

Zero tolerance for parasites

VIRTUE and good ethical behaviour are not always inherently resident in the minds of public officials, but those who transgress will be severely dealt with, says the deputy president.

A CALL by Deputy President Thabo Mbeki for the urgent reinforcement of workplace ethics in the public service was backed by delegates to an anti-corruption conference in Cape Town yesterday.

The delegates recommended that existing laws be reviewed if the fight against corruption was to be won.

They identified the abdication of financial responsibility by senior managers, including politicians, as creating fertile ground for the growth of corruption.

Delegates recommended that police officers, licensing officials and other public servants be subjected to random “checks” on their integrity, in an attempt to be more proactive in the fight against corruption.

Opening the conference earlier yesterday, Mbeki told delegates that virtue and good ethical behaviour were not always inherently resident in the minds of public officials, and there was a need to regulate their behaviour.

He warned that the government would come down harshly on all forms of corruption, including bribery and abuse of public trust.

People guilty of corrupt practice — in both the public and private sectors — would be severely punished for contributing to the “moral mayhem” that had crept into the fabric of society, he said.

“Zero tolerance will be offered to the parasites of our land... who have sought their own self-enrichment at state expense,” he told an audience that included cabinet ministers, MPs, civil servants and representatives of corruption-fighting bodies, such as the Public Protector and the Heath Commission.

Mbeki said the government’s campaign against corruption would include a review of anti-corruption legislation, drafting new laws, more efficient monitoring and management systems, and a more comprehensive “whistle blowing” system.

The conference was looking at how to tackle society, and the public sector in particular, out of the “dark years”.

Public Service Minister Zola Skweyiya said the conference was held because of a need for coordinated action to enhance the government’s anti-corruption measures.

He said the conference had a practical focus, and was expected to come up with a comprehensive and focused action programme.

Skweyiya said the conference was also preparing for a national summit on corruption in February.

The South African National Civic Organisation (Sanco) welcomed the conference in the hope it would lead to permanent solutions in the anti-corruption fight.

If corruption was not drastically reduced, it would eat into the funds meant for the reconstruction and development programme, Sanco said in a statement.

— Sapa

ANTI-CORRUPTION: Judge Willem Heath, the special investigations unit chief, was chairperson of one of the public sector anti-corruption conference commissions yesterday. He reported earlier this year his team had uncovered more than R6.2 billion in missing cash or assets in corruption cases, many dating back to apartheid years.

PUBLIC PROTECTOR: Selby Baqwa chaired one of the commissions at the public sector anti-corruption conference. He listed factors that contributed to corruption, including the collapse of social morals and ethics, lack of quality management systems, nepotism, official secrecy and a lack of checks and balances.

PICTURES: ALAN TAYLOR
Justice William English says all that was lost to the government was the $100,000 in property and $50,000 in unpaid taxes.

The money was the proceeds of fraud, a crime that was not the result of fraud, but an attempt to defraud.

The property was acquired through a fraud scheme, and the owner of the property was not aware of the fraud.

The fraud was committed by stockholders, who used the proceeds to purchase property.

The fraud was discovered by the government, who seized the property and the proceeds.

The fraud was not the result of negligence or carelessness, but a conscious effort to defraud.

The fraud was not the result of a lack of knowledge of the law, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the law, but a conscious effort to violate it.

The fraud was not the result of a lack of understanding of the law, but a deliberate decision to violate it.

The fraud was not the result of a lack of respect for the law, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the government, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the citizens, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the economy, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the environment, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the future, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the past, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the present, but a deliberate decision to violate it.

The fraud was not the result of a lack of concern for the future, but a deliberate decision to violate it.
Top officials and politicians, headed by Thabo Mbeki, vow to put a stop to those illegally lining their pockets

BY CLIVE SAWYER AND SAPA
Cape Town

As tales of graft in the public sector were related at a high-powered anti-corruption conference yesterday, top government figures promised a battery of new measures to curb the cancer.

Deputy President Thabo Mbeki led the charge, promising "zero tolerance" for "parasites" who feed on public money and "sow moral mayhem" in the public and private sectors.

Mbeki said the Government's campaign against corruption would include a review of anti-corruption legislation, drafting of new laws, more efficient monitoring and management systems, and a more comprehensive "whistle-blowing" system.

"Zero tolerance will be offered to the parasites of our land, who have sought their own self-enrichment at the state's expense," Mbeki said at the opening of the Government-sponsored corruption conference, held at Parliament.

The two-day conference, the first of its kind, is being attended by senior public servants and politicians, and representatives of law enforcement bodies. Anti-corruption agencies such as the Heath Commission and the Independent Directorate for Serious Economic Offences are also represented.

The conference is to adopt tough anti-corruption measures and pave the way for efficient co-ordination between the various arms of government dealing with the problem.

Justice Department director-general Jasper Noeth told the conference that his department deals with in bail money, maintenance payments and fines was frequently raided by low-paid departmental clerks, through whose hands the money passed.

Deputy national police commissioner Zolisile Lebasa said key areas of concern in his department included medical-aid fraud, fraudulent payments to "ghost informers", aiding escapes from custody, and vehicle clearance-certificate fraud.

Director Stefan Grobler, head of the SAPS's anti-corruption unit, said more than 1,000 policemen had been arrested on corruption charges since 1994, and 2,000 more were being investigated.

"Four hundred have already been convicted on corruption charges in the past four years," he told the gathering.

He said the 200-member unit had faced life-threatening situations, including being shot at, in their attempt to rid the police service of corrupt members. Grobler said it took too long – sometimes up to four years – to finalise corruption cases.

Correctional services representatives told delegates that corruption in the department centred around the aiding of escapes, smuggling, and the fraudulent early release of prisoners by warders who "cooked the books".

National Assembly justice committee chairperson John de Lange said the breakdown in discipline in prisons had led to criminal gangs being allowed to run prisons. A flow of contraband, such as drugs and weapons, in prisons was impossible without the help of warders, he said.

Public Protector's office said the quality of leadership and the ethics in the "global village" were important in eradicating corruption in a particular country.

To Page 2.
Sweeping measures to fight corruption

Special court to be established to help get rid of 'this curse in our society'

David Greybe

CAPE TOWN — Government is to implement sweeping measures to combat public sector corruption, including blacklisting individuals and companies, implementing asset registers for managers and revamping the tender board system.

Justice Minister Dullah Omar said the public sector conference against corruption, which ended yesterday, adopted short-, medium- and long-term measures to "get rid of this curse in our society".

The conference recommended that Omar's department create a special court staffed by retired magistrates to deal with cases more rapidly and expertly.

Omar said government's working group against corruption would report back to the cabinet and he had "no doubt" that the cabinet would give it the authority to implement short-term measures immediately. The working group would meet at the same time work on the medium- and long-term anti-corruption measures.

Omar said government would not allow political interference in the work of anti-corruption bodies such as the Heath special investigating unit and the public protector. The quadrupling of personnel in the public protector's office, announced this week, would be followed up with extra resources and personnel for the Heath unit. "Government would like to see the two bodies become even more independent and strengthened."

Judge Willem Heath said the onus now rested on senior government officials to prove their commitment to eradicating corruption in the public service by urgently implementing measures agreed to at the conference.

Heath, who chaired one of the conference commissions, said he would immediately convene a meeting of the various anti-corruption agencies. Existing control measures which were not being implemented would be identified.

The guidelines drawn up at that meeting would be distributed to all departments and "senior people will have to accept responsibility for that. If they do not then they are guilty of being negligent in looking after state assets and allowing corruption to take place."

The conference also resolved that national and provincial public service managers, "at least from deputy director up", had to report their personal assets in the relevant legislatures annually. Steps would be taken to broaden this to include local government and parastatals.

Officials in the public and private sector, as well as companies, who were found to be involved in corruption would be blacklisted, with the lists circulated between departments and provinces.

A system would be implemented in the tendering process to check on the bona fides of tenderers and prevent corrupt individuals and companies from being awarded contracts.

In the short term, uniform rules and procedures for the various tender boards would be drawn up, with a major revamp envisaged over the long term.

All public service rules would be audited "to ensure that they are consistent and deal effectively with problems as they begin to emerge". Protection for whistle-blowers would be strengthened.

A new code of conduct was being negotiated between government and the unions. Government senior negotiator Neva Makgetla said the code would streamline the unwieldy and lengthy process by placing a two-week deadline on most investigations of misconduct as well as excluding lawyers from hearings. The code was due to be finalised this year.

Simplified code: Page 8  Comment: Page 19
Parliament approves law to make gang life unlivable
Untangling a web of figures: Just how bad are they?
The malaise is not particular to SA alone, nor is it a new phenomenon society must reform to fight corruption cancer.
SWIFT ACTION PROMISED

Conference is no talk-shop — Omar

JUSTICE MINISTER Duluth Omar vowed yesterday that the anti-corruption conference at Parliament was not just a talk-shop and that recommendations aimed at removing the scourge from our society would be implemented as soon as possible.

The conference, which included a host of high-profile public sector players, was set up to deal with a myriad corruption problems in the public sector.

Some of its major recommendations were that public managers from deputy director-general above should have to record their private assets like MPs and that the independence of anti-corruption agencies of Public Protector Selby Baqwa and the special investigative unit headed by Judge Willem Heath be protected and their organisations strengthened.

Omar said the conference was a success and that he had no doubt that the broad framework on anti-corruption measures would be improved by cabinet. The commissions of the conference would continue their work in preparation for a national summit on anti-corruption in February.

“I have no doubt that it (cabinet) will give the working group the authority to take those steps necessary to implement urgent recommendations,” Omar said.

Pavlin Gordhan, acting chief of the SARS, announced that a toll-free whistle-blowing line would be set up from today in an attempt to recover an estimated R20 billion in lost tax revenue.

It was recommended that public managers be required to fill in an asset register reviewed annually so that it would become immediately apparent when they were involved in corruption.

Salle Manie, chairperson of the National Assembly public service portfolio committee, said the proposal was based on the parliamentary Register of Members’ Interests, aimed at revealing conflicts of interests between representatives.

‘DECLARE ASSETS’; Salle Manie

Justice Commission proposed that corrupt suppliers of goods to state departments be blacklisted. The National Intelligence Agency had told the commission that a corrupt information technology supplier blacklisted by the agency had a few months later supplied goods to police. Special anti-corruption courts to mete out swift and harsh justice to corrupt officials were also proposed.

Conference resolved to blacklist corrupt businesses and individuals. Judge Heath said there was an urgent need to tighten financial controls and to adequately train people in this area since state assets were being lost on a daily basis.

He sharply attacked delegates who were absence on Tuesday, the second day of conference.

“If this was the level of commitment to anti-corruption, then the country should be seriously concerned.”

His sentiments were echoed by John Emtnzen, Public Service Commissioner, who said that cabinet ministers should be excused since they were in committee.

Both Heath and Omar said that independence of Heath’s unit should be maintained after proposals were made that independent bodies should be merged.

In a far-reaching decision conference decided that public managers should be held accountable for acts of corruption committed by subordinates and that prevention of corruption be a guiding principle in government departments.

Disciplinary procedures should be simplified since procedures could take years while corrupt officials were still drawing pay.

Other recommendations were:

● To develop a communication campaign to reach all people in the country to make them aware of corruption and how to report it.

● To prioritise capacity building so that every public servant knows how to maintain anti-corruption systems and to report corruption in the workplace.

● Guidelines should be implemented to stop “jobs for pals”.

Numbers to remember

IF YOU know of corruption in government or business you can contact the following numbers:
● The Independent Directorate for Serious Economic Offences: (012) 320 6000
● Auditor-General: (012) 426 8000 (has a forensic unit to investigate government corruption)
● Attorney-General: (011) 332 8000 (criminal matters)
● Public Protector: (012) 322 2915/6 (private sector and government corruption)
● Heath Commission: (0431) 726 9705 (government corruption)
● SA Police Service toll-free hotline: 0800 11 12 13
● Independent Complaints Directorate (012) 320 0431 (investigates police corruption)
Anti-graft drive flexes muscles

BY RYAN CRESSWELL

South Africa's disparate anti-corruption agencies emerged from a high-powered conference yesterday pledging to co-ordinate efforts to weed out graft.

The Government-organised anti-corruption conference in Cape Town brought together, for the first time, the Heath Commission, the Office for Serious Economic Offences, the police anti-corruption unit, the public protector's office and other government law-enforcement agencies.

The agencies have until now operated in relative isolation from each other. They said they felt united and part of a co-ordinated drive against public and private sector corruption. The agencies are also set to be strengthened. Staff in the public protector's office is due to be increased four-fold. The Heath Commission also appears to be on the verge of a financial boost.

Guy Rich, personal assistant to Heath Commission head Judge Willem Heun, said the conference had bolstered the anti-corruption war.

"There is no way we can fight corruption as a divided front. We are now united, and delegates have identified and come up with solutions at all levels," Rich said.

South Africa's state department had some corruption, and this was affecting delivery and service.

Public Protector Solby Baqwa said the conference had not only united anti-corruption bodies but had also brought political parties, the media, religious bodies, sports bodies, watchdog bodies, NGOs and community-based organisations into the battle.

He felt positive about the initiative because, for the first time, government officials had moved from speeches to serious action.

The public protector's office would expand from a staff of 32 to 118 in an effort to tackle a backlog of 2,500 cases relating to complaints received in 1997 and 1998.

Rich also said there were indications that the Heath Commission would soon receive more staff and money.

However, the Government still seems several steps away from merging the many agencies into a single body to speed up prosecution, as has been proposed.

A follow-up conference was scheduled for February to cement the anti-corruption initiative and consolidate gains made.

Blueprint to rid country of corruption

Cape Town - Delegates at an anti-corruption conference yesterday adopted a blueprint aimed at eradicating the country, and its public service, of corruption.

Corruption involved theft from the Government as well as extortion from the public, and threatened all efforts to improve life for the majority, the delegates heard.

The Government would convene a working group to implement resolutions, Justice Minister Dullah Omar said.

Public servants were urged to re dedicate themselves to the public and national interest.

On establishing discipline and accountability within the public service, the conference resolved that all employees would be required to recommit themselves to the public service code of conduct.

The conference also called on the public service unions to assist in strengthening the public service ethos, and in developing a working environment that prevented corruption.

Delegates recommended a simpler financial and management control system, and to prevent and pinpoint corruption, and ensure value for money without building unwanted inflexibility into the system.

Anti-corruption agencies were asked to prioritise cases of fraud and corruption in the public service.

Delegates called for a special court to deal with graft cases more rapidly and expertly - Sapa
New step to be taken in war on corruption

By Ido Lekota

PUBLIC service managers would now be held accountable for the corrupt activities of their employees, a two-day anti-corruption conference held in Parliament decided yesterday.

Delegates at the conference agreed that a major step towards nipping corruption in the bud was to have public service managers clamping down on even "small incidents of corruption".

"We need to ensure consistent and clear rules of conduct and control mechanisms, so that public service managers know exactly what they have to do. We must audit all our rules regularly, including treasury regulations, tender procedures and personnel management systems, to ensure that managers are able to deal effectively with the problems as they begin to emerge."

After hearing evidence indicating the high levels of corruption among civil servants, the conference, which was attended by Deputy-President Thabo Mbeki, also resolved that one way of detecting and eradicating corruption was to establish tighter financial management controls.

Financial controls were critical as evidenced by the fact that despite the rise in corruption cases, the majority of government departments lacked basic structures to tackle the problem.

Speaker Dr Frere Gwala told the conference that a recent survey of government departments by the auditor-general had found that more than half the departments surveyed were without the prerequisite audit committees.

"Only 31 percent had actually established internal audit functions."

The conference agreed that national and provincial departments and municipalities must develop internal audit systems and bring in better financial management skills at a high level.

"In addition, we need to ensure that every public servant who handles public money has adequate training, and control systems in place," the conference decreed.

Delegates also expressed concern about the role the private sector was playing in encouraging corruption in the public service. Addressing the conference, Mbeki said for every act of corruption "there is the corrupt and the corrupter". Such a "corrupter" in some cases was a private company bribing a public official for a government contract, Mbeki said.

South African Revenue Services head Mr Pravin Gordhan also expressed concern about the role accounting and auditing firms played in helping their clients in tax evasion. 
Anticorruption strategy beginning to take shape

Options range from tough stance to new code, writes David Greybe

BEHIND the resolutions, the speeches and the manoeuvres at this week’s anticorruption conference in Cape Town were the beginnings of a national public sector strategy.

Dubbed the five-pronged approach, it is based on five different anticorruption “options”, existing independently but complementing each other as part of a national strategy. The five options are known as the so-called hard option, unitary option, auditorial option, managerial option and the soft option.

The hard option is where the long arm of the law cracks down heavily on corrupt officials.

Daryl Balla, chief director of ethics at the Public Service Commission, says with the hard option “the focus shifts from an obsession with ‘rights’ to seeking more stringent procedures to punish offenders”.

New laws should be enacted to facilitate prosecution, including a broadening of current legislation that limits corruption to inducement, said Balla, who helped organise the conference. And state institutions with anticorruption mandates should be bolstered to make them more effective.

The Prevention of Organised Crime Bill, to be enacted before the year-end, will be used in part to get a few “big fish”. Government has agreed to give greater protection to whistleblowers.

The second option, or unitary option, consists of the establishment of a single, independent anticorruption agency with sweeping powers to track down and bring to book any citizen guilty of complicity.

The conference mandated government to undertake a thorough investigation, under the direction of Justice Minister Dullah Omar.

There is a lot of support within the African National Congress (ANC) for SA to go at least some way down this route. Critics warn, though, that it is not a good idea to mix criminal and civil anticorruption agencies, and there is the danger of political interference.

Omar seemed to sum up the latest thinking in the ANC when, at the close of the conference, he stressed that government would not allow political interference in the work of agencies such as the Heath unit and the public protector. Omar’s public recognition of the independence of the two agencies was significant, coming so soon after his public spat with Judge Willem Heath, after Omar suggested creating a single anticorruption agency reporting to a special cabinet committee.

The so-called auditorial option concerned the quest for transparency and accountability, Balla said. For backers of the auditorial option, “only a proper financial management system can indicate whether a country suffers from corruption”.

The department of state expenditure, the auditor-general’s office and accounting institutes have developed the so-called perspective of generally recognised accounting practice project to address fiscal loopholes that give rise to abuse.

The conference resolved that “national and provincial departments and municipalities must develop internal audit systems and bring in better financial management skills at a high level”. Every public servant who handles public money must have “adequate training and control systems in place”.

The managerial option is located between the auditorial and ethical dimensions, putting emphasis on reducing opportunities for public officials to engage in corrupt practices.

Deputy President Thabo Mbeki proposed to the conference, as part of a 10-point ethics management framework for the public sector, that steps be taken “to reward exemplary conduct”.

Lastly, the soft option: recognition that the public sector is plagued by an ethical deficit is primary in this view and any corrective steps to root out corruption must begin with a discussion of ethics.

This is where a code of ethics fits in. Government negotiators and the unions are expected to finalise agreement on a code this year.
Heath unit ‘restores faith in SA economy’

Many South Africans regard public funds and assets as ‘fair game’

Sapa and Deborah Fine

The Heath special investigating unit was a deterrent to corruption and maladministration and had helped restore faith in the country’s economic future, the unit said in an interim report tabled yesterday.

There was also a growing perception among South Africans that something was being done about corruption as a result of the unit’s work, it said in the report, which covered the first six months of the 1997/98 financial year.

In a previous annual report to Parliament, the unit said a shockingly large proportion of South Africans, including former and present government officials and politicians, appeared to regard public funds and assets as “fair game” for corrupt schemes.

Questions had been raised about the state of the SA economy, and if there was one sphere in which there was a real boom, it was maladministration, corruption and misappropriation of public funds and assets, the 1997/98 financial year’s report said.

However, the latest interim report painted a positive picture of the Heath unit’s attempts to combat the scourge of corruption.

“As public knowledge of the work of the unit grows, one is made aware of a perception that is growing among the community that something is being done about corruption. This not only is a deterrent from committing acts of corruption and maladministration, but also helps to restore faith in the economic future of the country,” it said.

It had also led to a situation where institutions or individuals under investigation were offering to settle their indebtedness before the matter could be heard by tribunal.

The report said the unit’s investigations had now reached a stage where a sufficient number of cases were ready for hearing, and would need three simultaneous sessions of the special tribunal on all the available hearing dates.

Moreover, by the time the report was tabled in Parliament, it was anticipated that about 1 500 new summonses would have been served or would be ready to be served.

A substantial number of successues had already been achieved and great steps made in the investigation of other matters, it said, giving several examples.

Cases successfully completed and/or for which orders were granted from April to September 1998, included: the recovery of farms in the former Transkei (valued at R20.6m); the recovery of state owned vehicles (R23m); attachment of assets of the daily bread feeding scheme (R4.5m); stopping the payment, in Kokstad, of a stolen cheque worth R540 000; the recovery of R625 000 paid out because of fraudulent leases; and, the recovery of R13m in overcharged fees from an Umbata attorney.

The unit had also played a definite role in developing a culture of payment in a number of transitional local councils, and serious payments had started, the interim report said.

The unit is to scrutinise the affairs of yet another three municipalities in the Eastern Cape province, the unit’s spokesman Guy Rich said yesterday.

These were the Seymour, Whittlesea and Stutterkraal transitional councils. The unit will also launch fresh investigations into the Port St John’s and Umtata local councils, both of which were subjected to examination earlier this year for possible irregularities along with 14 other Eastern Cape municipalities.
Corruption conference, rules Chiang Center

Very few concrete proposals found from this week's conference.

Wake-up call on corruption
Putting principle ahead of politics

Darrel Bristow-Bovey

It's hard to imagine anyone stealing public money out of a sense of principled political outrage.

For all the mythical figures that weave their way through the ley lines and folklore and Saturday matinees of history, perhaps the most interesting and certainly the most enlacing is that of the pure saint — noble, untainted and — in their mind, uncorrupted — through the druking world, his heart closed to earthly temptations, his path unswerving, his intent坚定不移.

Sir Galahad, Sam Spade in The Maltese Falcon, Jesse, Rucka, Luke Skywalker — each faced temptation, each derived his strength and popularity and subsequent contempt largely by resisting it. To all, the world, except perhaps certain strata of Indian society, owes an Unforgettable.

To the idea, the struggle against corruption has become integrated into the public imagination like a briefcase and case-bound Victor Costello — only with better hair and a career — is Judge William Heath and his Special Investigations Unit. Charged with investigating allegations of corruption and financial mismanagement, the unit recently uncovered a clone. $18.5 million of public funds between April 1 and September 30 this year.

Since the Health's tenacious investigations uncovered rogues of such imposed criminal imagination it's a wonder that anyone could walk around in stripped jerseys and masks, clutching bags marked "swag." District surgeons working part-time for the government — who the Health's office discovered staggering the number of patients they treated — have claimed to have treated four hundred people in an eight-hour working day. That's fifty patients an hour. The doctor was no busy surgeon. Another claimed enough travelling expenses in a month to have driven around the whole world. In 30 days, which is just not feasible, as you'd know if you've ever driven on some of the roads in the Eastern Cape or been stuck behind a beer truck on the N1.

Sadly, the Health Unit is not the only graft-busting operation in the country. By July this year, the Investigating Directorate — the Specialised Commercial Crimes Unit and the Financial Crime Unit were dealing with 32 inquiries, involving a total of R1.8 billion, with nine preparatory investigations involving another $30 million under way. Last week public service minister Zola Skwenda announced that the office of public protector Sydney Racsa would be increased from 32 to 150 personnel, addressing a backlog of some 2,500 cases.

Business Against Crime and the Banking Councils have agreed to fund a new anti-graft unit, and will take an unprecedented number of cases, it is reported from our sources. With the Health Unit and the new anti-graft unit, the fight against fraud and corruption — one of the few sponsors in the country not protected by the government — will be better resourced. Of all these other bodies, however, it is Heath's anti-graft unit that captures the public imagination, for easily explainable reasons, and with not entirely desirable consequences.

High-level corruption is firmly in the public eye, and there is an odium fluster of those vilified as "criminals" aimed at deflecting the heat. There are those pawing down at the press bar, swilling back a double shot of something highly pungent and a twist of gall with their mid-morning gin, who insist that this simply means that there is an election around the corner and that corruption has been identified as a key campaign issue. I prefer not to believe this, but at times it is difficult to wrestle past the political posturing. In his speech to the Anti-Corruption Summit in Cape Town last week, deputy president Thabo Mbeki found the time to ridicule together some scandalously empty statements. Public officials, he observed, have proved vulnerable to corruption for a number of historical reasons, but "especially when they observe that perpetrators of the old order continue to enjoy the benefits of the new." With all due respect to our corrupt officials, it is important to anyone stealing public money out of a sense of principled political outrage.

There is no naked villainy on Nkosazana Zuma's part, no cunning masterplan. What is at stake is a principle concerning responsibility for public funds.

There is a naked villainy on Nkosazana Zuma's part, no cunning masterplan. What is at stake is a principle concerning responsibility for public funds.

For a while now — in an environment that isn't driven by strong, principled, self-regulatory codes of behaviour — this isn't because we are inherently more ethical or honest than other nations with better track-records of financial administration, but because we are more likely to get away with things than they are.

Internalised ethical codes, self-regulation that any society or community relies on to maintain order, become internalised only in an environment in which transgression is likely to result in exposure, and exposure is certain to result in punishment and social ostracism. Mbeki was right when he said: "where morality has failed, the law now has to kick in." That failure of morality is a result of the failure of the law, and the failure of that idea kept me from stealing Chappie and Archie comics from the corner café as a small boy — the idea of imminently unjust.

At least 90% of national departments do not have internal audit functions, and even when individuals are charged, they can remain suspended on full pay for years. One of the pressing needs identified at the Anti-Corruption Summit was to train officials to minimise financial management and build effective cases against wrongdoings. As important, however, is a clear and unambiguous commitment by the highest authorities to a culture of accountability. Sometimes — and this will be the hard part for them — that entails having to extract the accountable act from the hustle and put it in the wheel of political consumption around it.

Health has captured the public imagination because he is a recognisable figure in the community. He is hardworking, tough, and not afraid to face the wheel of political consumption.

Health has captured the public imagination because he is a recognisable figure in the community. He is hardworking, tough, and not afraid to face the wheel of political consumption.

The public, however, is not necessarily committed to the full resources of the government to defending the ministers, and his legal advisor, Mopandla Gumbi, is plugging in with a hearty, direct statement that the government was confident that Zuma had not misappropriated funds or personally enriched himself to any way.

The public heart longed for in or apprehension. Once again the dragon was being challenged, once again the nemesis of the dragon-hunting government were closing around her, but this time there was a dragon-slayer with a banner and a charger and armour that shines in the sun. A Saint who wouldn't, shouldn't, couldn't be deterred from naming the beast.

This is the danger of the habit of understanding events and processes in terms of the individuals involved in them — we tend to think of people and events as abstractions, as agents, not of events and processes as self-existing, driving the agent to the act.

The Health position is that she behaved "negligently or recklessly" with public funds. In July 1995 Zuma ordered the AIDS project be commissioned and delivered for performance on December 1996 — International AIDS Day. Heath contends she didn't ascertain whether there was state funding for such a project, or whether European Union funding could be used. She knew or she should have known that the time-period involved and the time-frame for tender and, critically, she omitted to put a cap on the cost of the project, resulting in its wastage of about R5.5 million.

At this time in history that Heath seeks to reclaim, there is no naked villainy on Zuma's part, no cunning masterplan. What is at stake is a principle concerning responsibility for public funds.

I would, and hope, that these discussions are expected to be rekindled by the new anti-graft unit and the new anti-corruption unit. I am confident that he will not fail.
Government's plan on farm attacks takes shape

Jonny Steinberg

A COMPREHENSIVE strategy to combat farm murders is under way as the recommendations of last month's rural crime summit, at which government pledged to reallocate resources to tackle farm attacks, are translated into action.

Safety and Security Minister Sydney Mufamadi said at a press conference in Pretoria yesterday that the preventative dimension of government's rural crime plan was beginning to fall into place, with several attacks having been foiled by "good quality intelligence".

"Successful intelligence work is a result of a spirit of co-operation between the police, the army and rural stakeholders," Mufamadi said.

"That co-operative spirit must characterise the broader fight against crime. The lessons learnt here should be generalised."

Describing the programme of action which emerged from the rural crime summit, divisional police commissioner Andre Pruis said new intelligence structures had been established which had identified flash points on a weekly basis. Visible policing in rural areas would be escalated and rapid-response units would be installed in rural areas.

Pruis said the police were reviewing the police reserve system and would be creating several new categories of reservists, including intelligence, detective, reaction force and legal expert reservists.

SA Agricultural Union executive director Jack Raath commended government for mustering the political will to take action against farm attacks.

However, he warned that "the scoreboard is still against us. Farm attacks have escalated in the last 10 months. "People are growing nervous and agitated. Success must be forthcoming."

Agriculture Minister Derek Hanekom said that the criminal justice system would deal with farm attackers harshly.

"We cannot ask policemen to risk their own lives combating farm attacks," Hanekom said. "If they need to execute their duties in a hard manner, they must do so."

Safety and Security Minister Sydney Mufamadi, left, and Agriculture Minister Derek Hanekom at a media briefing in Pretoria yesterday at which they reported on the implementation of resolutions made at last month's rural crime summit. As promised, government has reallocated resources to combat farm attacks.

Picture: ROBERT BOTHA
Police move to protect farmers

Permament police units would be set up in rural areas to protect farming communities, divisional commissioner Pruis announced yesterday.

Four areas were currently being identified where such units would be set up next year, and police were investigating the possibility of expanding the system at a later stage.

Pruis said more civilian personnel would have to be appointed to free trained police members for service in the rural protection units.

He was reporting on progress made since last month's summit on farm attacks. Three working groups comprising all interested parties have been set up to identify practical ways of implementing a set of resolutions adopted at the summit.

It was decided that farming communities should be trained to protect themselves, Pruis said. They would be encouraged to install burglar bars and security gates at their homes, and to become members of local commandos or reservist groups.

Another proposal was that special area-bound reaction forces comprising part-time soldiers or police reservists should be set up to respond to emergency calls.

Pruis said some success had been achieved since the summit. A number of attacks had been prevented, and suspects had been killed in some incidents. In some areas, the arrest rate was more than 80%.

Funds from the police budget had been reprioritised towards addressing farm attacks, Pruis said.

SA Agricultural Union executive director Jack Rauth said much progress had been made since the summit, but the results were "not there yet."

Teddy Matsela of the National African Farmers' Union stressed that farmworkers should not be excluded from the process. — Sapa
CORRUPTION

Multi-faceted dragon under attack

LYNDA LEXTON

The business community will have an important role to play in ensuring that the government’s drive to root out corruption from South African life succeeds. This was the clear message from the recent public sector conference held in parliament to prepare for a national conference on corruption in Durban in February.

“The private sector must form part of the solution, not part of the problem, in the reform of public procurement and the creation of other measures to combat corruption,” said a statement released at the end of the conference.

Since Cabinet decided in 1997 to make the battle against corruption a number one priority, no less than 11 different state agencies have been established.

The best known are the Heath Commission and the Public Protector’s Office.

It has also been asked if government should not consider establishing an independent and centralised anti-corruption agency such as are found in Hong Kong, Singapore and New South Wales in Australia.

But many believe the agencies now in place are adequate, although they should co-ordinate efforts and exchange information more.

The suggestion that a specialised corruption court be established to increase the speed with which corruption cases are tried has found broad favour, especially in light of the overloaded criminal justice system.

But how do we make what we have more effective?

Much depends on how much money the government is prepared to spend.

It will be no use staffing anti-corruption agencies with people who have no experience in unearthing sophisticated scams.

Civil society will also have to be drawn in. Not only can it play an important “whistle-blowing” role but it can help spread the awareness that corruption is wrong and can be punished.

This will be the tricky bit.

The whole concept of “whistle-blowing” is problematic as no protection currently exists in law to prevent those who report corruption from being victimised. This will be catered for in the Open Democracy Bill, due out next year after much prevarication by government.

At the conference much was said about the need for “ethical renewal” and the need to develop a civil service “with public interests to profress rather than private interests to confess”.

Departments were encouraged to develop codes of conduct, and it was hoped that the “Batho Pele” (people first) campaign launched by the public service would increase public interest and awareness.

Corruption can be a purely internal thing, such as when civil servants draw salaries for “ghost” workers, but it is often most widespread in government procurement programmes. This is where the role of business is particularly crucial.

Bernie Fararooff, the director of the national crime prevention strategy, told the conference he was particularly worried about the potential for corruption in the large and complex information technology (IT) purchases that government would have to make in the near future.

He said a thorough review of how the different components of these complex systems were bought was needed to ensure that government was not continually being defrauded.

He said there would always be a problem with the quality of equipment bought by the state from unscrupulous suppliers.

The overspecification of equipment or works was another tricky area as these could be framed in such a way that only certain people could benefit or charge inflated prices.

The appointment of consultants and other professional services could also be a problem area. Farnaroff said there had been many examples of nepotism.

He was also concerned that the sale of state land and property could result in officials or their families and friends developing consortia to buy the assets with inside help.

The conference heard of many other examples of corruption that had been uncovered in the civil service.

Again and again the reaction was that there should be “zero tolerance” for this “multi-faceted dragon with many and warded heads”, as Judge Willem Heath described it.

The new Treasury Control Bill, which aims to establish a national treasury and common norms and standards for financial control in all government bodies, is expected to go a long way towards ensuring the kind of financial and management controls needed to stem internal corruption in government.

The proposed bill has met with opposition from some entities who believe it will compromise their financial independence. It is now being fine-tuned by a special parliamentary sub-committee.

It will therefore only see the light of day next year.

In the meantime we will have to rely on the awareness created at the conference being filtered through to staff at all levels that corruption is a big “no, no” in government.
Toll-free line attracts dozens of fraud tip-offs

Northern Province anti-corruption service widely used in first week

Northern Province corruption-busters have received 92 detailed tip-offs on fraud and corruption scams in the province since they launched an anti-fraud toll-free number seven days ago.

The director of the province's internal audit unit, Maria du Plessis, said the department against which the most allegations were made was the education department with 15 reports.

The health and welfare department followed with 12 allegations made against it, while trade and industry received 11 complaints.

Only one allegation was lodged against the office of the premier and one against the department of public transport.

"About 70% of the cases will be investigated departmentally and 30% will be handed to the police," Du Plessis said.

She said each caller was given a reference number to enable them to follow up on the cases they had reported.

After each call to the toll-free number, the allegations are recorded and letters are written to the relevant heads of department about the allegations:

"We give heads of departments two weeks to respond and inform us if the department knows of the allegations and what has been done about it."

Sixteen allegations of misuse of local government cars have been reported, 10 of mismanagement of funds, nine of theft of fixed and moveable assets, eight of abuse of salaries and overtime and eight of bribery and corruption. Other cases include fraud, fraudulent claims, misuse of petrol cards and tender violations.

Judge Willem Heath's Special Investigating Unit will assist the province to recover any losses.
Police 'are winning crime war'

State acts to seize loot

The Government has announced impressive advances in the battle against crime and has begun to use new powers to confiscate the assets of criminals.

In answers to questions in Parliament yesterday, Safety and Security Minister Sydney Mufamadi revealed that:

- Police confiscated about 30,000 illegal guns in the past nine months of last year and “high-density” operations targeting illegal weapons were under way in all provinces.

- There is now a more than 60% success rate in catching criminals who murder farmers and commit hijackings, politically motivated murders and cash-in-transit robberies, with more than R477-million stolen in 194 cash heists in the past six months.

- Large sums representing the proceeds of crime are being confiscated or frozen under new laws passed last year to enable the Government to confiscate the assets of criminals.

Speaking in a mini-debate on crime levels and responding to questions by opposition parties, Mr Mufamadi said quarterly reports by his department showed crime on a “stabilising and downward trend”.

But the Government was still worried about the spread of organised crime.

On the cash-in-transit heists, Mr Mufamadi said police were upgrading their intelligence capabilities and sharing information nationally, which had helped them notch up some successes.

A total of 242 heist suspects had been arrested, 45 when robbers had failed and 197 after police investigations.

Mr Mufamadi said for the first time the Government had used legislation promulgated last May allowing it to seize the proceeds of crime. The legislation was designed specifically to ensure that organised crime does not pay.

Some R600 000 had been confiscated in one case, and a restraint order was issued for an amount of R1,5-million in another.

He said the success rate was now higher than 90% in catching killers of farmers, cash-in-transit robbers, hijackers, politically motivated murderers and others who committed serious crimes.

He suspected these successes were down...

To page 3

Mufamadi says cops winning crime war

played by people who wanted to show that high levels of crime proved the Government was unable to bring the situation under control.

Mr Mufamadi said combating the proliferation of illegal firearms had been one of the five policing priorities for 1997/98.

Between April and December last year, more than 20,000 firearms were retrieved in various operations.

In the Western Cape, 891 firearms had been confiscated since the start of Operation Recall in October.

A national operational co-ordinating committee of the National Crime Prevention Strategy had set up joint planning by police, the national defence force, and departments of welfare, justice and correctional services, to stop the spread of illegal firearms, he said.

Border control had been stepped up to stop the flow of illegal guns into South Africa.

Mr Mufamadi said organised crime was particularly worrying because it was sophisticated and transcended national borders.

To combat the problem, the Government had stepped up international information-sharing and improved co-ordination among criminal justice departments.

Mr Mufamadi dismissed as “simplification” claims that transformation in the police had led to racial conflict and a breakdown in morale.

He was responding to a question by Inkatha MP Velaphi Ndlouv.

Mr Mufamadi said it was not unusual that a huge transformation process like the one being conducted in the police would lead to tensions and stresses.

Responding to specific criticism of the system of on-mass transfers, he said 12,000 people had been affected and there had been problems.

Investigation had shown that unhappiness was caused in part by poor communication between those managing the process and those who were affected by it.

Steps had been taken to solve this...
Row over new crime figures

LINDSAY BARNES
Staff Reporter

AR 3/14/98

A row has broken out over statistics which labelled the Western Cape as the murder centre of the country.

Yesterday the police’s crime information management centre said in its 1997 year-end report on the Western Cape: “Murder in the Western Cape remains, however, the highest of all provinces in the country.”

But a spokesman for provincial minister of community safety Gerald Morkel said today that the statistics on which the report was based were flawed because they were based on the 1991 population census and not on the 1996 census. The latter census showed the Western Cape had a far higher population than previously thought.

Spokesman David Frost said that if the later census was used, the Western Cape would rank third highest after KwaZulu-Natal and Gauteng.

Officials were today trying to explain how the bungle could have taken place.

Mr Frost said the province was not the rape capital of the country. For the second year running, Western Cape was placed third after the Northern Cape and Gauteng.

Provincial statistics for murder and rape had declined in 1997 compared with the national figures which had increased, he said.

He explained that the national crime figures issued by the office of the National Community Safety Minister Sydney Mufamadi’s had been based only the 1991 census and were incorrectly compared with the provincial crime figures, based on the 1996 population figure.

In a joint statement, Mr Morkel and provincial Police Commissioner Leon Wessels said they acknowledged that the figures were nonetheless unacceptable and all efforts were being made to reduce the incidence of these crimes.

Various police initiatives in 1997 had had positive effects in reducing or stabilising crime levels, it said.

Western Cape Anti-Crime Forum vice chairperson Moosa Kapre said people wanted to know when their streets would once again be safe and when the killings would stop.

He called for a redeployment of police resources in the province and a return to enthusiastic policing.

“The resources are available at the moment but they are not being used effectively,” he said.

“On the white side of town there are more police cars than in other areas where they are needed. In Athlone there are only two vans. People are losing confidence in the police because they can’t react quickly enough. The community is prepared to assist the police but they must get their act together,” he said.

A priority in the Western Cape was the rooting out of corruption in the police service.

“The provincial government must show the will to address crime and stop playing political games,” he said.

He attacked Western Cape Premier Hermon Kriel’s announcement last week of a special task team to look at gang violence on the Cape Flats following the death of four people in Coen Steytler Avenue in the city centre on March 26.

Mr Kriel’s move had been made without consulting the community and went against the will of the people, he said.
**Proprietors sometimes go to ‘great lengths to defraud creditors’**

**Fraud plays ‘key role’ in SA business failures**

Johannesburg — Fraud played an alarmingly big role in South Africa’s soaring business failures, Mike Truter, the managing director of Credit Guarantee, said yesterday.

“There is growing evidence of business owners going to great lengths to defraud their creditors,” said Truter. Although exact figures were not available, “fraud appears to be a more important factor in the failures than in the past,” he said.

Credit Guarantee supplies domestic and export credit insurance and reinsurance to companies. Truter said the company paid R67 million in claims during the nine months to March this year, its highest payout in 45 years. Claims over the same period the previous year totalled R66.4 million.

He said 1 650 companies collapsed in the second half of 1997, 12 percent more than the previous year.

“This is bad news for the country’s employment figures, which can ill-afford to be swelled by business failures ... However, the recent reduction in interest rates, together with a further reduction expected later in the year and the forthcoming demutualisations, should ease the plight of cash-strapped businesses and provide a long-awaited boost to consumer spending,” Truter said.

Truter said fraud was behind the two largest domestic claims paid by the company this year. Both were the subject of legal action. One of them involved a businessman discounting a fictitious debtors’ book to a factoring company for R15 million.

The most common fraudulent acts involved businessmen running huge credits they were unable to pay, causing creditors untold misery. The typical guilty parties owned companies with limited proprietary status.

“High interest rates, an almost stagnant economy and increasing competition from imports have taken their toll on the domestic business sector. There are some pretty desperate people out there. This is being reflected in both the high number of business failures and the rising incidence of fraud,” said Truter.

Last month Buster Carlson, the security consultant to sugar group Tongaat-Hulett and a member of the Business Against Crime initiative, warned that the country was beginning to lose the battle against commercial crime.

Bart Henderson, a forensic auditor and lecturer, says the commercial branch of the police reported 27 252 cases involving R7.3 billion between January and June 1998.
Plans to get rid of the killer's tools

Shelma Duncan ... "the Government has to restore people's faith in organs like the criminal justice system".

"If you need to be 18 and have to solve a written and practical test for a driver's license, then the same should apply to guns." At present 16- and 17-year-olds can have firearm licences.

Changes to the law have already been suggested by Gun Free South Africa (GFFSA) and Parliament will hopefully debate the issue by early next year, says GFFSA director Adele Kistin.

She adds that there are already good provisions in the law but they are not just applied.

"For example, although gun owners are obliged to report to the police if their weapons are lost or stolen, many don't because they know the police won't investigate." While the Government is in a position to tighten control over legal weapons, getting back the illegal weapons is proving more tricky.

One option is to declare an amnesty to encourage people to come forward and hand over their weapons. But, says Shona Duncan of the Black Stars and GFFSA, the logistics are difficult. If it is done nationally over only one day, it might be too big to handle.

In 1994, when the GFFSA declared a day for people to hand over their weapons, the whole police force was involved and it was a disaster."
Heists net R47-m but Mufamadi claims success in crime battle

By Clive Snyman
Political Staff


And the Government is claiming a 90% success rate in catching criminals for serious crimes, and has begun seizing the proceeds of crime and confiscating thousands of illegal firearms.

This was disclosed in the National Assembly in response to a series of questions by Democratic Party, Inkatha Freedom Party and National Party MPs on crime-related issues.

On the cash heists, Mufamadi said police were upgrading their intelligence capabilities and sharing information nationally, which had helped them to notch up some successes. A total of 242 suspects had been arrested: 45 when robberies failed and 197 after police investigations.

For the first time, the Government has used legislation, promulgated in May last year, allowing it to seize the proceeds of crime. The legislation was designed specifically to ensure organised crime does not pay.

Speaking in a mini-debate on crime levels, Mufamadi said quarterly reports by his department showed the problem was on a “stabilising and downward trend”. He said organised crime was particularly worrying because it was sophisticated and international.

To combat the problem, the Government had stepped up information-sharing and improved co-ordination among criminal justice departments.

Mufamadi said there was a more than 90% success rate in catching criminals who murdered farmers.

On gun control, he said there were no plans to restrict the sale of legal private firearms, but applicants would be more closely scrutinised. Between April and December last year, more than 20 000 firearms were retrieved, he added.
SWINDLER'S

list—or how

SA lost R9-bn

Known corruption only
'the ears of the hippo'

INSIDE STORY

DR FRANKLIN MTWELWA refutes
corruption in South Africa and in due time
it is being done to prevent it

As for that with greater freedom comes greater responsibility. It is to the credit of the Government that it has appointed a special task group under John Steenhuisen to oversee a thorough investigation into corruption, and which has been given both the enormous task of reducing anti-good governance. Yes, but it is not specific enough. It is not enough, but it is a positive indication of what will come. We have seen what corruption means. We have seen how it works. We have seen the consequences. We have seen the damage it wrought. We have seen the pain it caused. We have seen the suffering it brought. We have seen the destruction it wrought.

The average consumer does not give a damn for anything because he feels nobody cares about him any more

At the moment, Solly Benade and his officials in Pretoria are trying to investigate all allegations of corruption that comes to the country. It is the responsibility of all of us, of all of us in the country, to come forward and assist. In the end, we can only be beneficiaries of all of that. We must not only look at what to do, but also at what not to do. We must not operate in a whole lot of compartments and then allow them to pave financial doghood. It would be better for us to unite them all. And the expectation that they are not going to be united

[Continued on page 2]

We must expose the official excuses for corruption as the impotent nonsense that they are

It is in particular in this context that the importance of accountability, transparency, and the rule of law cannot be overstated. We must ensure that accountability is the watchword of our lives. We must ensure that transparency is the guiding light of our actions. We must ensure that the rule of law is the基石 of our society.

John Steenhuisen's phrase "There is general impunity among all political actors to work against corruption.. in no case people do get it fair, they will not easily because the public is not interested.

But we also need to understand the system. It is the system. It is the system. It is the system.

Without the accountability it is impossible to operate the system. The accountability is the key.

The influence of the average citizen, who is not actually a part of the system, would undoubtedly be the key.

Nothing would encourage corruption more than a lack of confidence in the system. And nothing would deter corruption more than a lack of confidence in the system.

The system is not enough. It is not enough, but it is a positive indication of what will come. We have seen what corruption means. We have seen how it works. We have seen the consequences. We have seen the damage it wrought. We have seen the pain it caused. We have seen the suffering it brought. We have seen the destruction it wrought.

We must expose the official excuses for corruption as the impotent nonsense that they are.

This is not only because the average consumer does not give a damn for anything because he feels nobody cares about him any more.

We must expose the official excuses for corruption as the impotent nonsense that they are.
Clergy join crime fight

ANDREA BOTHA
Staff Reporter

A curfew and 24-hour Magistrate’s Courts have been suggested to help combat crime in the Western Cape.

The proposals were made to President Nelson Mandela by the Inter-Religious Commission on Crime and Violence at a meeting at Tuynhuys today.

Mr Mandela said these and other suggestions would be discussed with the Ministers of Justice and Safety and Security.

Mr Mandela met 16 religious leaders and Attorney-General Frank Kahn to discuss a range of issues – including crime, prostitution and homosexuality.

Marriage by Muslim rites was also discussed.

Mr Mandela said the meeting went well and that he had told the commission on police of the government’s involvement in combating crime.

"The police are winning the war. We are dealing with an inherently endemic situation and we must not expect a miracle," he said in answer to a question.

*Partners in Peace: President Mandela met Archbishop Ndungane at Tuynhuys*
IT crime boom could cost SA firms at least R240m a year

SHERIL E BRIDGE

Johannesburg — Information technology (IT) crime costs US companies up to $2.4 billion a year. It is also becoming a serious concern for South Africa, where every company with an IT system is at risk, accountants Arthur Andersen said this week.

Since South Africa represents 0.6 percent of the world IT market and 2 percent of the IT market in the US, it can be projected that IT crime could cost the country up to R240 million a year.

International studies reveal that few of the companies that fell victim to IT fraud blamed hi-tech espionage, but more than two-thirds believed the problem was caused by independent hackers and disgruntled employees.

Most of those surveyed said the most frequent point of attack for criminals was the Internet. "In the past, internal systems have been considered to be the greater of the problems. "It is not that abuse from the inside has diminished, it is simply the threat from the outside, through Internet connections, has increased," said the survey.

Patrice Raplis, director of the Computer Security Institute, said losses caused by security breaches showed that not enough was being done to protect against IT crime. While companies thought they were spending enough on information security, the big rise in losses indicted otherwise, he said.

Risk in technology has not been given the attention it needs, according to Arthur Andersen, who has just completed a study of managing business risks in the information age in association with the Economist Intelligence Unit.
The goal of easily accessible firearms boosts levels of criminal violence in SA

Paradise for gun-toting thugs

By Pauline Motie
The ups and downs of crime statistics

By Willem Steenkamp

Whether or not you believe that the government — and the police — have managed to come to grips with crime since 1994 depends on which statistics you accept.

But even academics have pointed out that statistics can be misleading, because as the police force becomes more legitimate, more crimes will be reported. Also, the police have done a remarkable job in stabilising crime while undergoing radical transformation. However, it now has to bring the crime rate down to more acceptable levels.

Screeches of statistics have been published. Their results differ widely, but one thing is apparent — where the message was that crime was threatening to engulf us all, the gospel now is that serious crime rates (except rape) have been stabilised or are showing a slight decrease.

But the public doesn’t think there is less crime. The Institute for Security Studies (ISS) released a comprehensive victim survey for Cape Town last week and 77% of the respondents believe that crime is increasing — this from a city where just under 30% of the population have been victims of crime in the past five years, much lower than Johannesburg (63%) or Durban (59%).

Last November, ANC MP Mr Willie Hofmeyr presented police statistics in a Cape Times article which showed that, between 1994 and 1997, murder was down 14%, attempted murder stayed the same, serious robbery was down 21%, rape was up 32% and serious assault was up 14%.

But, according to the numbers per 100 000 of the population, serious crime had decreased by 6.5% since 1994.

Hofmeyr put public perceptions of increasing crime down to “the huge increase in crime in the late 1980s and early 1990s”.

According to SA Institute of Race Relations (SAIRR) statistics he quoted, between 1988 and 1992 murder went up by 89%, rape 26%, robbery 74%, housebreaking 39%, car theft 27% and serious assault 10%.

Two weeks ago, Western Cape premier-elect Mr Gerald Morkel said in a published letter, a comparison of statistics from the 1991 and 1996 censuses showed that, per 100 000 of the population, murder was up from 56.9 to 64.9 nationally (and down from 80.2 to 76 in the Western Cape), attempted murder was up from 65.1 to 74.3, and rape was up from 120.6 to 137.8.

But ISS statistics, this time between 1994 and 1997, tell a different story: Nationally, murder was down from 66,6 to 56,9 per 100 000 people (but in the Western Cape murders had increased by 17%), attempted murder was down from 67,8 to 65,1 and rape was up from 105,3 to 120,6.

ISS academic Dr Mark Shaw said last week the SAPS “have been more successful than people assume” in combating crime.

It had to face the “huge challenge” of building a new police service out of 11 separate forces, before undertaking the task of legitimising itself in the eyes of the public. This was only partially successful, he said, because legitimacy largely rested on effective crime prevention.
DP proposes gun-control measures

The Democratic Party (DP) proposed a number of measures yesterday to curb the proliferation of illegal weapons in SA, including an independent firearms registry.

Steps proposed by DP security spokesman James Sefpe in a report include improved border control with the help of the SA National Defence Force, confiscation of illegal weapons and harsh penalties for their possession and use.

Firearms issued illegally to people convicted of violent crimes, or declared unfit to own a firearm, had to be confiscated.

There were no accurate figures on the number of illegal firearms circulating in SA, but it was estimated to be in the region of 4 million in 1996, Sefpe said.

"The core of our policy proposals is to make it more difficult for criminals to lay their hands on guns."
Extra army crime-fighting power

He said he would meet Safety and Security Minister Sydney Mufamadi to work out how the police and the army could work together in the new environment to stamp out crime.

"Discussions are continuing. We're working out modalities between ourselves and safety and security.

"Naturally certain powers will have to be given to the SANDF members. In the old days SANDF members could only stand by or have a police officer with the during an arrest."

"That has to change. Cabinet will have to confer that authority after the details have been worked out between the two ministries," Mr Modise said.

Members of the SANDF have continually been called upon to intervene and fight violence and crime where police could not cope. They successfully intervened the violence in KwaZulu-Natal and are currently involved in stopping taxi violence in Soweto, where at least 15 people have been killed.

The Cabinet has approved measures to allow the army extra powers to play a stronger role in the fight against crime.

Defence Minister Joe Modise told a media conference in Pretoria yesterday, following Cabinet's approval that the SA Defence Force should in the long term take responsibility for border control, that soldiers would be given powers to search and arrest.
DP proposes strict gun check

THE Democratic Party yesterday proposed a number of measures to curb the proliferation of illegal weapons in South Africa, including an independent firearms registry.

Steps proposed by DP security spokesperson Mr James Selfe in a report include:

- Improved border control with the help of the SA National Defence Force;
- Confiscation of illegal weapons;
- Harsh penalties for their possession and use.

"The new compulsory minimum sentences for crimes involving guns must be widely publicised as a deterrent," said Selfe, a delegate to the National Council of Provinces.

He noted that 10 400 people were killed by guns in 1996, many of which were illegal weapons.

"The core of our policy proposals is therefore to make it more difficult for criminals to lay their hands on guns," he said.

Selfe said the Arms and Ammunition Act had to be redrafted to provide for the regular renewal of licences.

Firearms issued illegally to people convicted of violent crimes, or declared unfit to own a firearm, had to be confiscated.

There were no accurate figures on the number of illegal firearms currently circulating in South Africa, but it was estimated to be in the region of four million in 1996, Selfe said.

On another front, the DP said yesterday that independent schools should receive a subsidy per pupil the same way as with the subsidy received in government schools.

"Many independent schools are currently in a financial crisis and may be forced to close down," DP spokesman Mr Mike Ellis said.

source 28/4/98
Launderers find a place in the sun

SA proves a soft target for proceeds of crime groups

Money laundering is a global industry with an estimated turnover of US$300bn-$500bn/year — excluding the proceeds of tax evasion. Legislation introduced in the past 12 years has criminalised money laundering in about 100 countries. But the most stringent measures have been taken in major financial markets, driving activity towards Third World countries. And SA, only now emerging from isolation, is proving a soft target.

A recent report by the Financial Action Task Force (FATF) — an intergovernmental agency representing 26 countries and two international organisations — says "crime groups are increasingly turning to sub-Saharan Africa". It describes SA as "progressively becoming an entry point to the rest of the continent".

Some measures have been taken to deal with the problem. In 1996, the SA Law Commission made recommendations, some of which were incorporated in the Proceeds of Crime Act, passed in 1996, and implemented in May last year. The Act makes money laundering a crime and provides for the confiscation of convicted criminals' assets.

But, among other shortcomings, it fails to provide for an administrative framework capable of containing money laundering. And it leaves the burden of the investigations on the overworked and seriously under-resourced commercial crime division of the SA Police Services (Saps).

Under these conditions, criminals can dispose of their ill-gotten gains through a range of sophisticated mechanisms, including the Internet, while SA law enforcers tracking them are strangled in red tape and unable to access even laptop computers.

There is a plan to create a Financial Intelligence Centre that will use the resources of the soon-to-be redundant Exchange Control Division of the Reserve Bank. The centre will receive and investigate reports that indicate money laundering may be taking place and establish a database to help investigations.

But the draft legislation for the Money Laundering Control Act — modelled on US, UK and Australian legislation and drawing on the 40 principles of the FATF — is needed before it can be established. And the Bill has a long way to go before it is promulgated.

Finance Minister Trevor Manuel announced in the Budget speech that he would appoint a task group to consult stakeholders. A Finance Department spokesman says an announcement is imminent. But legislation is unlikely to be ready until next year.

The delay is proving costly. Not even ballpark figures are available on the sums involved but the Banking Council (SA) says there were 466 bank-related robberies in 1997 involving R140m. When millions of rand are stolen from bank delivery vehicles, in single operations, large amounts must be laundered.

And bank heists are only one of a wide range of crimes plaguing SA and generating huge profits for those who perpetrate them. They include drug trafficking, arms dealing, pornography, liquor smuggling, VAT fraud, tax evasion, prostitution, loan sharking and fraud.

In 1996, the Money Laundering Forum of SA was set up to create channels of communication between organisations in the private sector and the police. In anticipation of legislation that will impose rigorous reporting responsibilities, the banking sector plays an active role, as do other industries likely to be affected.

Ursula M'Crystral, who chairs the forum, says the network gives people investigating cases of money laundering quick access to information and improves the prospects of a successful prosecution.

The forum will help educate the public on the issues involved. The authorities will sell a "know your customer" policy to banks and other organisations affected by the legislation. Apart from banks, other accountable parties could be those who handle trust accounts, accountants, insurers, investment intermediaries, casino owners, betting services, estate agents, liquor suppliers and any other business that handles large value and cash transactions.

This creates new rules on a number of playing fields. And company directors who lie awake at night worrying about their liability as directors, whether hackers are breaking into their systems and whether a millennium bug will cause a meltdown, can now give some thought to the impact that a money laundering transaction could have on them individually and on their businesses.

Under the new Act they could face a 15-year jail term. In addition, both directors and their businesses could be fined more than R200,000.

— Fiat Hazehurst
Tough minimum sentences from today in war on crime.
The truth behind falling crime figures

By PETE KROST

A Saturday Star investigation has revealed that police at charge-office level are refusing to open docket for what they consider petty crimes. And this means SAPS statistics about crime may be incorrect.

Police announced recently that crime levels were down - but they rely on "reported crimes" to compile statistics. Obviously police do not take into account those crimes for which they refuse to open docket.

This newspaper came across several examples where members of the public have attempted to report a crime, but have been turned away - unless they required a police docket opened so that insurance could be claimed.

And the practice is widespread: one example came from Sea Point in Cape Town, another from Yeoville, Johannesburg.

"At the top level in the police, crime is certainly a priority - but it does not look as if the same holds true for those policemen on ground level - and unfortunately they are the ones with whom the public is in contact," one victim said this week.

SEE PAGE 3
If you get mugged, don’t bother reporting it

SAPS stats may be inaccurate as police refuse to open dockets for minor crimes

BY PETA KROST

Police insist that crime levels have dropped - but their statistics may be inaccurate because, in the Saturday Star has discovered, police at charge office level are refusing to open dockets for "petty" crimes.

While the police authorities slammed Inkatha Freedom Party MP Hennie Bekker for not reporting a mugging, people who have made the effort are being turned away.

Jennifer Nix and her partner Joe Kable, both United States citizens volunteering at non-governmental organisations, were mugged recently.

They said Yeoville police refused to open a docket or take a statement - and explained that the procedure was necessary only if an insurance claim was pending.

In her example, Judy Kiplin, who runs a management development programme for the police, had to force Sea Point police to open a docket after being mugged.

Nix and Kable were robbed on a Yeoville street on a Saturday night last month by four men armed with a gun and knives. The attackers escaped with R100, a packet of cigarettes and a pair of broken spectacles.

But after hearing that friends of theirs had been accosted by men who fitted the same description, Nix went to report the crime.

"When I got to the Yeoville charge office I heard a person on the phone discussing a similar mugging," said Nix, who does volunteer work at the Centre for the Study of Violence and Reconciliation and at People Against Woman Abuse.

"The police were totally dismissive. They did not even ask what had happened. All they wanted to know was if I had insurance. I explained it had nothing to do with insurance, and that I wanted to report a crime. They asked whether I knew the guys, and I said no but that I might recognise one of them."

She mentioned her friend's story but still this did not arouse the officers' interest.

Despite Nix insisting on making a report, the police refused. They took her name, telephone number and said they would contact her.

"I have many dealings with the police through my work and I am aware of my rights. So, if I cannot get them to take a statement, what chance does the average person have?" she asked.

Kable was not surprised at the police's attitude, "after living in this country for a year". He said while they had not expected their rubbers to be caught, "the very least the police could do was add our mugging to their statistics, see if there is a pattern and try to prevent it happening again."

"At the top level in the police, crime is a priority - but it does not look as if it is for those men on the ground and, unfortunately, they are the ones with whom the public is in contact," he said.

Kiplin eventually got the Sea Point police to open a docket on her mugging - but it took a full-scale argument to do it, she said.

She and her friend were mugged on the nearby promenade and went directly to the police station. She said she gave a statement and asked for their case number.

"The police said they did not have one because they had just taken the statement for insurance purposes and had not opened a docket. Basically, they made it clear they were not interested in my case for investigation purposes."

Kiplin said she would have been able to identify her muggers, who were still probably around the area when they reported the incident.

"I had to force them to open a docket and get on to their radio," she said. "I was far more concerned about what happened in the police station than about the mugging."

She said it seemed that the police had been encouraged only to open dockets they were sure to solve. The fact that she had to deal with this, despite teaching police courses that include dealing with victim support, aggravated her anger.

"These are just two incidents of many similar cases happening around the country. However, few people go further; they simply choose not to go back to the police again."

The IIP's Bekker said this was partly why people don't go and report crimes. "People believe that if there won’t be a positive result, why bother to report crimes," he said.

"This obviously is not the right attitude."

Police commissioner George Fivaz's spokesman Director Joseph Ngobeni said "the investigation of crime is a primary function and the essential duty of the police."

"If this is true, then the people affected should report it to the station commissioners. If they do that, the appropriate action will be taken."

When the issue of the accuracy of the crime statistics was questioned, he said, "The statistics are from all reported crimes."

He explained that the opening of a docket was the first step in the investigation of a crime.
DP unveils blueprint for beating crime
 USPS BURLINGTON, YR 7 P.M.

The story and security budget of the great Burlington

Police say they aren't getting big enough

baskets to fight country's crime effectively

Authorities are working in the dark because they don't have specific figures
Moves to save youth from crime

CAROL CAMPBELL

The first step towards a new deal for Western Cape young people was taken when representatives of government departments met youth workers to find ways to rebuild hope and stop youth turning to crime.

The meeting in the Cape Town city hall yesterday was initiated by the Western Cape Education Department and sponsored by Mayor Theresa Solomon to find ways to give young people an alternative to a life of crime.

Daily gang-on-gang violence is eroding the quality of life of thousands of South Africans in poverty-stricken communities where recreation facilities are few and unemployment figures high.

But a report by provincial youth commissioner Gavin Paulse discloses that the province could get R20.9 million from the national government for youth development projects if a legitimate, representative structure is in place to administer the money.

Derrick Marco of the Institute for a Democratic South Africa said one in seven matriculants failed to find work and, on average, they stayed unemployed for three years.

"This is when youth get involved in gangs. They have nothing to do and nothing to look forward to, so crime becomes the one way of making an income."

This view was supported by Zunade Dharsey, head of the education department's Safer Schools Programme, who said the biggest threat to stability in schools was not pupils, but school-leavers and drop-outs who could not find work.

"They have nothing to do so they return to the familiar environment of school, but they are outside the classroom and, most often, up to no good."

A team drawn from the meeting will write a report on ways to solve the youth crisis and deliver it to Education Minister Nick Koornhof.

Mr Dharsey said: "We have to get something tangible on the table quickly because every day that we pontificate, people are dying."
Murder rate could climb — HSRC

WILLEM STEENKAMP

SOUTH Africa's murder rate could climb by up to 23% and rapes by 25% over the next seven years, according to a Human Sciences Research Council (HSRC) study.

HSRC researchers Ms Diana Ehlers and Mr Gideon Pimstone say in the latest Nedcor IJS Crime Index that it is possible to determine future crime trends based on previously reported crime.

But while the authors said such predictions would be valuable to policymakers and planners, they warned that there was no "magic formula" to exactly predict trends.

While the HSRC study was based on the number of crimes per 100 000 people, the authors said predictions rely on certain assumptions since many factors can affect crime rates.

Such factors included higher unemployment and increased economic deprivation, political instability and urbanisation patterns.

A problem with using past data was that it could contain errors.

For instance, police recording priorities before 1994 focused more on categories involving a threat to state security. Statistics did not include the former TBVC states and political factors, such as violence in KwaZulu-Natal and Gauteng before the 1994 elections, may have skewed overall crime trends.

The authors found that the length of time used for predictions could influence the outcomes. For instance, by comparing analyses of crimes between 1987 and 1997, and between 1994 and 1997, the former period resulted in a higher prediction for the future.

Using the 1987-1997 statistics, they discovered that per 100 000 people, the reported murder rate would rise from 70 this year to 91 in the year 2005, a rise of 23%. Rape from 125 to 167 (25%) and burglary from 619 to 726 (18%).
Creative thoughts on crime alone just not enough
Omar aims to halt organised crime in SA

By Ido Lekota

The Ministry of Justice yesterday announced drastic measures aimed at crushing organised crime, gangs and syndicates in the country.

Justice Minister Mr Dullah Omar announced in Parliament that he had set up a special task team that would draft the Organised Crime Bill, a law aimed at strengthening the hand of the police and prosecutors in their fight against organised crime.

"Earlier this year President Nelson Mandela pledged that the Government would fight fire with overwhelming fire in the fight against crime in South Africa. I am confident that this legislation will add significantly to the firepower of the police and the prosecutors in the war against crime," Omar said.

He said the task team would draft the legislation modelled on the so-called Rico Act (Racketeering Influenced and Corrupt Organizations Act) used in the United States to deal with problems of organised crime.

The Bill will, among other things, include a provision which allows the state through a civil action to seize assets that have either been used to commit a crime or acquired through criminal means.

Unlike the current law where the civil action is against the person — with the new provision the action will be against the asset.

For example, a house used for drug dealing can be seized even if there is insufficient evidence to prove that the owner was guilty of selling drugs.

The Bill will also make it a crime to belong to any organisation that has committed a serious offence.

In terms of this provision, crime bosses may be convicted if it is proved that they participated in the activities of an organisation whose members had committed serious crimes.

It will therefore not be necessary to prove that the crime bosses themselves have been involved in such offences.

In terms of the Bill, it will also be criminal to belong to street gangs, which are normally involved in less serious crimes.

Omar said yesterday such drastic measures were necessary in view of developments that showed that South Africa was becoming a haven for organised crime and also because of gang-related violence that continued to ravage the Cape Flats.

He said that such measures could only succeed if there was cooperation between the police, officials of the justice system and the community.

He hoped the Organised Crime Bill would be ready for consideration by Cabinet in early August so that Parliament could pass it into law before the end of the year.
Adding flesh to the bones

But details are still thin.

Most evaluations of SA's levels of crime tend towards emotive descriptions like "out of control" or "rampant". The latest Crime Index, co-ordinated by the Institute for Security Studies for Nedcor, attempts a statistical evaluation of the problem.

There are some surprising, and apparently contradictory, findings -- the main one being that, "measured against population and compared to a number of other countries, SA is not under-policed". The national average of 321 civilians for every police official falls between the figures for Australia (above 400) and Hong Kong (above 200).

The linked problems of the level and distribution of police service and fears of escalating violent crime -- the major determinant of emigration -- show up our vulnerability. Different provinces throw up different patterns, so that while Gauteng "has among the highest number of police officials ... this becomes less significant when the province's dramatically higher crime levels are taken into account".

In the surveyed period -- January-September 1997 -- Gauteng reported about 180 000 "serious" crimes: murder, robbery, rape, assault, car theft, and so on. This was almost double the levels in KwaZulu-Natal.

The Western Cape and Mpumalanga fare worst in terms of population and crime totals per police official.

Apart from differences in terrain to be covered, the most uneven distribution of policing remains that between black townships and white areas.

With due caution, the Human Sciences Research Council predicts an overall rise in the murder, burglary and rape rates from now until 2005.

The ANC's Willie Hofmeyr cites the tightening of the bail and parole laws, as well as heavier minimum sentences, as part of government's initiative against crime.

The Index cannot quantify fear of crime. In the Western Cape, levels of reported crime involving property have declined since 1997. But there have been increases in certain violent crimes. These receive most media attention and thus feed into public fear. In the run-up to next year's election, the opposition will make the most of that.

Peter Wilkins

FINANCIAL MAIL. MAY 15. 1998
Report finds crime rate will rise

While police statistics show a decrease and a "stabilisation" in serious crime over the past four years, a research agency has predicted criminality will increase over the next seven years.

The Human Sciences Research Council (HSRC) says in the Nedcor/ Institute for Security Studies (ISS) Crime Index that murder, burglary and rape could shoot up by 25% by the year 2003.

HSRC statistician Diana Ehlers was, however, quick to point out they were merely "playing" with figures to show that crime trends can be predicted and that the forecast was based on population growth alone. Other factors, such as unemployment, economic deprivation, urbanisation, political instability and increased public awareness of crime, which are usually used in these kinds of predictions, have not been applied.

"The murder rate can be expected to rise by 8% to the year 2000 and 22% to 2005, burglaries will increase 8% to the year 2000 and 15% to 2005 and the increase of rape will increase by 9% to the year 2000 and 25% to 2005," stated the report.

Ehlers said the prediction's accuracy was affected by unreliable data gathered during the apartheid years. Data gathered before 1994 are not regarded as reliable, partly because police priorities before 1994 focused on some crime categories over others, and because information from former homelands was not included in national figures before 1994. The HSRC used police statistics of the past 10 years.

Gideon Pimstone, who co-wrote the report, said predictions of crime trends should be taken seriously, especially by policy makers as these assist in taking steps to prevent crime. Such forecasts are used worldwide.

But he cautioned that the report was "not to be taken literally" as the intention was simply to show that "an increase in population will lead to an increase in criminality".

Minister of Safety and Security Sydney Mufumadi this month released police statistics showing categories of serious crime were either declining or have levelled off over the past four years, with rape the only crime to show an increase.

"It seems from the statistics that crime isn't getting much worse, but do we want it to stay at these high levels?" asked Antoinette Louw, a researcher for the ISS.

High levels of crime do not only affect the ordinary public, though. According to the South African Institute of Race Relations (SAIRR), police have become a fashionable target of criminals. In the first six months of last year the number of officers murdered was up 29% to 118 compared with the same period in 1996.

"Figures show further that police officials are four times more likely to be murdered than members of the public," said Andrea Holman, an SAIRR researcher. More than 50 officers committed suicide last year, an increase of 24%.

There had also been a rise in the number of complaints about and convictions of crooked police officers. More than 50 policemen were convicted of corruption-related charges in 1997, compared with 15 in 1996.

Superintendent Welma Nortje, of the South African Police Services management division, said corruption has been detected through all the ranks of the South African police and complaints cover all crimes, including car theft, armed robbery, drug trafficking and larceny.

Nortje said the increase may be attributed to the fact that "now there are ways and means to get it in the open", referring to the anti-corruption unit set up two years ago to rid the police of bad apples.
Judge lifts lid on cheque fraud that costs $A billions

NEWS

The revelation of massive fraud has sent shockwaves through the financial and legal worlds. The investigation, which has been ongoing for several months, has uncovered losses estimated at more than $A billions. The fraud, involving the use of fake cheques, has affected numerous businesses and individuals across the country.

The investigation began after a tip-off from a whistleblowing employee at a major financial institution. The employee provided evidence suggesting that the bank was involved in a scheme to defraud customers and launder money. The investigation has now expanded to include multiple banks and other financial institutions.

Officials from the regulatory bodies have been actively involved in the investigation, and several arrests have already been made. The individuals accused of the fraud face charges ranging from fraud to money laundering. If convicted, they could face significant jail terms and heavy fines.

The impact of the fraud on the victims is severe. Businesses have reported losses of millions of dollars, and some have been forced to shut down. Individuals have lost their life savings, and many are now struggling to make ends meet.

The government has announced that it will be implementing new regulations to prevent such fraud in the future. The regulations will be aimed at strengthening the systems and processes used by financial institutions to prevent such fraud.

The investigation has also shed light on the role of certain government agencies in facilitating the fraud. It has been revealed that some officials were complicit in the scam, allowing it to continue for months without being uncovered.

The public has been urged to remain vigilant and report any suspicious activities to the authorities. The government has also promised to provide compensation to the victims of the fraud.

The full extent of the fraud is yet to be determined, and the investigation continues. It is expected to take several months to complete, during which time further arrests may be made.

In the meantime, the affected businesses and individuals are seeking legal redress. The government has promised to support them in this process, and legal aid is available to those who require it.
Cheque fraud, lax controls ‘a pattern in govt’

A PATTERN of corruption, in which officials apply for cheques without filling in the register, has emerged in national and provincial governments, Mr Justice William Heath, head of the Independent Special Investigations Unit, has told the National Assembly’s justice committee.

In some instances, officials had stolen a number of cheques sent from central government.

“The cheques are just lying around (and) not even kept in safes,” Judge Heath told the committee on Friday.

“We have held discussions with departments and the banks. We have advised departments and director-generals to enforce controls as they will be held liable.”

Judge Heath said it was only individuals in departments, not all members of the government service, that were corrupt.

“A lot of people are trying to run their departments correctly.”

Some bank and government employees colluded, often working with syndicates in cashing cheques over the counter.

The absence of proper controls, Judge Heath said, made it easy for officials to commit cheque fraud in every national and provincial government department.

“It is abundantly clear from the investigations to date that there is a substantial lack of administrative financial control by heads of departments.

“There are probably many reasons for this, but there are two obvious reasons — they are sometimes ignorant of and inexperienced in administrative and financial control and there is a serious lack of communication down the ranks in their departments.”

The Independent Special Investigations Unit, appointed in 1996 to uncover corruption and recover assets and funds lost by the state, is investigating 92 600 cases involving more than R6.2 billion.

Judge Heath said four of these cases involved national departments and more than R4.6bn. To date, about R60 million had been or was being recovered.

Citing examples, he said that in the Eastern Cape cheques had been stolen from the office of the premier, taken to KwaZulu-Natal and cashed for R70m.

“The improved awareness among the provinces, national departments and other state institutions of the activities of the unit is already an enormous step in the right direction.”

“At the same time, the unit wishes to rely again — and even more so — on the concerted action of all role-players in the public and private sector to curb maladministration and corruption.”
Crime hits poor countries the hardest

World leaders fear organised gangs could cripple entire economies

BY TYRONE SEAL
Birmingham

Transnational crime is costing developing countries up to 14% of their gross national product and developed countries about 2%, the leaders of the world’s major economies were told yesterday.

World leaders fear that unless criminal syndicates are stopped, entire economies could soon be crippled, at best replaced, by organised crime.

Against this background, leaders of the world’s major economies agreed at the G8 summit at the weekend to step up efforts to fight crime through national legislation and international co-operation.

The G8 group comprises Canada, the US, France, Germany, Italy, Japan, Britain and Russia, whose leaders said in their final communiqué yesterday that international crime posed a global threat that could undermine democratic and economic bases of societies through corruption, the illegal investment of ‘money by international cartels, a weakening of institutions and a loss of confidence in the rule of law.

The leaders also called for agreements on sharing evidence of those crimes with international partners.

At the summit, the heads of government also agreed on principles and the need for legislation to allow authorities to confiscate assets from convicted criminals, including ways to help each other trace, freeze and confiscate those assets.

While the G8 group are at the moment focusing primarily on co-operation within their own ranks, the leaders have undertaken to promote co-operation with other states through various multilateral bodies, particularly the UN.

The G8 will contribute strongly to discussions at next month’s UN General Assembly special session on drugs.

In South Africa, the means recent initiatives by Parliament and the Justice Department to curb groups which have criminal objectives – whether they be gangs or such groups as People Against Gangsterism and Drugs – would enjoy support from governments in whose countries criminals might be colluding with partners in South Africa.

Money laundering, illegal arms sales and the smuggling of immigrants are among other problems which the G8 nations are trying to combat, the Times News Service reports.

In what was believed to be the first police briefing given at a G8 summit, Roy Penrose, director-general of the National Crime Squad in Britain, showed the G8 leaders videos of three police forces working together to catch drug barons.

The real problem, however, was not police co-operation but getting the different judicial systems to work together. Penrose said.

A major challenge was the speed of communications, he said. The security of computer and communication systems and their protection against computer crime was essential.

The G8 leaders responded to this challenge by promising co-operation with industry to reach agreement on a legal framework for obtaining, presenting and preserving electronic data as evidence, while maintaining appropriate privacy protection.

Star Foreign Service

No ducking the issue here... US President Bill Clinton and French President Jacques Chirac watch as ducks cross their path in the gardens of Weston Park in Birmingham, where leaders of the G8 nations gathered at the weekend.
Drug cartels target SA and sub-Sahara

Syndicates using African states as prime sites for trafficking, UN study finds

By Rich Meikondo
Washington Bureau

South Africa and several other African countries are being used as springboards for international trafficking syndicates from Asia and Latin America, according to a United Nations study.

The study by the UN Drug Control Programme (UNDCP) said South Africa, Kenya and several west African countries have emerged as key destinations for cocaine and heroin traffickers.

"There is a thriving, although just beginning, consumer drug market in major sub-Saharan African cities," the UNDCP said.

The study looked at the socio-economic and political factors affecting the growing drug problem in five African countries, including South Africa, and used the findings to recommend approaches to drug control programmes in the region.

The UNDCP researchers, from the London School of Economics, indicated that poor financing for the police, and the lack of other technical capabilities needed to root out illegal shipments, were problems which made the region vulnerable to drug traffickers.

They said that aside from being used as a transit point, crack cocaine has found its way into sub-Saharan African cities and was being produced in Lagos and Johannesburg. The relatively low price of crack cocaine makes it the drug with the greatest market potential in the region, the UNDCP said.

"Based on the survey in five countries—Kenya, South Africa, Mozambique, Cameroon and Nigeria—there seems to be a very pessimistic outlook by people in these countries regarding the future of drug trends in that part of the world," said UNDCP analyst Douglas Keh.

Statistics show, for example, that Africa accounted for 12% of worldwide dagga seizures in 1996, and that seizures of cocaine and heroin were negligible. For example, cocaine seizures in Africa in 1996 totalled 386kg, compared with 128,000kg for the US. African seizures of heroin totalled 168kg in 1997 compared with 10,425kg in Western Europe.

Keh said that one reason for the low seizure levels and a main reason why Africa stands out as a prime location for drug traffickers is limited financial resources, which hamper enforcement agencies.

"What this one picture says is that seizure statistics aren't that reliable. They are heavily influenced by resources, resource availability, technical capacity as well as good luck. It is really a very weak basis on which to develop drug policies."

The UNDCP study recommends that more aid be given to African countries to help them train personnel monitoring drug trends and trafficking; that drug abuse programmes be aimed at high-income consumers; that more aid be given to farmers and poor urban workers to improve economic conditions; and that private aid agencies be encouraged to expand their involvement in rehabilitation, back-to-work, and prevention programmes.

State credibility is an essential prerequisite for effective drug control, the UNDCP said. Therefore, aid should be given to African nations to help reform judicial, criminal and penal legislation and help to train police.

Keh said the UNDCP saw the entire region as a transit region and it had to prepare for the inevitable spillovers.
High on list of fraud casuualties

South African, Kenyan companies

By: Somwine business
Study exposes the management of fraud
African National Congress MP Willie Hofmeyr says he is confident the drastic anti-gang measures in proposed Justice Ministry legislation will be upheld by the courts.

Mr Hofmeyr, an MP from the Western Cape and member of the National Assembly justice committee, was speaking in yesterday's debate on Minister of Justice Dullah Omar's budget vote.

Mr Omar recently announced proposed laws to widen the capacity to seize criminals' assets by civil action, and to crack down on membership of street gangs.

"Clearly one will have to look carefully at whether they comply with our constitution," Mr Hofmeyr said.

Mr Hofmeyr noted that Parliament had passed three tough measures against crime.

These were the new bail law which made it almost impossible for those charged with serious offences such as rapes, murders and robberies to get bail, legislation for heavy minimum sentences for serious offences, and tougher laws on parole.

Mr Hofmeyr said the Organised Crime Bill would allow the state to seize criminal assets through a civil action as was the case in the United States and Australia.

"This law helps to fight crime in two ways: it helps us at least to hit at the pockets of the crime bosses and to make crime less attractive.

"But it also makes it more difficult for them to operate by taking away the property they use, such as houses and cars," Mr Hofmeyr said.
Freedom Front urges Mandela to set up commission of inquiry into rural attacks

BY NORMAN CHANDLER, 
RYAN CHESSWELL AND SAPA

Eighteen farmers have been murdered in the past seven weeks alone, the South African Agricultural Union said yesterday as the crisis over the killings grew.

The SAUA, which says it represents 60,000 farmers, stated that 142 people were killed on farms last year, and police had so far arrested 141 suspects over rural crime.

The Freedom Front yesterday urged President Mandela to appoint a judicial commission of inquiry into the spate of rural attacks. It also warned farmers to arm themselves against attacks, while the Pan Africanist Congress (PAC) said a “third force” might be responsible for the killings.

Safety and Security Minister Sydney Mufamadi admitted yesterday that police were facing an uphill battle.

“It means the challenge remains immense for us to ensure that we bring this thing to a complete halt. We have been worried about the fact that we have not been as successful as we want to be to prevent these attacks,” he said.

There was a sharp decline in farm attacks after the Government launched its rural protection programme in November, but there has been a resurgence of attacks in the past two months.

In the most recent attack, on a couple in Rustenburg, slogans linking the PAC to the assault were left on the crime scene, prompting PAC president Dr Stanley Mogoba and Freedom Front leader Constant Viljoen to hold an urgent meeting in Cape Town.

The meeting was requested by Mogoba to dispel suspicions in the farming community that farm killings were being carried out by former Azanian People's Liberation Army cadres to drive them off the land.

Letters found at the scene of the murder of Don Delfield (65) and his wife Verina (62) stated that the killings were in revenge for the killing of six-month-old Angelina Zwanje by a farm owner more than a month ago. They also said the killing of farmers would continue until APLA cadres still in prison had been released.

Mogoba rejected the allegation “outright and with contempt”. He said the PAC suspected “political intrigue among forces who hatred and feared the party”.

PAC secretary-general Michael Moendane told The Star that any formal PAC connection to the crime was impossible because APLA had been disbanded and most of its cadres were now in the South African National Defence Force.

“As at the time leading up to the elections, it is possible there is a third force at work. Farmers are co-operating and there is absolutely no basis for this type of attack,” he added.

Viljoen said there was no proof that farm attacks were linked to APLA and urged the Government to urgently set up a judicial commission of inquiry to find out the facts and make them public.

Meanwhile, SAUA president Chris du Toit said his union would be asking international agricultural organisations and major companies investigating in South Africa to lobby the Government to stop farm killings, failing which full-scale sanctions should be imposed on the country.

“We have a problem with the Government's attitude in this matter and it does not appear that there is the political will to find a solution,” said du Toit.

Farmers rage as the murders
Emphasis has now shifted to better service delivery and improve the quality of criminal investigations.
'Partnerships will break crime'

By Justice Mohale

LACK of financial resources in previously disadvantaged communities is a stumbling block in developing partnership policing to ensure effective crime prevention.

This was said by National Police Commissioner George Fivaz at the official launch of the Guide to Local Partnership Policing in Johannesburg yesterday.

"To ensure that partnership projects function effectively, the South African Police Service would fully involve members of the community and businesses in order to contain the wave of crime," said Fivaz.

He said the police would urge ordinary citizens to join forces with them in an effort to combat crime because the police alone could not prevent the scourge.

Viable strategy

He cited projects such as the Community Policing Forums (CPF) as a successful and viable strategy in reducing the crime wave in South Africa.

Partnerships between the police, community, local businesses and local governments was a cooperative measure to solve the crime problem.

Fivaz condemned the killing of farmers as "an abhorrent action in a culturally diverse society such as South Africa".

He said the SAPS had extended its partnership with the South African National Defence Force and the local farmers association in Bloemfontein.

Since 1997 this relationship had reduced attacks on farmers, he said.

"We have to try our utmost to protect farmers."

"If we fail, we will experience food shortages," he said.
Govt calls in global guns for crime battle

Organised crime and corruption is such a problem that the government has called in private-sector consultants to help train its police and military intelligence agents.

Kroll Associates, the international business investigation and risk management agency, this week launched a year-long programme of seminars for the security forces on how to tackle the problem, which is worrying foreign governments and investors in SA.

"You’ve got somewhat disorganised crime in SA that’s beginning to organise, and highly organised crime coming in from the outside," says Tommy Helby, chairman of Kroll’s London-based operations. Police said there were more than 190 organised crime syndicates in the country. Johannesburg and other cities had become trans-shipment points for the international drugs trade, with heroin and other drugs coming from Asia and Latin America and going to Europe and the US.

Criminal gangs were also involved.

Crime

Continued from Page 1

In car-jackings and armed robberies that had plagued the country since apartheid began to crumble.

Safety and Security Minister Sydney Mufamadi said yesterday that there was growing evidence of international crime syndicates operating in SA. Suspects from Brazil, Bulgaria, Nigeria and elsewhere had been arrested, he said.

Syndicates were increasingly targeting SA as a theatre for their operations, and it was important for those involved in the fight against crime to be trained in the most advanced techniques, Mufamadi said.

Kroll had flown in some of its most senior managers to launch the seminars. They included: Nerb Garrett, who spent 30 years with the US Central Intelligence Agency and now heads Kroll’s Europe, Middle East and Africa division; Steve Vickers, head of the Asian region, who was in charge of criminal intelligence for the Hong Kong police; and Tom Cash, Kroll’s South American chief, who headed the US Drug Enforcement Administration’s operations in Miami.

Kroll would train members of the SA Police Service, the National Intelligence Agency (NIA), the SA Secret Service and the prosecution services. It was working with the NIA’s training academy. — Financial Times.
Farm killings
'20 times higher than elsewhere'

The murder rate among SA's farming community was nearly 20 times that of other segments of the population. Melmoth farmer Dudley Leitch told an Agricultural Employers' Organisation meeting in Pietermaritzburg. Leitch said the murder victim rate among South Africans was 18 per 100,000 people, but the killing rate in the farming community was 120 per 100,000.

In KwaZulu-Natal, the chairman of the Local Government Association, Sipho Ngwenya, has arranged an urgent meeting with the president of the agricultural union, Graham McIntosh, to discuss ways in which local government can help combat attacks on farmers.
SAPS statistics show 'crime still pays'

STATISTICS released by the SA Police Service have revealed a low rate of prosecutions and convictions in crimes such as murder, rape, car-hijacking and burglaries.

However, the ANC has refuted the accuracy of the figures, saying that many of the trials quoted by the SAPS were still in progress.

Safety and Security Minister Sydney Mufamadi said of 24 684 murder cases reported last year, 11 352 were prosecuted and 3 609 convictions (14%) were achieved.

In a reply to a question from Douglas Gibson (DP), Mufamadi also said police had won convictions in only 205 (1.6%) of the 12 895 car-hijacking cases reported in 1997. Of the 52 110 rape and attempted murder cases reported during the same period, 22 255 were prosecuted and 3 532 (6.7%) convictions were achieved.

The figures show that 243 639 burglaries were reported at residential properties last year. Of these 30 548 resuired in prosecutions and 10 845 in convictions.

Gibson said the figures showed that "crime still pays".

ANC justice spokesperson Willie Hofmeyr said most of the cases were still in progress, which explained the low conviction rate.

— Parliamentary Bureau
Conviction rate shows crime pays, says DP

By JOYCEK RAMTAD

Cape Town - Statistics released by the SAPS have revealed a shocking low rate of prosecutions and convictions in crimes such as murder, rape, hijacking and burglary.

However, the ANC has contested the accuracy of the figures, saying many of the trials quoted by the SAPS were still in progress.

Safety and Security Minister Sydney Mufamadi said in Parliament yesterday that of the 24,041 murder cases reported last year, 11,339 were prosecuted and only 3,639 convictions (15%) were achieved.

In reply to a question from Douglas Gibson (DP), Mufamadi also said police had won convictions in only 263 (1.6%) of the 12,685 hijacking cases reported last year.

Of the 52,110 rape and attempted murder cases reported during the same duration, 22,255 were prosecuted and 3,532 (6.7%) convictions were achieved.

The figures show that 243,639 cases of burglary from residential properties were reported last year. Of these, only 30,548 resulted in prosecutions and 10,845 (4.4%) resulted in convictions.

Of 86,451 burglaries from business premises, only 12,985 ended in court, where 4,823 (6.8%) convictions were achieved.

Gibson said the figures were "simply unacceptable."

"They show that, whether or not the crime rate is declining, as the Government claims, crime still pays, and victims of serious crime have very little chance of seeing justice done. "The criminal justice system is leaking like a sieve," Gibson said.

ANC spokesman on justice Willie Hofmeyr said: "Gibson is extremely misconceived in his use of figures ... and omits to mention that in most cases he quotes, the trials are still in progress and that this explains the low conviction rate."

According to figures submitted to the justice committee, the general conviction rate was about 70%, Hofmeyr said.
Why so many South Africans turn to a career of crime

ANALYSIS
Speciscism over crime statistics misplaced.
Crime figures ‘not true picture’

 Pretoria – Police commissioner George Fivaz has reported significant successes in the fight against crime, but experts said police statistics did not reveal the true picture.

 Reacting to a statement by commissioner Fivaz that he was cautiously optimistic about the fight against crime, criminologist Janine Rauch said: “We don’t know how much crime is going on out there. Police figures don’t tell the whole story.”

 University of SA policing expert Professor Ben Smit agreed: “I don’t think things are going quite as well as commissioner Fivaz would like us to believe.”

 Commissioner Fivaz in a statement in Pretoria yesterday said police strategies were resulting in significant successes, especially against violent crime.

 “Although fully cognisant of both public and media perceptions of crime – especially violent crime – the SA Police Service and I believe there are grounds for cautious optimism,” he said.

 Ms Rauch, from the Centre for the Study of Violence and Reconciliation, said surveys conducted by the Institute for Security Studies revealed a significant under-reporting of crime. – Sapa
Government hires crack investigators to help root out syndicates

SA Crime boss to fight EX-CLA
'CONTROL LENDING OF WEAPONS'  

Wiley moves to close loophole in gun law  

SECTION EIGHT of existing firearms legislation allows gun owners to lend their weapons to virtually anyone. Security Writer WILLEM STEENKAMP reports.

Eight out of 10 people carrying firearms when stopped at roadblocks on the Cape Flats are not the licensed owners of those weapons, but they are not breaking the law, even if they have been convicted of dangerous offences.

But new Western Cape Community Safety MEC Mark Wiley is trying to change that. He wants the National Assembly to scrap section 8 of the Arms and Ammunition Act, which allows a firearm owner to lend his or her weapon to any person. And the sooner the better.

According to section 8, a licensed gun-owner may lend a firearm to any person over 16 years, barring those who have been specifically disqualified, for up to two weeks. All that is required is a letter from the owner giving permission to possess the weapon, and containing "particulars sufficient for identifying the firearm".

The upshot is that licensed owners are able to hand over a gun to a person not officially permitted to possess one — and that criminals, especially prostitutes in the Cape Flats fighting, are taking advantage of this loophole.

Wiley, who in his new portfolio has to contend with the escalating violence, said he was determined to have section 8 scrapped within a matter of weeks.

He said 80% of armed people, including hardened criminals convicted of schedule 1 offences, stopped at Cape Flats roadblocks were carrying firearms in terms of section 8.

Schedule 1 offences include treason, sedition, public violence, murder, culpable homicide, rape, indecent assault, sodomy, bestiality, robbery, kidnapping, child molestation, assault when a dangerous wound is inflicted, arson, malicious damage to property, burglary, theft, receiving property known to be stolen, fraud, forgery or uttering, coinage offences. Also included are escaping from custody while in custody for schedule 1 offences or crimes carrying a full term of more than six months, or conspiracy, incitement or attempting to commit schedule 1 crimes.

Scraping section 8 would inconvenience "a few hunters", but the bill could be amended to allow for officially-permitted lending of firearms, Wiley said.

"It's generally unauthorised people who are going out and committing crimes," he said.

But the SA Gun-owners' Association (Sag) saw the matter differently. Sag Western Cape chairperson Jerry Dolman said his group had told lawmakers last year that scraping section 8 in its entirety would actually promote the sale of guns.

Dolman said Sag supported several alternatives, including scraping only a part of section 8, so that police would have to approve the lending of a gun, or changing the law so that both parties would have to be licensed gun-owners. "That solves the hunters' problem."

Gun Free SA national chairperson Sheena Duncan said yesterday the anti-firearm organisation would wholeheartedly support the scrapping of section 8.
THE SA Agricultural Union warned this week that "the rest of the world is aware of the unsatisfactory safety and security position in SA, especially in our rural areas".

The warning is linked to the union's attendance of the international federation of agricultural producer conference in Manila in the Philippines this week and follows earlier threats by it to call for sanctions against SA in order to put pressure on government to bring the problem of the murders of farmers in SA under control.

However the union denied it had trade sanctions in mind two weeks ago when union president Chris du Toit said at a news conference in Pretoria "we will inform them (international federation of agricultural producers) of our situation and ask them to be ready to act when we call on them".

Union director Hans van der Merwe said the union's board did not take any decision to call for trade sanctions, but that the SA crime rate had the same effect as sanctions. Derek Hanekom, the minister for land and agriculture, condemned the union for even proposing sanctions as an option.
Ryan Cleesswell: Won't wither, battle will be with them, the police chief is.

Crime figures San Horrigan bring down models to 2

Kahn's three

Man in the hot seat
Calista and Lolo Mbowi of the Uganda Democratic Front. They are General Nicole Nama and Capt. Samaa Burra. The Ugandan Democratic Front is a political party in Uganda. The party was founded in 1962 by Dr. Apollo Nyanza, a prominent leader of the Ugandan revolution. The party is known for its commitment to social justice and national unity. The party has been involved in several political conflicts in the past, including the 1970s and 1980s, and has played a significant role in the country's political landscape.

The party has a strong base in the northern and eastern regions of Uganda, where it has been active in promoting social and economic development. The party's political platform includes issues such as education, health care, and economic growth. The party has also been involved in issues related to land rights and social justice.

In recent years, the party has been focused on promoting peace and stability in the country. The party has been involved in several peace negotiations, including the 2006 peace agreement with the government of Uganda and the 2010 peace agreement with the Lord's Resistance Army. The party has also been active in the fight against corruption and has called for the implementation of anti-corruption measures.

The party has a strong youth wing, which is involved in promoting youth empowerment and social justice. The party has also been active in promoting women's rights and has called for the implementation of women's rights policies.

In conclusion, the Uganda Democratic Front is a significant political party in Uganda, known for its commitment to social justice and national unity. The party has been active in promoting peace and stability in the country and has been involved in several political conflicts in the past. The party's political platform includes issues such as education, health care, and economic growth. The party has also been involved in issues related to land rights and social justice.

Few people believe the asbestos police provide...
Man in the hot-seat says his new policing models in Johannesburg and Cape Flats are bearing fruit.

BY RIAN CHASMERS

...
JOHANNESBURG: Police chief executive officer Meyer Kahn says strategic metropolitan policing models here and on the Cape Flats are coming along so well that they will start to be implemented across the country early next year.

But some experts feel he probably underestimated the problems he faced when he took the position about eight months ago.

"Kahn denies he was taken by surprise. "I expected a difficult and massive job," he said.

This is something of a watershed month for Kahn because in February he said he aimed for progress in setting up a working anti-crime model in Johannesburg by mid-year. By then he would not be in office.

This week he said: "Fortunately, I can tell you that the model is on track and it's slowly but surely being implemented. It will be operational by the end of June, not necessarily in its total refinement, so when they do phone I will be in the office."

But most South African crime hotspots, including those here and on the Cape Flats, remain risky.

However, the experts were also quick to explain the difficult circumstances Kahn has been operating in and describe the success he has had.

Karthi Govender, head of the department of public law at Natal University in Durban, said the fight against crime had been hampered by the recent amalgamation of different forces with unequal degrees of training and experience, a force largely untrained to deal with a constitutional democracy.

"But we still need some results soon. When things changed we thought the right-wing would be the biggest threat to the Constitution, but it has turned out to be crime," he said.

Mark Shaw, head of the crime and police programme at the Institute for Security Studies, said crime appeared to be stabilising except for certain violent crimes such as rape. "The challenge is to make this sustainable," he said.
Big business: Crime’s way

MICHAEL SCHMIDT reports on the lessons SA is getting in its war on an ever more sophisticated enemy

ST 7/6/98 (34)

A n international crime-busting company hired by the South African government believes its year-long stint here will give the country the edge over cross-border criminal cartels.

Kroll Associates, hired to help fight organised crime in South Africa, began intensive training of a hand-picked group of police, justice and intelligence officials last week at the National Intelligence Agency’s academy in Malawelo.

One of Kroll’s top men, the former congressional director of the American CIA, Norb Garrett, said South Africa was ahead of other countries in recognising that international co-operation between law enforcement agencies was the way to beat globe-trotting gangsters.

Garrett and six other Kroll specialists, who have worked with governments around the world in bringing some of the most notorious criminals to book, plan to help South Africa do the same.

Garrett, who now heads Kroll’s Europe, Middle East and Asia division, said this week: “South Africa is ahead of the pack in recognising that this problem can’t be attacked in isolation.”

Interpol recently commended the country for the way it worked with Mozambique, Zambia and Zimbabwe to break the back of an extensive network smuggling stolen and hijacked vehicles.

Garrett said the training of South Africa’s security chiefs would focus on the “strategic management of investigations.”

“We don’t purport to shed new light for the South African authorities on organised crime in South Africa,” he said.

Instead, Kroll will teach the class of 50 how to interact with foreign intelligence agencies, which jurisdictions give them a better chance of successful prosecution and how to search for, and recover, laundered money and hidden assets.

Although a big part of Kroll’s work is risk assessment, Garrett declined to comment on how it perceived the country’s political stability, but added: “We don’t ring any alarm bells about South Africa’s economic situation.”

The course was “extremely practical”, said André Pienaar, a former University of Port Elizabeth law lecturer who works for Kroll analysing security risks for investors in emerging markets.

“Local intelligence and law enforcement have a good grasp of the situation,” he said. “But now they have increasingly to understand how the crime syndicate business works: like how it uses front companies to hide money. The course also deals with computer forensics because usually the criminals leave no paper trail.”

Tommy Helsby, Kroll’s Europe and Africa chairman, said trainees would be taught how to retrieve information erased from hard discs as syndicates boasted “an impressive array of computer skills” and taught these to South African criminals.

“It’s important to recognise that (for South Africa) to ask for the help we are giving isn’t necessarily an indication of any lack of skill,” Helsby said.

“What they’re trying to do is to gain access to practice in cutting-edge techniques worldwide.

“To a certain extent, the SA law enforcement and intelligence community has been left a little behind because of political isolation. The criminal economic relationship is changing very rapidly, so this course is a way to jump ahead.

“We won’t produce an elite band of Kroll graduates. We are training the fraternity that these skills are spread right throughout the services.”
The role of the post-doctoral researcher in a university setting is often multifaceted. While the primary role of a post-doc is typically to conduct research under the supervision of a faculty member, they also play a significant role in training and mentoring the next generation of scientists. In addition to their research responsibilities, post-docs often have the opportunity to publish their findings, attend conferences, and collaborate with other researchers. This article explores the challenges and opportunities faced by post-doc researchers and offers insights into how they can maximize their impact.
obituary

Jan Pickard

Rugby player, administrator and businessman

Jan Pickard had a trail-blazing career with the Blues and Newlands rugby teams before joining the Outeniqua club in Cape Town. He was a member of the Blue's Springbok touring side in South Africa and played for the Newlands club in 1951 and 1952. He played in four Tests under the captaincy of Western Province. He was later involved in the development of rugby in disadvantaged communities.

He was an engineer and was instrumental in the development of the rugby clubs in the province. He was a member of the Blue's Springbok touring side in South Africa and played for the Newlands club in 1951 and 1952. He played in four Tests under the captaincy of Western Province. He was later involved in the development of rugby in disadvantaged communities.

In 1979 Philip Grey, wrote an influential essay on Northern Rhodesia, which argued that the frontiersmen were a "fringe phenomenon". He argued that the frontiersmen were a "fringe phenomenon". The paper was later published in an essay collection, and it became the standard reference on Northern Rhodesia.

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Concern over SA crime grows

MUNICH — German investors are growing increasingly concerned about SA's high crime rate.

Reports in the German media have underscored the high level of criminal activity in SA.

The coverage was topped recently by a detailed radio programme and an article featured in the influential newspaper the Frankfurter Allgemeine Zeitung, which sells almost 400 000 copies a day.

The SA embassy in Bonn is pulling out all the stops to quell concerns among the German business community, because German bankers and trade and industry representatives in Johannesburg have been targets of crime and violence.

SA embassy spokesman Zolile Magwun said he had contacted affected Germans and their organisations and assured them that efforts were under way to stem criminal activity in SA.

While it was not an embassy's normal function to assist with crime-fighting, in SA's case the work was becoming an important addendum to the embassy's attempts to attract investors to the country.
FLATS CAME FOILING PLAN READY

NATIONAL CRIME TRENDS

SPECIFIED PROVINCIAL CRIME RATINGS

WAP IS CRIME HOT SPOT

ON VIOLENT CRIME

SA WINNING WAR
Crime crisis: police powerless

Impossible to control epidemic without community expert

INSIDE STORY

CAPERGUSISSES

AC/18/8

8/9/98

The crime situation in the country...
Citizens not impressed with official statistics (Ξ 4)

GLYNOS UNDERHILL
8/6/98

Few South Africans believe official statements on crime levels, although a recent check on figures shows that serious crimes have decreased in recent years.

The Independent Institute for Security Studies (ISS) said a survey indicated citizens did not believe Government and police crime statistics about changing crime levels.

"These opinions pose a serious challenge to Government policy makers. Scepticism over official crime data may make it difficult to sell to the public any success in reducing crime. This is likely to be compounded by electioneering in the run-up to the national poll in 1999."

However, in spite of public scepticism, there is growing evidence that official crime statistics for some categories of crime may be relatively accurate, according to the latest Nedcor Institute for Security Studies Index, compiled by Mark Shaw.

But ISS, which is funded by the United Nations development fund, said the recent tendency by both the Government and the police to exaggerate the extent of the downturn in crime did little to build public confidence in official crime statistics.


Detailed survey work suggests that across four of the country’s major cities—Cape Town, Durban, Pretoria and Johannesburg—the public consistently reports crimes.

Reporting rates of murder, hijacking, car theft and burglary are high in these cities. However, the same cannot be said of a range of violent crimes such as assault, sexual assault and, to a lesser extent, robbery and mugging.

"Official police statistics on these crimes are likely to considerably undercount their actual extent. But official police data in relation to these crime types should not be rejected out of hand. Police statistics, even if they do not show the full extent of any crime, are often useful in determining trends over long periods."

Police statistics released since 1990 reveal:

■ Murder figures, generally considered to be accurate, show dramatic increases from the late 1980s but sustained declines since 1994.

■ Robbery with aggravating circumstances, including hijacking, cash in transit heists and bank robberies, also show high levels of growth between 1988 and 1993. Since then, this crime category has shown real declines, with a slight increase during 1997.

■ The reporting of rape and attempted rape cases to police has shown a steady increase from 1986, followed by a dramatic increase from 1993.

■ Assault with attempt to do grievous bodily harm has also increased dramatically.

The good news is that the institute believes crime could stabilise at high levels and begin to slowly decline over the next decade. "The consolidation of democracy is leading towards stabilised crime levels. But the danger is that unacceptably high levels of crime will remain a permanent feature unless adequate measures are taken," the report warns.
18% of executives robbed at work, says SA survey

Mawandile Jacks
74, 9/16/98

Last year, family members of 22% of business executives were robbed or burgled while 18% of executives were robbed or burgled at work, according to a survey of SA businesses released yesterday.

The survey, conducted by a consortium of SA corporations and market research companies, aimed to provide decision-makers with necessary information to "address challenges of the years ahead".

The survey was conducted by interviewing 3,000 executives from established businesses and 2,000 executives from emerging black businesses and in-home businesses. While 17% of the interviewed executives said they had been robbed or burgled at home, 17% had family members who had emigrated and 14% had had their cars stolen.

The survey showed that labour problems, financial matters, client demands and crime and security were among the greatest causes of stress to business executives. It also revealed that 91% of executives believed that crime and violence were among the top 10 issues undermining confidence in SA's future.

Interviewed executives said government should fight crime, bring back the death penalty, enforce harsher sentences, limit the power of trade unions, reduce tax evasions and pay police a living wage.
20 000 thugs still ‘licensed to kill’, says Mufamadi

Gun records chaos

July 11/16/98

Lack of staff and gaps in records are hampering efforts to review the gun licences held by 20 000 people with criminal records.

This was disclosed in the National Assembly by Safety and Security Minister Sydney Mufamadi in reply to questions by Douglas Gibson of the Democratic Party.

So far the records of only 891 people had been checked.

"Before one can begin to revoke licences and to confiscate arms it must be determined whether the licence to possess the arm was obtained unlawfully and whether possession is still unlawful," said Mr Mufamadi.

There was a lack of trained staff at the Central Firearms Register and at the Criminal Records Centre.

Both units were working overtime to complete the review, which took them away from their normal duties.

The system of reviewing records, using a computer link between the firearms register and the records centre, was "not 100% accurate" because not all information on criminal records had been loaded.

This meant fingerprints had to be obtained to ensure that the data was accurate.

Mr Mufamadi said that the previous week the computer system at the Central Firearms Register had been down from Monday to Thursday – "not an infrequent occurrence".

The register was understaffed by 108 people.

Mr Mufamadi said the Criminal Records Centre prioritised its service, and the firearms register was only fourth in line.

Its top priority was to provide the records of convicted people awaiting sentencing, he said.
Victim survey shows crime rate is declining

Jonny Steinberg (34)

FOUR years into SA’s democracy, whites and Asians were still far more likely to report crime to the police than Africans were, an Institute for Security Studies victim survey has revealed.

In Johannesburg, 76.2% of white victims surveyed reported a crime committed against them, while only 56.5% of Africans did.

The figures said as much about the geography and socioeconomic character of SA cities as they did about race. While 77.1% of victims who lived in Johannesburg suburbs reported crimes, only 54% of informal settlement residents and 53.4% of township dwellers did.

The survey results were open to various interpretations. Police stations in historically white areas still comfortably outnumbered township police stations, according to the Institute’s Antoinette Louw. The discrepancy in the levels of reporting might reflect government’s uneven and racially skewed capacity to fight crime.

With the exception of murder, the most widely reported crimes involved the theft of insured property. In a Durban victim survey also conducted by the institute, more than 96% of hijacking and car theft victims were insured.

It appeared then that high levels of reporting among the middle classes bore little relation to the police’s ability to fight crime in their neighbourhoods. While levels of reporting in SA were uneven, they were substantially higher than in most other developing countries, and only marginally lower than in the UK.

This suggested that government statistics on murder, hijacking, car theft and house burglary were broadly correct.

The institute’s survey was thus the first reliable and independent confirmation of government claims that crime levels had declined slightly in recent years.

The survey said the most under-reported crimes were assault and robbery. Townships and informal settlements had the lion’s share of these crimes, suggesting that crimes committed against the poor remained the most under-reported in SA.
CAPE-TOWN — Deputy President Thabo Mbeki’s calls for a moral renewal in society to defeat corruption were not backed up by government’s actions, Democratic Party leader Tony Leon said yesterday.

The under-resourced Public Protector’s office, which had a backlog of 4 000 cases and only 12 professional staff members to deal with them, was a case in point, he said. “Public Protector Selby Baqwa recently accused government of unjustified delays in his application for more funding,” Leon said.

“His budget of R7.6m offers no hope of expanding his understaffed operation — he has asked for an additional R22m,” he said.

Leon said the Heath commission, which was tasked with investigating corruption in the public service, faced similar constraints.

Commission head Judge Willem Heath said a R50m budget was needed to operate at maximum efficiency, yet it had to make do with R15m. “To date the commission has uncovered corruption totalling R10bn,” — Sapa.
NP reacts to farmers threat on sanctions

CAPE TOWN — The National Party (NP) said yesterday it was concerned by reports that organised agriculture abroad was poised to impose sanctions against SA because of criminal attacks on farmers.

The SA Agricultural Union yesterday reportedly announced that their international allies were set to apply sanctions, if asked to do so, to force the government to address farm attacks.

"It is a sad day indeed that the inaction by government and the unsatisfactory safety and security position in our country has led to a situation where sanctions are seen as the last course of action to force government to act in the interests of those who supply our daily bread," NP security spokesman Piet Matthee and NP agriculture spokesman Manie Schoeman said in a joint statement.

"Although as much pressure as possible must be exerted on the government to now start addressing the totally unacceptable high levels of crime in our country effectively, the National Party cannot see that any good can come out of sanctions since it will only serve to worsen the crisis, leading to higher food prices, more unemployment... and consequently more crime."

They said the murder rate in the farming community was much higher than the rate among the population as a whole. Quoting the union's statistics, they said between 442 and 551 farms had been attacked since 1994. — Sapa.
New anti-crime tool little used

TANIA BROUGHTON

DURBAN: Banks in South Africa, which process millions of transactions a year, had reported only 224 “suspicious transactions” to the police since the promulgation of the Proceeds of Crime Act last year, which requires them to do so.

But some bank employees say they are afraid to “whistle-blow” and would rather face the consequences of the law — possibly a fine and jail sentence — than criminals “who may come after us.”

This emerged yesterday at a training workshop organised by Durban’s commercial crime unit.

The head of the unit’s proceeds of crime team, Leonard Sherriff, said of the 224 reports received between June 1, 1997, and April 30 this year, most had been from Absa (73), then First National Bank (52), Standard Bank (37) and NSG/Ioland (34).

A total of 120 cases were reported in Gauteng, 51 in KwaZulu-Natal and 26 in the Eastern Cape.

Most successes, however, had been recorded in KwaZulu-Natal, where the first restraining order in the country was issued, freezing the multi-million rand assets of a man accused of selling illegally imported second-hand clothing until the outcome of his trial.

If he is convicted, under the same act, the attorney-general can apply to the court to have these “ill-gotten gains”, including cash, a house and over R1 million cash, confiscated. The tip-off had come from First National Bank.

But Sherriff said the act, “an essential tool in fighting crime”, was not being used as much as it should be.

CT 19/6/98
Organised crime in SA is as green as the organised crime fighters.
Zuma urges WHO director to focus on public health

Josey Ballenger

SA was one of only four African countries to have met the World Health Organisation (WHO) “health for all” targets last year, Health Minister Nkosazana Zuma said in Cuba yesterday.

However, she said the body had to step up its role in promoting public health; ‘WHO must be highly visible and stridently vocal in its defence of public health irrespective of the source of ... perceived threats, be they from the neglect of national governments, the pursuit of political or commercial goals, or the prescription of economic quick fixes.”

The remark apparently referred, at least in part, to clashes with pharmaceutical companies over drug legislation.

Speaking at the Non-Aligned Movement meeting of health ministers in Havana, Zuma urged Gro Harlem Brundtland, WHO’s incoming director general, to “defend” public health.

This followed a recent statement by the International Federation of Pharmaceutical Manufacturing Associations encouraging Brundtland to concentrate more on “action” than ideology.

Corruption down, says home affairs official

Dustin Chick

Corruption in the home affairs department was on the decrease, in spite of the arrest of two officials on charges of theft and fraud last week, spokesman Manase Makwela said yesterday.

Marijke Barnard, who was employed in the passport and identity document section in the department’s Roodepoort office, was arrested after allegedly stealing application fees amounting to about R9 000. She is out on bail.

The second official, based in Market Street, Johannesburg, was arrested for allegedly assisting illegal aliens to acquire SA identity documents through the late registration of births.

He is still to appear in court.

Makwela said the department’s anti-corruption unit had made inroads into investigations into corrupt officials; it had also led to the arrest of officials in Soweto and in the Harrismith Street regional office in Central Johannesburg.

Makwela said employees suspected of corruption had been placed on compulsory leave and would be dealt with once their cases had been finalised. Punishment could include a reduction in salary and grade; dismissal; or transfer out of the department.

Makwela said the anti-corruption unit had been able to gauge its success through the number of cases in which it was able to root out corruption, and not simply through the number of cases it dealt with.

“Up until now they are doing well. Most illegal activities are being revealed,” he said.

He said the public would think that corruption in the department was rampant as details of crimes became known, when “in fact it is decreasing” and “more criminals are being scared off.”
Hackers target SA millions

Bid to halt theft 'crisis'

South African companies are under constant attack by computer hackers and crackers around the globe and fears are growing that inadequate computer security could let cyber thieves get their hands on millions of rand and confidential information.

Ian Melamed, a Johannesburg computer crime expert working with Interpol to control the problem in Africa, said break-ins on the continent's computer systems had reached crisis levels and were getting worse.

Most developing countries, like South Africa, have inadequate legislation in this field, making it difficult to prosecute computer crime.

Mr Melamed is working with the SA Law Commission to draft new laws which will outlaw hacking (illegally breaking into private computer networks) and cracking (stealing money or tampering with and damaging digital information).

In the first case of its kind in South Af-

ric, a computer hacker is to be tried in the Pretoria High Court for snooping in private files in an off-limits area of one of the country's big Internet service provider networks.

The hacker scaled the "firewall" used to protect private areas of the company's network, but left "footprints". Computer fraud experts were able to trace the location of the computer where the crime was committed.

Details of charges had not been disclosed yet because, Mr Melamed said, the investigation was at a sensitive stage. A court date is yet to be set.

Representatives of the big Internet service providers, the police commercial crime unit and Fraudnet, a computer crime company, meet today to discuss how to handle the case.

Mr Melamed, who is consulted by police regularly to help in computer investigations, said the absence of anti-hacking laws meant the case would be tough to prosecute.

But he was confident there was enough evidence for the computer companies and

To page 3

police to win it. Companies where security had been breached were reluctant to go public because they immediately became targets of hackers and crackers who, knowing someone else had found a way in, also tried to break through their security.

Africa was especially vulnerable now because Internet technology was available, but companies were ignorant about protecting themselves and client information.

The worst local culprits were often juvenile "cyber boffins", some as young as 11, who were fast mastering ways to dodge computer police patrolling networks for rogue visitors.

"Ask a computer-literate child for a tour of the Internet and you will be staggered by what he knows.

"I can only say I hope their knowledge is used for the benefit of the economy one day, because it's formidable," said Mr Melamed.

Police spokesman John Sterrenberg said the school holidays could soon become a nightmare time for computer police as bored youngsters logged on to the Internet and hacked their way into no-go areas.

"There might be no law against hacking or cracking, but stealing is still stealing," he warned. In the Western Cape police have investigated 40 cases of computer fraud involving R2 million over the past two years.

Hackers, often working from overseas, will usually go through second computer networks to cover their tracks. This means police are often sent on the wrong trail - and the wrong continent.

Within five minutes on the Internet, the Cape Argus found step-by-step instructions on how to crack cellphone numbers, hack into private networks and create mayhem.

From page 1
A

much needed broken window's approach seems as quick as it may appear because

New York's method

crime expert reflects

NY Times (34)

by 4/1998

NEWS

SUNDAY STAR
Union seeks further talks on farm deaths

PRETORIA — Organised agriculture wanted to meet President Nelson Mandela and his deputy, Thabo Mbeki, about continuing attacks on farmers, the SA Agricultural Union said yesterday.

"We have not much hope that it will achieve anything, but we have to make another attempt," said union president Chris du Toit.

Four people died in two farm attacks on Sunday.

Johannes Robertse, his wife Janet and Willem Brits were shot dead on the farm Klipplaasdrif near Middelburg in Mpuumalanga and Free State farmer Ampie Fourie was found dead in a workers' shack on his farm near Welkom.

The union has had several meetings with Mandela about farm killings since October last year. This resulted in an intelligence inquiry into the attacks and measures to step up a rural protection plan.

Du Toit said on Friday the union had arranged a tentative meeting with Mbeki on the killings.

Asked if the union would carry out its threat of asking its international counterparts to apply sanctions if the killings did not stop, Du Toit said: "The international community is already demonstrating a lack of confidence in the country, thereby putting pressure on the government."

A total of 81 people were killed in 389 attacks on farms between November 1 last year and the end of May, Safety and Security Minister Sydney Mufumadi said yesterday.

The Crime Information Management Centre, along with the task team appointed to investigate attacks against the farming community, were re-evaluating all cases reported since the start of last year in an effort to arrive at a clear picture on the matter, he said in a written reply to a question by Malcolm Dyonie (Pan Africanist Congress).

The Free-State Agricultural Union reiterated yesterday its calls on political leaders to denounce murders, specifically murders on farms.

The National Party said that it noted with "horror and shock" an increase in the murder of farmers and said continuing attacks "simply cannot continue any longer". NP safety and security spokesman Piet Matthee and agriculture spokesman Manie Schoeman said the government's response to the killings was unsatisfactory. The party claimed SA was on the brink of anarchy. Matthee and Schoeman repeated calls for a National Intelligence Agency report on farm killings to be released. — Sapa.
SA 'cannot police laundering’

Jonny Steinberg

SA did not have the capacity to police money laundering effectively and proposed anti-money laundering legislation was being propounded to pacify wary international financiers, sources in the financial sector said this week.

The sources were speaking two weeks after Finance Minister Trevor Manuel appointed a task team leader to assess the draft Money Laundering Control Act published by the Law Commission in 1996.

The Law Commission’s 1996 report proposed establishing a financial intelligence centre in the finance ministry. Various institutions, including law firms, auditors, insurance brokers, unit trust schemes, banks and stokvels, would be legally obliged to report transactions above a cash threshold to the centre, which would examine whether the transactions involved the laundering of crime proceeds.

A point of debate was whether the centre should conduct its own investigations or hand over its intelligence to specialised police detective units.
Rural attacks are out of control, say farmers

More than 500 farmers and members of their extended families had been murdered in approximately 2,500 farm attacks since the 1994 general election, the North West Agricultural Union said yesterday.

"This is the highest number of murders that have yet been committed within one community," said NWAU executive manager Willie Auret.

He said the union had no doubt that the attacks on farms were out of control.

"Farmers are preparing to defend themselves since the Government seems unwilling to do anything about it," Auret said.

He urged all farming communities to join existing safety structures within the NWAU to form a strong and united front against crime and murders in rural areas.

He appealed to the public to support the informant fund established by the NWAU, and said a training course was also planned to train farmworkers as security guards.

The union said it objected to the provincial government's lack of action against crime despite its undertaking to implement certain measures during a safety conference held in Rustenburg on June 5 and 6.

The NWAU also expressed its disappointment that President Nelson Mandela had still not released a report on an investigation into the reasons for farm murders.

The union urged the Government to reinstate the death penalty.

It also wants more funds to equip existing security forces to fight crime effectively with sufficient manpower and efficient equipment.
Crime still driving off investors

FROM REUTERS

Johannesburg—When investors ask if South Africa is a safe place to do business, they are not simply referring to profit margins and the stability of the rand.

They are concerned with the more practical issue of physical safety. "Violent crime is a major fear among all sectors of the community and a potential deterrent to inward investment," said the rating agency Fitch IBCA recently, citing crime as one of the reasons for revoking South Africa's Rating Alert positive.

Violent criminal activity has actually declined slightly since the frightening peaks of the mid-1980s, according to police statistics. The murder rate fell from 66.6 per 100,000 people in 1994 to 59.6 in 1997.

Recorded vehicle theft fell 8.5 percent in the same period, while violent robberies dropped almost 18 percent.

But crime rates remain sky-high by global standards and the country's dangerous image has stuck.

"The image of South Africa as a country to invest in is diminishing as a result of its reputation for violence," said one senior European Union (EU) diplomat based in Pretoria.

"It is a very big concern among the foreign investment community," said Maren Schell-schmidt of the South African-German Chamber of Commerce and Industry.

But South Africa is, in many ways, a foreign investor's dream. An emerging market in a class of its own, it combines sophisticated financial markets and a First World infrastructure with Third World labour costs and growth prospects.

Since shedding its status as an international pariah in 1994 with its first all-race elections, it has also become a trendy place in which to invest. Few countries boast a president as widely admired on the world stage as Nelson Mandela.

Cash has flowed in, with foreign direct investment rising to R13.7 billion in 1997 from R4.9 billion in 1994, according to the trade and industry ministry.

In 1997 foreigners were net buyers of R20 billion on South Africa's equities market compared with R5 billion the previous year:

But security costs and concerns weigh increasingly on the minds and decisions of many investors, both active and potential.

"How do you convince middle-level managers to come here when you cannot guarantee their security or the safety of their families?" asked the EU diplomat. "In this regard, from an EU perspective, South Africa does not rate well compared with eastern Europe, which has much lower rates of violent crime despite its own increase in this area."
Anti-fraud unit in R3m shock

Accountant ‘flees in tears’ as auditors arrive at secret Rivonia offices

ANDREW TRENCH and ANDREW WHITLOCK

A NATIONAL Intelligence Agency unit set up to investigate government corruption allegedly cannot account for R3-million missing from its own budget.

It is understood that an audit at the unit’s Rivonia, Johannesburg, offices this week discovered the shortfall. The unit was established about a year ago by intelligence services deputy minister Joe Nhlanhla.

The unit of about 15 operatives is headed by Thabo Kubu, a former Umkhonto weSizwe member, and includes Riaan Sander, a former security policeman linked to CCB operative Craig Williamson. It has been operating covertly and has used various names. It was once called Thabo Enterprises but changed its name recently to Umhlanga Rocks Transport.

The unit’s job was to investigate covertly corruption within the government but it appears to have operated with little control over its own affairs.

On Monday, when auditors arrived to check the unit’s books, the unit’s accountant is said to have fled from the office in tears.

The auditors are understood to have called on internal fraud investigators to examine the unit’s activities. It is unclear where the money ended up but there are allegations it was being used for personal enrichment.

Meanwhile, the NIA was in turmoil this week over the alleged misappropriation of funds.

On Thursday the department’s director-general, Dr Sizakele Sigxashe, summoned the unit’s members to an urgent meeting at his Pretoria offices.

NIA spokesman Helmut Schlethner confirmed that an investigation had begun, and that the unit concerned was the agency set up to investigate corruption.

Schlethner said a forensic accountant would be seconded to the team instructed to carry out the probe. He said he could not comment on how much money was allegedly missing.

Dr Sigxashe’s assistant, Joyce Sihkhakhane-Rankin, who is understood to have been dealing with the audit drama, denied any knowledge of it when she spoke to the Sunday Times. “It’s news to me,” she claimed.

Karim Hoosain, in charge of NIA audits at the auditor-general’s office, said: “This is the first I have heard of an audit taking place or of any money not accounted for.

“I do not think such a large amount of money would be advanced to an NIA office. I am also not aware of the NIA having an office in Rivonia.”

He said audits were carried out at all NIA offices on a rotational basis.

“Unless this operation is so covert that this office does not even know of its existence, I find the claim unlikely.”
Firms unite against white-collar crime

Central database to pool info

JOHAN SCHROVEN
CRIME CORRESPONDENT

Crime syndicates, thieves and fraudsters preying on businesses are to be exposed by the Business Crime Intelligence Centre, which is to be launched today.

Cape Town crime prevention and security specialists have joined forces to mobilise businesses into a united front against white-collar criminals.

The initiative was born out of a need to exchange information and build an intelligence network to combat crime in the marketplace.

Nigel Pann of Gray Security Services, a founder member of the centre, said more than 50 corporate representatives would be briefed about the initiative at the launch in Newlands tonight.

"The success of the centre will depend on the level of support from all members, who should play an active role in pooling information about crime, whether the perpetrators are their own employees or outsiders," he said.

"A climate of awareness and cooperation among members will ensure that the activity of a syndicate is exposed early to warn others.

"We can't afford a situation where a high-profile corporate is targeted by one of its own employees and then fails to report the crime for fear of damaging its image.

"This approach encourages crime and other corporates are sitting ducks when the criminal moves on," said Mr Pann.

There was already co-operation among businesses which shared information and warned one another about criminals and scams but efforts needed to be harnessed in an organised way to ensure optimum results.

A database of false documents, examples of handwriting, descriptions of suspects and their vehicles and even closed-circuit video footage would be a valuable tool to create awareness and stop tricksters in their tracks.

Martin Kruger, police national commander for integrated databases, who will be guest speaker at the launch, said a centralised crime information centre was vital for crime prevention and investigation.

Gerry van Rooyen, head of the commercial crime unit, said the police welcomed initiatives to prevent crime.

"Information about criminals; their movements and their modus operandi is essential in the prevention and investigation of crime.

"Exposing these criminals is also a crime deterrent, but we have to guard against the premature publication of information which may hamper sensitive investigations.

"Labelling someone a criminal, or even a potential criminal, can also destroy the life of an innocent person," Superintendent Van Rooyen said.

People wanting more information about the centre should contact John Hitchcock at 447-2306 or Aviant Currin at 688-7218.
Statistics show crime is down

Jonny Steinberg

SERIOUS crime in SA continued on its stabilising and downward trend during the first three months of this year, government's quarterly crime statistics revealed.

However, policing experts have cautioned that some of the statistics may be misleading and inaccurate.

The official trends recorded an escalation of only two serious crimes, robbery and illegal possession of firearms. Murder, rape, assault, housebreaking, motor vehicle theft and commercial crime either stabilised or marginally decreased compared to the first three months of last year. The incidence of most serious crimes, with the exception of rape, assault and housebreaking, were lower than in the early 1990s.

"The data in some categories, notably murder and property theft crimes, can be taken at face value," said institute of security studies researcher Antoinette Louw. "The theft of insured property is reported to police in the vast majority of cases, so official data on crimes like vehicle and property theft are largely accurate.

"But violent crime like rape and assault are a different story," Louw said. A survey conducted in SA's metropolitan areas found that only 30% of rapes and assaults were reported. "In this context, one should be very wary of claims that crime is decreasing."

She also cautioned that the organisation of the data might be misleading. "The report compares crimes rates for the first three months of 1994 to 1996," said Louw. "But a three-month cycle is too small for a meaningful comparison. Crime occurs in broad cycles. It tends to peak between the middle and the end of each year.

"If you wanted a serious comparison of crime levels across the 1990s, you would release results in 6 month or annual cycles. The three month comparison tells you very little."

A victim survey published earlier this year found that 70% of SA's urban population believed that crime levels were increasing, despite government announcements to the contrary.
Bill to tackle corruption in Government tabled

BY CLIVE SAWYER
Political Correspondent

Cape Town – In a step against government corruption, a bill has been tabled in Parliament providing for a strict code of ethics for the president, premiers, ministers and MECs.

The Executive Members Ethics Bill, tabled by Water Affairs Minister Sakhathiwe, and due for debate during Parliament's final term this year, provides for the president to publish a code of ethics applicable to these office-bearers.

While the code has yet to be finalised, the bill says it must require all members of executive to “at all times act in good faith and in the best interest of the Government, and to meet all obligations imposed on them by law”.

Ministers to disclose all financial interests to official

It will ban cabinet members, deputy ministers and provincial MECs from undertaking any other paid work. They will also be prohibited from:

- Acting in a way inconsistent with their office.
- Exposing themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests.
- Using their position or any information entrusted to them to enrich themselves or improperly benefit any other person.
- Acting in a way that may compromise the credibility or integrity of the Government.

The bill says the code “may” require cabinet ministers and deputy ministers to disclose, to an official designated for the purpose, all their financial interests when assuming office and any financial interests acquired after assuming office, including gifts and hospitality received by them, their families or close associates.

The bill sets strict limits on who may complain about an alleged breach of the code.

- The public protector would investigate, and the president must report within 30 days of receiving a complaint. If the investigation is not finished in 30 days, another report must be submitted when it is.
- The president must, within a “reasonable time” of no more than 14 days after receiving a report, table it in the National Assembly. The same applies to premiers who have to table reports in their provincial legislatures.

The public protector will investigate an alleged breach by a cabinet member if the complaint is made by the president, a member of the National Assembly or a permanent delegate to the National Council of Provinces. Alleged breaches by MECs will be investigated if the complaint comes from a premier or member of the provincial legislature.

The code of ethics will not affect the president's power to appoint or dismiss members of the Cabinet, even during the course of an investigation. It will also not be used to prevent or delay the prosecution in court of executive members.

A memorandum to the bill says those consulted in its drafting included ministers and members of the judiciary, civil service and Parliament in the UK, US and Ireland.

Also consulted were President Nelson Mandela, Deputy President Thabo Mbeki, Asmal and Public Protector Selby Baqwa.
No defence like self-defence

Tangeni Amupadhi reports on the Groot Marico farmwatch system

One Leon du Plessis stops reading a book on his Woodlupel farm in the Groot Marico to talk about the night he was robbed and almost killed.

"It is almost noon and time to stop work, have a nips of manpmer and take a rest after a long morning's work."

"I was coming from my neighbours at about 9.30pm. At the gate I realised something was wrong. One of my dogs was not around and the lights in the kitchen were on and I thought I had left them off. Let me show you where it happened," he begins.

Du Plessis is one of many South African farmers who have been living under a state of virtual farm attacks which have left at least 60 farmers dead in more than 700 attacks this year alone. Farmers' unions say fewer than 30% of their members have been killed in the past five years.

Du Plessis and fellow farmers now guard each other and have christened themselves the "farmwatch".

"From the loop, the trip to his farmhouse is three minutes on a bumpy road in his tough Ford Custom, 30 years old and still going strong."

"When I got here," he points to the back door, "I saw it was broken, I sneaked in and balled for the room where I keep the guns (he has seven). As I opened the door, my eyes locked with those of Johannes (a farmworker). I saw he was armed and I tried to run away. Luckily I fell and he fired wildly, about 10 rounds."

Du Plessis managed to escape to a neighbouring farm. Within 10 minutes the farm watch and Marico Commando — an 1800s Boer-style para-military civil defence unit whose members are trained soldiers — had blocked off all roads and combated the house for suspects.

About 30 minutes after midnight, a man whom Du Plessis had recently employed was arrested by the joint operation and handed over to the police.

Du Plessis's farmwatch is one of 38 cells covering 18,000km² in the Groot Marico area.

The bachelor, in his 50s, is head of the farmwatch.

They meet once a month to plan patrols and other security measures. All the farmers have bought two-way radios. "Many are buying cellular phones because they are quicker for communications and their lines can't be cut by the criminals," Du Plessis says.

Du Plessis and his neighbours believe the attacks are pulled off by common criminals, dismissing the notion of a political motivation to the killings.

Unprisingly, they do not float the less common theory that right-wingers might have masterminded some of the attacks to encourage support for their cause.

Although farmwatch groups were officially started as a joint venture among farmers, commandos and police, there have been reports of unexplained killings of suspected robbers.

For instance, two years ago in Malmesbury, an area neighbouring Groot Marico, farmers and commandos shot dead three suspects who reportedly pounced on Willie (60) and Elizabeth (60). More than 100 farmers and commandos members were mobilised in less than 30 minutes.

All roads were cut off and few suspects were arrested. No one has claimed responsibility for the three suspects shot dead during the operation. Initially police reported that they were merely "found" dead, but now say an inquest will be held.

As far as Walvis Krib is concerned, farmers are right to take the law into their own hands.

"We must run after them because next time they will come back and kill us. What will you do when eight guys come to you with guns aimed at you? You must take the law into your own hands."

"Let me tell you, if there is someone to be caught, I will help catch him and if he is running away, I will shoot him."

Berman Verwoerd, the national chair for the law and order committee of the South African Agricultural Union, says some farmers have hired private security guards, working outside the law, because they feel the government is not doing enough.

Verwoerd says, "Every person in this country has to look after his own security and work with the security forces."

Farmers in Groot Marico are convinced the farmwatch system is the best way to ensure their security. In the past year, there have been no fatalities and all suspects have been handed to the police.

Roche says of the effectiveness of farmwatch, "The criminals are in a hurry to grab what they want because they know there is a thin limit."

"Actually they would rather go to areas where there is nothing going on in terms of security measures."

Inspector JP Toel of the Swartburg police station concurs: "Farmers react quicker. We have to travel for 45 minutes sometimes."

Du Plessis says the farmers call each other every morning and evening, and try to see each other at least once a day. Most practices target shooting two or three times a week.

"The farmers themselves are the first line of defense," says Wilhelm Roche, the head of the Transvaal Agricultural Union's security in North-West province.

"It is very important that they know how to protect themselves... within the law."
SA Crime rate one of worst in world – Report
Hell no - SA’s safe, says Dangerous Places author

FEMIDA CASSIM

Canadian author Robert Young Pelton sweated bullets as he traipsed apprehensively around Johannesburg last week: when would the cold-blooded hordes of muggers, robbers and thieves he had heard so much about come and “liberate” his money and tourist paraphernalia?

They never did - and a relieved Pelton decided the horrific stories he’d heard about our country being one of the most dangerous places outside a war zone were greatly exaggerated.

In fact Pelton, co-author of the gung-ho Fieldings travel guide, The World’s Most Dangerous Places, feels so relieved that he intends bringing his family for a visit one day.

After his personal mission to test the general overseas perception that we live in a society bent on mayhem and destruction, he had this to say: “South Africa does not deserve a chapter in my book, because it is definitely not the most dangerous place outside a war zone. In fact, when I get old, I plan to bring my wife and daughter this side.”

Pelton is no stranger to danger. The 500-page The World’s Most Dangerous Places is a personal odyssey to the hottest spots of the world, and is aimed at those who prefer holidays where they take snapshots while ducking bullets or avoiding being strangled by an anaconda deep in the South American jungle.

Many of the “tourist” spots discussed have been visited by Pelton and his co-authors, Coskun Aral and Wink Dulles.

Pelton feels Algeria deserves the dubious honour of being named the world’s most dangerous place.

He decided to visit Johannesburg instead of Cape Town or Durban because of its reputation for being the most dangerous city in South Africa.

With a bag on one shoulder, his video camera on the other, a still camera hanging from his neck, a cellphone, a pair of expensive sunglasses and a money pouch dangling from his waist, he walked the streets of the city anxiously waiting to be mugged.

“Instead of being scared out of here, I probably scared everybody else with all the equipment I carried,” he cracked afterwards.

Pelton feels that the level of crime against South African citizens is higher than that of crime against tourists. He also blames the foreign press for focusing on domestic “dooom and gloom” in South Africa.

“When I go back, I will do my best to reassure people about your country,” he said.

The World’s Most Dangerous Places is a must for adventurers, adrenaline junkies, thrill-seekers, the curious, the easily amused, Hollywood and the media.

It’s a comprehensive guide that is filled with hints on how to avoid treading on landmines, how to survive minibus taxis and other transport, addresses for tourist organisations and tips on how to behave and what to pack.

Pelton’s adventures have included breaking American citizens out of a Colombian jail, setting up the world’s first video interview with the Taliban leaders in Afghanistan, numerous visits to and through war zones and thundering down forbidden rivers in leaky canoes.

He has had various close encounters with death and attributes his survival to luck. He gave Saturday Argus several tips for tourists visiting South Africa:

- Get a map.
- Read up as much as you can about the various places, but not tourist brochures. Go directly to the source. Read local newspapers - do not be ignorant and afraid to speak to locals and taxi drivers, because everybody is eager to help.
- Always expect danger, wherever you go.
- Use traveller’s cheques in preference to cash.
- Insure all your belongings.
- Always plan your time, because South Africa is a big place. If you do not have much time, then spend it all in one place.
- Carry a money pouch, but not around your neck.
- If robbers want your bag, give it to them.

The worst advice Pelton has heard: “Try not to look like a tourist.”
Appointment was ‘a breakthrough’

Jonny Steinberg

MEYER Kahn’s appointment as CEO of the police last year came after concerted pressure by the business community to bring private sector skills to police management, said Business Against Crime’s Michael Spicer yesterday.

After a thorough study of the criminal justice system, Business Against Crime concluded that the problem was not one of insufficient numbers, but of management capacity,” Spicer said.

He said Kahn’s appointment had proved “a major breakthrough in police management. During his time in office, Kahn had begun to streamline the police service and to redress SA’s sorely inadequate detection skills, Spicer said.

“We are beginning to see the fruits of Kahn’s work. The spate of crimes we saw early this year, including cash heists and the murder of a German tourist, saw speedy arrests,” he said.

However, a senior investigator in the detective service said yesterday Spicer’s assessment of Kahn’s term of office was far too glowing.

“It is well known that the detective service is in fact in the midst of a crisis because dozens of skilled detectives are leaving,” the source said. “The problem in the detective service is not managerial, but political. It is about the old guard not coming to terms with the new order,” he said.

“Kahn is not doing a bad job. But it would be dangerous to believe the solution is merely a managerial one.”
CLIVE SAWYER
Political Correspondent

In a big step against government corruption, a bill has been tabled in Parliament providing for a strict code of ethics for the president, premiers and national and provincial ministers.

The Executive Members Ethics Bill, tabled by Water Affairs Minister Kader Asmal and due for debate during Parliament's final term this year, provides for the president to publish a code of ethics applicable to these office-holders.

While the code has yet to be finalised, the bill says it must require all members of executives to "at all times act in good faith and in the best interest of the government, and to meet all obligations imposed on them by law".

It will ban Cabinet members, deputy ministers and provincial ministers from undertaking any other paid work.

They will also be prohibited from:

- Acting in a way inconsistent with their office.
- Exposing themselves to any situation involving the risk of conflict between official responsibilities and private interests.
- Using their position or any information entrusted to them to enrich themselves or improperly benefit any other person.
- Acting in a way that may compromise the credibility or integrity of government.

The bill says that the code "may" require Cabinet ministers and deputy ministers to disclose to an official, designated for the purpose, all their financial interests when assuming office and any financial interests acquired after assuming office, including gifts and hospitality received by them, their families or other close associates.

The bill sets strict limits on who may complain about an alleged breach of the code. It says that the Public Protector will investigate complaints, and must report within 30 days of receiving a complaint.

If the investigation is not finished in 30 days, another report must be submitted when it is.

The president must within a "reasonable time" of no more than 14 days after receiving a report, table it in the National Assembly.

The same rule applies to premiers, who will have to table reports in their provincial legislatures.

The Public Protector will investigate an alleged breach by a Cabinet member only if the complaint is made by the president, a member of the National Assembly or a permanent delegate to the National Council of Provinces.

Alleged breaches by provincial ministers will be investigated only if the complaint comes from a premier or member of the provincial legislature.

The code of ethics will not affect the president's power to appoint or dismiss members of the Cabinet, even during the course of an investigation. It will also not be used to prevent the prosecution in court of executive members.

An explanatory memorandum on the bill said those consulted in its drafting included Cabinet ministers and members of the judiciary, civil service and parliament in Britain, the United States and Ireland.

Also consulted were President Mandela, Deputy President Thabo Mbeki, Mr Asmal and Public Protector Selby Baqwa.
Law enforcement in SA needs all the US help it can get.
Farm attack claims ‘bogus’

THE ANC Youth League (ANCYL) distanced itself yesterday from a document implicating the organisation in attempts to drive farmers off their land.

"This document is bogus. We were as surprised as the next person when it was released," ANCYL official Oscar van Heerden said.

The document, purportedly drawn up by the ANCYL, says security structures comprising members of the former liberation armies and the People Against Gangsterism and Drugs should be set up to "enable us to carry on with ... activities to drive the minority from their land".

This and other objectives were allegedly approved by the ANC's national executive committee, the document says.

Disinformation

It is purportedly signed by ANCYL president Mbusisi Gigaba, and agricultural study group chairwoman Janet Love, and was released last week by the Conservative Party Youth.

Van Heerden said the release of the document appeared to be part of a disinformation campaign against the ANC.

He criticised the CP Youth for not confirming its authenticity with the ANCYL before "running to the President (Nelson Mandela) and the media".

The CP Youth said it had "no reason to doubt its authenticity" and that the ANCYL had to provide proof that the document was bogus.

Sapa.
White paper spells out new roles

Councils look to fight crime

"The the police department will need to be able to fight crime," said the report's author. "But that's not all."
Gangsters in the firing line

Urgent measures proposed to curb escalation of criminal syndicates' activity

BY JOHNAI RANTAO
Cape Town

Urgent draft legislation which would make it illegal to belong to a gang and criminal syndicates is to be presented to Justice Minister Dullah Omar today.

The Prevention of Organised Crime Bill entitles the Government to seize assets such as property and other investments acquired through criminal means. It also permits the state to use money confiscated from gangs to be used to fight organised crime.

The legislation is the Government's answer to soaring gang-related crime which has left at least 70 people dead in the Western Cape and has been described as being on the increase in Gauteng.

It is also a drastic measure aimed at hitting back at syndicates believed to be behind armed cash-in-transit heists through which more than R160-million has been stolen.

The bill, which has been drafted by the Cape Town-based Institute for Security Studies, aims to introduce extraordinary measures to combat organised crime and criminal gang activities. It is also aimed at prohibiting activities relating to organisations that have committed certain serious offences.

The draft legislation, which is expected to be tabled before the Cabinet and Parliament in the next 30 days, provides for the civil forfeiture of criminal assets that have been used to commit an offence or assets that were proceeds from crime.

In addition to criminalising activities associated with gangs, the bill also provides for the establishment of a criminal assets recovery fund, which would be used to render financial assistance to law enforcement agencies with a view to combating organised crime.

The fund would be managed by a board to be appointed by Omar after consultation with Finance Minister Trevor Manuel.

The bill, which recognises that organised crime and criminal gang activities, both individually and collectively, present a danger to public order and safety, as well as economic stability, and has the potential to inflict social damage, is expected to complement the Proceeds of Crime Act, which also allows the state to confiscate assets acquired through criminal means.

The national director of prosecutions or any of the provincial directors would have to apply to the court for an order to attach the assets of a convicted gangster.

The bill has defined a gang member as a person who:
- Admits to criminal gang membership.
- Is identified as a criminal gang member by a parent or guardian.
- Is identified as a criminal gang member by a documented reliable informant.
- Resides in or frequents a particular gang's area and adopts their style of dress, their use of hand signs, language or their tattoos, and associates with known criminal gang members.
- Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- Has been arrested more than once in the company of identified criminal gang members for offences which are consistent with usual gang activity.
- Is identified as a criminal gang member by physical evidence such as photographs or other documentation.
Bill to boost crime busting

By Ido Lekota

The government is to introduce legislation giving the law enforcement agencies more powers to fight organised crime in the country.

According to the Prevention of Organised Crime Bill, for example, it will be a crime to belong to any organisation that has committed serious offences.

In terms of this provision, crime bosses may be convicted if it is proved that they participated in the activities of an organisation whose members had committed serious crimes.

It will, therefore, not be necessary to prove that the crime bosses themselves have been involved in such offences.

The Bill also makes it illegal to belong to street gangs which are normally involved in petty crimes.

In terms of the Bill, the state can also seize assets that have either been used to commit a crime or acquired through criminal means. For example, a house used for drug dealing can be seized even if there is no sufficient evidence to prove that the owner was guilty of selling drugs.

The Bill also makes provision for the establishment of the Criminal Assets Recovery Fund, which is aimed at reimbursing financial assistance to law enforcement agencies in their fight against organised crime.

In certain circumstances the fund will also used to provide assistance to dependants of victims of gang activities.

Earlier, Justice Minister Dullah Omar announced that he would set up a special task team to draft laws aimed at strengthening the hands of the police and prosecutors in their fight against crime.

He said such drastic measures were necessary in view of developments that showed that South Africa was becoming a metropolis for organised crime and also because of the gang-related violence that continues to ravage the Western Cape flatlands.
THE HEATH SPECIAL INVESTIGATING UNIT

IN NEED OF MANY MORE FIRE EXTINGUISHERS

There is no end in sight to corruption fighting

The Heath Special Investigating Unit, which is working on more than 90,000 cases of possible government corruption, has undertaken two new huge projects.

One is a probe into 16 government institutions in three provinces, and the other is an investigation into alleged irregularities in 17 Eastern Cape and KwaZulu-Natal municipalities.

The cases already on the unit's books involve sums of about R6.2bn, says Guy Rich, personal assistant to Judge Willem Heath.

The unit, the first of its kind in SA, was established by President Nelson Mandela in March 1997, under Judge Heath, to investigate serious cases of malpractice, corruption and fraud involving State assets or money.

It works in tandem with a special tribunal which tries civil matters arising out of the investigations.

The court has the power to make orders, issue interdicts and warrants of arrest and subpoena witnesses. It also works closely with the Office for Serious Economic Offences, the Public Protector and the SA Police Service.

Apart from the civil cases tried by the tribunal, evidence of criminality is referred to the authority that initiated the investigation for further action.

The unit's predecessor — the Heath Commission — recovered, or prevented the misuse of, billions of rand. It reversed 92 unauthorised promotions in the Bishop Auditor-General's Office in 1996, saving R88m.

And it reversed the social pensions payout tender in the Eastern Cape, saving the province a further R220m.

The Special Investigating Unit has carried on the tradition with a staff of 36 investigators, seven lawyers and 12 administrators.

It is dealing with a number of controversial issues, including the R14m stage production Sarafina 2, intended as a vehicle for information about the killer disease Aids. The production contract was awarded to the theatre company Committed Artists, headed by playwright Mbongeni Ngema, in 1995.

The Auditor-General and the Public Protector subsequently uncovered irregularities in the awarding of the tender and in the financial control of Committed Artists.

Three months ago the Heath Investigating Unit recovered assets worth about R4m — three motor vehicles, two trailers, musical equipment and merchandise — purchased by Committed Artists in the name of Ngema, with funds allocated to Sarafina 2.

The assets are now under the control of the Department of Health. The investigation is continuing into other issues arising out of this case.

Judge Heath is likely to be busy for years, given the case load and budget constraints. The unit is requesting more resources from the Justice Department.

Depressing as it is to discover the extent of corruption in SA, it would be worse if these cases of wrongdoing were not exposed and the money involved not recovered.

Ethel Hazenhurst

UNCOVERING THE ROT

Other cases the unit is handling include:

- The recovery of R6.2bn. They had been leased by individuals from government more than 10 years ago. The farms had been abandoned, the contracts lapsed and the lessees failed to pay rent.
- The recovery of 372 State-owned vehicles, valued at about R33m, on behalf of the Department of Transport in KwaZulu-Natal.
- The securing payment worth R4.5m following a Daily Bread Feeding Scheme scandal in the Eastern Cape.
- The discovery of R22.5m belonging to the Eastern Cape government in a private company's bank account. The money had originally been earmarked for a public corporation that lends to small businesses.
- The stoppage of the cashing of a R540,000 cheque that had been stolen from the Kokstad Town Council.
- The recovery of about R1.3m in overpayments of allowances to councillors in Butterworth, Eastern Cape.
- An investigation of 53,000 cases arising out of the housing subsidy scheme in KwaZulu-Natal. The total value of the misappropriations is about R150m.
- An investigation into a State building project in Queenstown, worth about R125m, following allegations of non-compliance with tender procedures.
- An investigation into a R2.3m claim in the Northern Cape arising out of a rental agreement between government and a private company where there are allegations that proper tender procedures were not followed.
- A probe into unauthorised leasing of government photostat machines in the Northern Cape. The damage is estimated at R17m.
- Assisting the Eastern Cape Development Agency to recover loans worth more than R100m made to small businesses.
- The recovery of R3.5m in salary overpayments made in the former Bishop Audit Office.
- Helping to trace a blank warrant voucher that was stolen from the Department of Justice in Mpuumalanga. The warrant voucher was subsequently drawn on the Department of State Expenditure to the value of R4.3m.
- An investigation into numerous Motor Finance Scheme cases where there were allegations of fraud. In many cases the defendants signed acknowledgements of debts which amount to R435,000.
When fighting crime depends on a vigilante

The savagery of Mapogo – the Northern Province farmers’ answer to Pagad – is making it part of the crime problem, argues Chris Barron

AFTER members of Pagad blew themselves up this week, police warned that the vigilante group had turned into a gang no better than any of the criminal gangs causing mayhem in the Western Cape.

In the light of this, it is time more attention was focused on what is happening in parts of the Northern Province and Mpumalanga, where another group of murderous vigilantes has been operating in the name of law and order since 1996.

They call themselves Mapogo a Mathamaga, which, loosely translated, means that when a leopard is faced by a tiger, it can turn into a tiger itself. It was started by a group of black businessmen in Sekukhuneland who were tired of being robbed, assaulted and murdered by criminals who were never arrested, bribed their way back to freedom if they were, or saw their cases kicked out of court for lack of evidence.

It has about 10,000 members in all, and eight branches outside Sekukhuneland – in Marble Hall, Grabbersdal, Potgietersrus, Phalane, Rustenburg, Witbank, Ermelo and Standerton. This membership includes a number of large companies and at least 3,500 white farmers and businessmen, who proudly sport the Mapogo logo on their bakkie windshields.

“It’s better than having a guard dog inside,” explains a farmer in Marble Hall.

Mapogo is run by an executive committee headed by the president and founder, John Magolelo. They are well-dressed, articulate and drive smart cars. Outwardly, they present a reassuring picture of respectability. They say that in areas where Mapogo operates crime has plummeted, a claim eagerly confirmed by its members, who pay R500 a year for its protection.

The key to Mapogo’s success is that members are from the community and have access to inside information about culprits. It is also based on the fact that, when they catch a suspect, the treatment meted out is swift, savage and inflicted in full view of the community – no one is in any doubt about the message.

In theory, the suspect is then taken to the police to be charged, but, in practice, he has often been so badly beaten up the police won’t touch him. Sometimes, police turn a blind eye to members’ activities, but not always. A number, including Magolelo and members of the executive, have been charged with murder, attempted murder and assault.

This does not faze them. It is an accepted occupational hazard – they know people will get badly hurt; that’s the whole point. Mapogo even has a fund for legal costs.

Of course, many white farmers think they have died and gone to heaven – Mapogo metes out the kind of justice they understand, but dare not mete out themselves.

They simply pay their R500 annual fee and call their local branch of Mapogo when anything from a chicken to a bakkie is stolen. They even call Mapogo in to settle domestic disputes between labourers.

Mapogo has given them a novel respect for blacks. One burly farmer from Marble Hall – whose faith in Mapogo is such that he has cancelled his insurance policies – entertains the local branch chairman, with whom he is on first-name terms, to tea in his lounge. He admits this would have been unthinkable before.

Part of the Mapogo executive is not entirely sure if its burgeoning white membership is a good thing or not. Says one: “Taking into account their background, it is difficult to believe that these white men like us so suddenly. It’s a little bit of a hurdle for us to jump.”

Adding to their doubts, and creating a slight crack in the leadership, is the fact Magolelo was an active member of the National Party in the run-up to the 1994 elections. His executives, some of them ANC members, wonder if there is more to his canvassing of whites than meets the eye.

Also concerned is the Northern Province government. Safety and Security MEC Seth Nhlangulela admits Mapogo’s association with white right-wingers is being “closely watched”.

The possibility of farmers using Mapogo as a cover to legitimise beating up labourers is not the only issue. There is also concern about the implications should Mapogo flex the political muscle its perceived successes have given it among both blacks and whites.

Interestingly, the conservative, overwhelmingly white Transvaal Agricultural Union has rejected all overtures by Mapogo. Its president, Gert Ehlers, says: “We are not prepared to have anything to do with an organisation that operates outside the law.”

He says his union fears that Mapogo could “turn into another Pagad” and that farmers have been warned of the risks.

The attractions of Mapogo are obvious. For those who have lived in fear of crime, there is more than a sneaking suspicion in the thought of criminals getting their just desserts at last.

But Pagad has illustrated the dangers. There is documented evidence that Mapogo has targeted innocent people by mistake and that thugs falsely claiming to be Mapogo members have used it as a cover to pursue private agendas.

Perhaps the most conclusive argument against Mapogo is that, according to both Nhlangulela and Ehlers, two anti-crime systems have begun to work. No longer necessary as a solution, Mapogo will soon become part of the problem.
Farmers warn of protest action

Government urged to act swiftly to stem wave of rural attacks

by Norman Chandler
Pretoria Bureau

Farmers were placing the onus on the Government to take action against the massacre of farmers, Herman Vercuel, chairperson of the South African Agricultural Union's law and order committee, said yesterday.

If the Government did not act, it faced rolling mass protest action that could cripple agriculture.

Vercuel added it was hoped that a full discussion on the report of the murders, which had been handed to President Nelson Mandela, would be held with SAAU president Chris du Toit as soon as possible.

Representatives of the country's 60 000 commercial farmers, say Mandela and senior members of the Cabinet are doing little to stop the killings, which have claimed the lives of more than 100 farmers, their wives and workers since the beginning of the year.

A total of 18 farmers died in 49 attacks on farms last month, and there have been 554 murders on farms since 1994.

It was disclosed yesterday that Mandela had received a new report from police deputy commissioner Suiden Britz and intelligence agencies on the killings. Earlier, an interim report indicated that the murders were acts of criminal violence, but police then reopened dockets to investigate further.

Both reports have not been made public.

"We hope the report gives clear answers regarding the motive for the murders and what should happen in regard to action to solve the problem," Vercuel said. "If it does not, the SAAU will call on all civilian structures to join with it in a nationwide public protest against crime."

He urged farmers not to take action on their own, but rather to work within national security structures.

The value of this had been proved at Mukwasse in North West Province recently when three attackers were killed and five others arrested in a joint police, farmer and army action after an attack on a remote homestead.

The trial of the five men was yesterday postponed in the Wolmaraisstad Magistrate's Court to August 25.

One of the men, Samson Wilka (18), was granted bail of R5 000 on July 19, but Mustapha Ollant (20), Mpho Sibane (20), Goodloyd Makaneye (21) and Barney Kupela (25) did not apply for bail.

The SAAU has previously asked the Government to declare a state of emergency and to impose a curfew to halt crime, particularly in rural areas. Farmers also threatened to withhold payment of taxes and take other action to protect themselves if their security did not improve "rapidly and noticeably".

The Star... Wednesday August 5 1998
NP wants high-powered team to fight corruption

Report claims R36-bn losses found

OLIVE SAWYER
Political Correspondent

The National Party has proposed a national anti-corruption co-ordinating forum to prevent repetition of the billions of rands of public sector corruption it claims to have exposed.

It says the forum should include the Public Protector, the Auditor-General, the Office for Serious Economic Offences, special investigation units and police anti-corruption units, and departments of finance and state expenditure.

It is proposed in the NP's second Corruption Barometer, a sequel to a similar document released last year.

The new report says NP researchers listed 911 cases of corruption in the past four years, involving up to R36.5-billion.

NP leader Martinus van Schalkwyk said other anti-corruption proposals included:

- A multi-party parliamentary committee to investigate models to promote Parliament's role in enforcing accountability and its independence from the executive.
- Streamlining the public service and launching a programme of deregulation.

This would limit opportunism in the state bureaucracy, Mr van Schalkwyk said.

The document said the two most significant forms of corruption found by NP researchers were fraud and theft, which accounted for 46.87% of cases, and maladministration, which made up 30.18% of all cases.

The number of cases in the Eastern Cape was almost double previously estimated figures, and now totalled about R1.4-billion.

In Mpumalanga, there had been 44 cases of fraud and theft, involving R39.5-million.

In the Northern Province, reported fraud and theft cases involved about R1.6-billion.

In Gauteng, fraud and theft made up about 55% of all corruption and related to 34 cases the NP report said.

Deregulator: the NP's Van Schalkwyk
NP document claims increase in corruption

Cape Town - Corruption in the public sector since 1994 involved between R21.7-billion and R25.3-billion, according to a "Corruption Barometer" published by the National Party.

The 159-page document reported 911 cases of corruption in the country in the past four years, of which fraud and theft accounted for 47% and maladministration 30% of all cases.

Releasing the report to the media yesterday, NP leader Martinus van Schalkwyk said the barometer showed that corruption had been vastly underestimated in the NP's previous report, published last year.

He said the latest figures were up by between R7-billion and R16-billion on the previous report.

He said the NP had published the report "because South Africans must be aware of the extent of the problem".

The report said fraud and theft involving between R11-billion and R18.7-billion had risen both at national and provincial level -- except in KwaZulu Natal, where it had stabilised.

In Gauteng, fraud and theft constituted 55.7% of all corruption and related to 34 cases involving between R113.5-million and R291.5-million.

According to the report, the 276 cases of maladministration also showed a stabilisation. Maladministration in the Eastern Cape involved up to R1.75-billion, while in Gauteng up to R67-million was involved.

Bribery also showed a significant increase. The 89 cases of bribery reported -- accounting for 9.76% of all corruption -- were related to assistance with escapes from prisons and the disappearance of police dockets. Nepotism accounted for 4.7% while embezzlement was responsible for nearly 3%.

At a national level, the report found cases involving up to R35-billion in the past four years, mainly due to:

- fraud and irregularities with regard to social security benefits (R2-billion a year);
- fraud and organised theft from hospitals (R1-billion a year);
- customs fraud (R3-billion a year);
- fraudulent unemployment insurance claims (R1-billion a year).

The report said factors contributing to the high levels of corruption in South Africa included:

- the failure of state institutions to enforce accountability;
- the "fading boundary between state and party and the ANC's centralist tendencies";
- the avoidance of responsibility by political functionaries in executive government;
- problems in the criminal justice system;
- affirmative action.
Corruption high in public sector - NP

Corruption in the public sector - excluding local government - had involved "staggering" accumulated amounts of between R23.7 billion and R36.59 billion over the period from the 1994 general election to the end of June this year, the National Party said yesterday.

In a 159-page "Corruption Barometer" released at a media conference in Cape Town, the NP said this was up from previously discovered figures of between R13.5 billion and R20 billion disclosed last year in a report covering the period from July 1994 to the end of June 1997.

Fraud and theft involved between R10.87 billion and R18.7 billion for the period July 1994 to June this year, the latest report found, while maladministration accounted for between R10 billion and R16.3 billion.

There also appeared to be a significant rise in bribery cases - 89 cases, or 9.76 percent of all corruption - uncovered in the past year.

"This increase is related to assistance with escapes from prison, as well as the disappearance of police dockets," the report said. "As in the case of fraud and theft, strong links with syndicates were evident."

The province with the worst corruption was the Eastern Cape (between R1.813 billion and R3.901 billion), followed by KwaZulu-Natal (R1.595 billion to R2.401 billion) and Northern Province (R432 million to R1.793 billion).

The province with the least corruption was found to be the Northern Cape (R4.5 million to R11.5 million).

The number of identified corruption cases in each province were:
- Eastern Cape (122), KwaZulu-Natal (98), Mpumalanga (97), Free State (68), Gauteng (61), Northern Province (51), North West (28), Western Cape (21) and Northern Cape (10).

The report recommended that existing constitutional and other watchdog institutions, such as the public protector and the auditor-general, be empowered so that their independence was protected from constant attacks by senior politicians.

NP leader Mr Martinus van Schalkwyk said copies would be sent to President Nelson Mandela, Deputy President Thabo Mbeki, all Cabinet ministers, the auditor-general, the public protector and the relevant parliamentary committees. - Sapa.
In May, Justice Minister Dullah Omar appointed a special task team to draft a bill enabling him to pass a Prevention of Organised Crime Law this parliamentary session. With tightened bail conditions coming into force, and certain amendments to the Proceeds of Crime Act of 1996, the elements of a comprehensive gang-busting policy are falling into place.

Not before time: last week two Cape Town men were killed in their bakkie when a pipe-bomb they appeared to be transporting blew up. The vehicle was covered with People Against Gangsterism & Drugs (Pagad) slogans. The men are believed to have been on their way to yet another "antigang" attack; and many now regard Pagad as simply a different kind of gang.

Pagad representatives have consistently denied involvement in a spate of bombings whose targets appear to be known Cape gangsters; but few believe this, and a vicious cycle of attacks and counter-attacks — particularly on the Cape Flats — indicates the police and judicial system are unable to cope with either the gangs or the vigilantes who oppose them.

A draft of the Organised Crime Bill defines several new offences, of which the most important is that conspiring with known gangsters could carry penalties of up to 30 years. Among a schedule of identifying traits for gangsters is that he or she "resides in or, frequents a particular criminal gang's area and adopts their style of dress, their use of hand signs, language, tattoos, and associates with known gang members". Consideration has been given to the constitutionality of the Bill, which in effect argues that those who violate the rights of victims cannot themselves enjoy such rights without limitation.

In addition, it is intended that "criminal assets", which are the proceeds of crime, will be forfeited and housed in a Criminal Assets Recovery Fund, which will "render financial assistance to law enforcement agencies".

Further, a special police unit will be created to operate nationally against gangs and crime syndicates — in effect a unit of "untouchables" reporting to the new National Director of Public Prosecutions, Bulelani Ngcukwa.

A final version of the Bill is expected to be tabled soon. Its essence lies in the intent to mount "a focused attack upon the economic bases of criminal organisations and syndicates". Late last month Omar said he had been assured that "all the parties in the (parliamentary) justice committee support the main principles in the Bill". The committee was in the United States earlier this year to study that country's effective gang-busting legislation.

The Bill assumes the police and judiciary will be able to get to grips with organised crime — that's a large assumption. For example, an Institute for Democracy in SA (Idasa) survey of the Pagad gang wars in the Western Cape — which contributes to the region's high murder rate — found that, in 1997, "people on the Cape Flats exhibit weak support for the rule of law, and the extension of procedural rights to those accused of crimes". They did not believe that co-operation with the police was safe, and a large majority supported radical anticrime actions. These included marching on the houses of "known" criminals to pressure them to leave the community (70%) or using violence or force to rid neighbourhoods of criminals (65%). Idasa comments: "Almost one-third of the people surveyed supported Pagad (31%), but only a small minority (6%) said it was likely they would join the organisation."

These figures and opinion polls indicate a deep community suspicion of the police and a lack of faith in the prosecuting authorities. As matters stand — with the advent of the Cape Town bombings (pipe-bombs can be made with readily available chemicals) — it is clear that a hard core has emerged within Pagad; that it is predominantly Muslim; and that an involuntary code of silence among victims and witnesses has developed precisely because the police and courts appear ineffective or corrupt.

To the extent that the Organised Crime Bill helps crack big-time car theft or drug syndicates, it is certainly a step in the right direction. But the real national problem remains the economic destitution of young people in places like Mitchell's Plain, Guguletu and elsewhere in the country. Law-abiding citizens — often in divided households — are cowed into submission by the arrogance of the ganglords, and, it would seem, at least tacitly condone the vigilante tactics of a minority that is prepared to kill.

Peter Wilhelm
Is Kahn able to stand the test of crime?

Comment & Analysis

The search for businessman Meyer Kahn to the police force a year ago was widely welcomed. Jerry Steinfeld took place when progress he made since then

(34)
Farmers plan mass action over killings

KwaZulu Natal Agricultural Union

will start protest with tax boycott

BY NOMAR CHAMELE
Bulawayo Bureau

The warning has been loud and clear from the plateland - farmers have stated repeatedly that they will resort to rolling mass action over the spate of farm murders.

More than 660 farmers have died and hundreds more have been injured as a result of the attacks, which have occurred in most provinces since 1994.

To kick off the protests, the KwaZulu Natal Agricultural Union has decided to support the withholding of taxes, with the money held in trust until such time as crime has been effectively curtailed. Other farmers are looking to more drastic action, such as forming vigilante groups, paralysing city centres, not delivering farm produce, and imposing curfews in country districts.

They also say rural patrols by police and army commanders - the Rural Protection Plan - are not working because of a lack of resources.

Protest action has been fore-shadowed for several years through a series of inconclusive talks between the state and farmers' unions.

President Nelson Mandela, Deputy President Thabo Mbeki, various senior ministers and other Government officials have frequently met South African Agricultural Union representatives to find a solution to the problem.

Mandela last year declined to appoint a judicial commission of inquiry into the killings, asking rather for an intelligence report.

That report was handed to him last week, and said the national and police Intelligence agencies were unable to find any political motive behind the killings. They cited criminal activity as the only reason.

The report covered the period until December last year. Since then, however, there has been a huge increase in the number of attacks. A second report, this time from police deputy commissioner Sifiso Britz, has also been handed to Mandela, but so far no details have been disclosed.

The original report has been panned by farmers, who insist that political motives lie behind the murders.

Farmers believe that disaffected young cadres from Umkhonto we Sizwe and APLA are involved, but this has not been proven and has also been denied by the Pan Africanist Congress, of which APLA was the armed wing.

The SAU has also in the past asked for a state of emergency to be declared "to stem the continuing and increasing plague of murder, crime and assault". The request was denied.

SAU president Chris du Tuit said at the time it was unacceptable that while the State repeatedly declared its intentions to combat crime, it "did not back this with action".

"The security situation has reverted to the same level as during the terror onslaught and farmers no longer have confidence in existing security systems."

Despite "numerous intensive discussions with members of the Cabinet's security committee and national security ministers, in which organised agriculture offered its full cooperation and willingness to help restore law and order, the security situation is worsening and the murders and crimes are continuing," he said.

Five years ago farmers embarked on mass action which resulted in the Pretoria area being commercially paralysed for two days as a result of dissatisfaction with marketing policies.

Police and farmers fought running battles in the central business district of the city before the farmers withdrew their tractors and heavy vehicles from the streets.
Crime worse since '94 – survey

EMPLOYMENT and the crime situation had deteriorated most since 1994, according to a national poll of South Africans conducted by Research Surveys in June.

Results of the study, released yesterday, revealed that 79 percent of the respondents felt that employment opportunities had worsened with 76 percent feeling crime had got worse.

Respondents were drawn from throughout South Africa and are representative of three socio-economic groups: white and black urban residents and black rural residents. They were asked about such issues as education, crime, security, safety, health, financial status, housing and employment.

Research Surveys said that overall, whites, the most affluent group, displayed the lowest levels of satisfaction. Rural blacks, the poorest, were the most satisfied.

“The black urban respondents held a less positive outlook than the black rural respondents, but a more positive outlook than the white urban respondents,” Research Surveys said.

The study revealed that all three socio-economic groups felt that employment opportunities had deteriorated with 87 percent of urban whites, 80 percent of urban blacks and 77 percent of rural blacks holding this opinion.

Northern Cape respondents appeared to be most concerned about unemployment, 95 percent.

Education
Thirty-six percent of rural blacks felt education had improved, compared to 25 percent of urban blacks and two percent of urban whites.

Rural blacks, 42 percent, claimed health had improved, while only 34 percent of urban blacks and only four percent of urban whites held this opinion.

Urban and rural blacks – 45 percent and 38 percent respectively – were more positive than the 10 percent of urban whites who said they felt housing had improved for them personally.

Regarding finances, 81 percent of urban whites, 62 percent of urban blacks and 55 percent of rural blacks felt their financial status had declined. This was felt most strongly in the Eastern Cape and KwaZulu-Natal. – Sapa.
Farmers, businessmen meet over rural crime

**By Norman Chandler**

Pretoria Bureau

Farmers and top businessmen met behind closed doors in Pretoria yesterday in an effort to find solutions to the rural crime wave which has claimed the lives of over 550 farmers in four years.

In another development Freedom Front leader General Constand Viljoen is set to meet the South African Agricultural Union (SAAU) today. The meeting was originally planned for earlier in the week, but was postponed because of the handing over today to President Nelson Mandela of a report by police and intelligence agencies on the attacks.

SAAU executives and the security committee of the South African Chamber of Business (Sacob) spent several hours yesterday debating the issue in the first meeting held by the two organisations, but decided not to take precipitous action.

Brian Adams, the Sacob committee's chair, said on behalf of both organisations that they were "extremely unhappy with the situation" but did not feel that they wanted to embark on anything unlawful or irresponsible.

He said we are aware that both organisations have members who would like stronger action to be taken, but we have agreed that the time was not right for this. We have, however, agreed to establish a working committee to look at more immediate strategies.

The KwaZulu Natal Agricultural Union added on Tuesday that its members must divert some of their special accounts to be set up by the union. The money would be paid into the SARS Revenue Service once the Government had "stabilised the crime situation".

This move has the backing of the SAAU, which is also supporting a mass rally of farmers in Durban during the 110-nation Non-Aligned Movement (NAM) conference there at the end of the month.

The SAAU has meanwhile again lashed out at Agriculture Minister Derek Hanekom for his attitude towards attacks on farms.

"SAAU president Chris du Toit said in the latest edition of the publication The Farmer, which reached its members yesterday, that it was "far-fetched" for Hanekom to wait for the agricultural sector to show clearly that attacks and murders were politically motivated, particularly as the SAAU had every right to expect the Government to show that this was not the case.

"There had also been a fall-off in the number of people arrested for alleged crimes on farms between January and July this year, he added, and this was "cause for concern".

- The Mpumalanga Agricultural Union (MAU) yesterday gave its support to a regional rural safety plan and reaction strategy drafted by army commando units, African Eye News Service reports.

- The plan was drafted by the SANDF last year, but was only implemented in a pilot project on farms around Amersfoort, near Volksrust, last week.

MAU president Lourie Bos- man said the union had embarked on a fast-track project to implement the plan elsewhere in the province as soon as possible. It was designed to use existing commando structures, private security company networks and neighbourhood watch associations to speed up police reaction times and extend their intelligence network.
Taking on corruption

In the light of major corruption and misuse of state funds, an international non-governmental organisation, Transparency International, has set up office locally to monitor the problem. Sharon Chetty reports.

Given this country's history, redefining the parameters is proving to be a big question.

Corruption is also likely to feature on the agendas of all political parties in the run-up to elections.

Hardly a week goes by in South Africa without a report of corruption or maladministration in a government department.

In addition to the daily litany of violent crime, there have been several probes into public service fraud and other misdemeanours in the four years since the new Government has been in power.

The state-appointed Heath Commission (chaired by Judge Willem Heith) has established that billions of rand have been misappropriated since the former National Party was in power.

Recently the deputy speaker in the Mpuumalanga legislature was found to have abused public funds, and only two weeks ago President Nelson Mandela ordered investigations into at least 16 departments in the Eastern Cape, Mpuumalanga and KwaZulu-Natal.

Does the constant catalogue of fraud and misdemeanours mean that this country is on the edge of a precipice?

No one knows, and for the first time attempts are being made to quantify the extent of the problem.

Transparency International (TI), the international non-governmental organisation formed specifically to look at corruption globally, has set up a local office and their first big project is to work out just how serious the problem is.

At the same time, a register of all the efforts to deal with corruption is being compiled by the Human Sciences Research Council (HSRC).

But it is not that simple, says David Barnard of the HSRC and one of the compilers of the register.

He points out that since 1994, there have been several state-sponsored probes into corruption and, at the same time, the Government has also put into place safeguards like a hotline in Gauteng.

On the one hand, it is likely that since there have been more investigations since 1994 and there has been more publicity about such misdemeanours, these have contributed to the perception that this is a corrupt country and that Government is soft on miscreants.

But there are also attempts to deal with the problem, like in Mpuumalanga where Premier Mathews Phosa has shown willingness to probe claims against his senior civil servants.

There is also the question of whether this Government is more corrupt than the last.

In several instances, the graft can be traced back to the former government, where there was little accountability and lots of loopholes in the system, especially in the homelands.

But there is also evidence to show that new incumbents are exploiting the loopholes. The numerous "ghost" workers collecting salaries and pensions would be examples of this.

Defining corruption is one of the challenges, says Transparency International South Africa (TI-SA) chief executive officer Dr Staan van der Merwe.

The convention in this country has been to look at the public service and to focus mostly on its misdemeanour, he says. But "white collar crime" or fraud in the private sector is an equally big problem, asserts Van der Merwe.

The big question

Given this country's history, where there was systemic corruption, redefining the parameters is now proving to be the big question.

Our history also means that there are some unique questions to be debated, says Van der Merwe.

One of the more controversial questions is whether corruption (like focusing on the environment in the past) is a "can't go wrong" agenda by whites now that there is a black Government in power.

"Another question is whether to focus on what has happened over the past four years, or to address the legacy of corruption."

It has also been argued that apartheid should be seen as systemic corruption which warped the political process and the economy, and subverted the cultural, educational and social rights of the majority of people.

TI has over the past five years published a list of countries and an index of how corrupt they are perceived to be by the business community. In the last one, South Africa was ranked 23 out of 54.

While such rankings may be useful for international investors, in South Africa's case the method used to work out the rankings can be faulted as the majority of the businesses surveyed were white, and may not necessarily be sympathetic to Government's efforts to deal with their problems.

There is also the North-South divide. Governments in the North are constantly clamouring for more democratisation and the opening up of markets in the developing world. But their multinational companies and financial institutions are not accountable to anyone, and are often part of the corruption problem as they willingly pay bribes in certain countries and disguise it by clever bookkeeping. Often they are even able to get tax breaks on them.

But, despite the gloomy picture, the fact that corruption is a much talked-about and reported issue is a good sign, says Van der Merwe.

Corruption is also likely to feature prominently on the agendas of all political parties in the run-up to next year's election.

Therefore, it is imperative that there is some idea of the scale of the problem, so that the public can be informed when subject to politicians' claims and counterclaims, he says.

Later this year there will be a conference to discuss the issue, and next year TI will hold an international summit in South Africa.

"Corruption is not confined to one sector... it is everywhere. Therefore in South Africa we can form a broad front against the problem."

Van der Merwe says the world is also looking to South Africa to "show the way" in dealing with corruption.

"We have all the resources... like a good constitution, Bill of Rights, public protector, now we have to use them effectively!"
Report on farm attacks raises hope

By Anso Thom

The release of the latest report on farm attacks is likely to set off another round of talks between the Government and agricultural unions, and farmers in the battlefield are hoping it will help turn the tide on farm killings.

National police commissioner George Fivaz handed the report, compiled by police and national intelligence, to President Mandela yesterday.

Details of the report, written under the direction of deputy commissioner Suiker Britz, national co-ordinator of investigations into farm murders, will be made public once Mandela had studied it, said presidential aide Parks Mankahlana.

He said the recommendations could include strategies to improve policing in farming areas.

Mankahlana said three reports had been compiled which rejected the allegation that there was a campaign to drive farmers off their land to facilitate a "redistribution programme".

"The last report is with the president, and there is no indication it will produce a different result from the previous ones," he wrote in a column for The Star today.

Jack Raath, executive director of the SA Agricultural Union, said they had requested an urgent meeting with Mandela.

"We have no information on what the report contains," he said, adding that farmers had given police information relating to the attacks.

Mankahlana said Mandela was well disposed towards the agricultural union.

"They have played a constructive role in combating crime in farming areas."

The latest report comes about six months after a similar one in January which singled out crime as the most likely motive for farm attacks, which have claimed at least 94 lives since the beginning of the year.

These arguments were dismissed by farmers who claimed that disaffected cadres from the old Umkhonto we Sizwe and Apla liberation armies were carrying out the attacks.
Farm Killings Outrage Govt.
The police were called to the scene, and it was confirmed that the individual was indeed deceased. The coroner’s report is pending further investigation. The cause of death is under investigation, and no foul play is suspected at this time. The family is being consoled by the police and will be provided with further updates as the investigation progresses.
Strong case for SA to sign anti-bribery convention

Bribery is a serious and widespread phenomenon in international business transactions, trade and investment. It has moral, political and economic implications, and specifically, distorts international competition. Many South African concerns have been investing abroad recently and at some time may have been faced with this issue.

The 1988 guidelines for multinational enterprises by the Organisation for Economic Co-operation and Development (OECD) state that enterprises should refrain from bribery of public servants and holders of public office.

In early 1997 the OECD council of ministers recommended that such bribery should be criminalised in an effective and coordinated manner. In December 1997 the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was signed.

In most countries bribery an official of one's own country has always been a criminal offence. The Corruption Act, No 97 of 1992, in our jurisdiction is a typical example. However, bribing an official of another country is often considered acceptable, does not amount to a criminal offence and is likely to be tax-deductible in the jurisdiction of the payer.

The 1997 convention requires that domestic legislation should criminalise the bribery of foreign public officials, and bribes should not be tax-deductible in the jurisdiction of the payer of the bribe.

Furthermore, countries should take steps necessary so that laws, rules and practices with respect to accounting requirements, external audit and internal company controls are in accordance with those principles contained in the convention.

It also provides that member countries' domestic legislation should permit authorities to suspend from competition for public contracts enterprises determined to have bribed foreign public officials in contravention of that member's national laws.

It also states bilateral aid-funded procurements should contain anti-corruption provisions.

In addition, it is provided that domestic legislation should contain international co-operation measures between the various jurisdictions party to the convention.

South Africa has yet to accede to the 1997 convention. It obviously makes good business sense for us to do so. If we look askance at non-residents bribing our public officials, other jurisdictions obviously look askance at South African companies doing so in their jurisdictions. Likewise, if other jurisdictions criminalise actions by their own residents when bribing, say South African public officials, South Africa should reciprocate.

In the absence of South Africa's accession, the convention could still apply indirectly to local companies. Countries that have entered into double tax treaties with South Africa, under the exchange of tax information provisions of such treaties, could obtain the necessary information to prosecute local companies in their jurisdictions.

Lastly, the International Accounting Standards Committee is likely to issue a GAAP statement on the convention that, in the absence of a local GAAP statement, could apply to local companies and hence require disclosure of such bribes.
Crime hinders business

By Siadreck Mashalaba and Sapa

CRIME was undoubtedly the most serious impediment to South Africa's growth prospects, affecting 40 percent of goods-transit operations, South African Chamber of Business (Sacomb) president Humphrey Khoza said on Friday.

"There is simply no doubt about it - crime pays in South Africa," he said during the second annual congress of the Gauteng Association of Chamber of Commerce and Industry (Gacci) in Krugersdorp last week.

Khoza said that crime was not increasing in general because ordinary South Africans were taking more precautions.

He said South Africa was still a long way from the stage when crime would not be a constraint on business and investment.

It was likely that the private sector would increasingly be called upon to assist provincial govern-

South African Chamber of Business president Humphrey Khoza. PIC: ANTONIO MUCHAVE

ment structures in capacity building.

He warned that transformation needed to be completed first before creating new institutions.

He said Sacob and the chamber movement should become more representative of the population at large.

A demographically representative chamber movement would play a more vital role in building unity towards the development of South Africa.

"Apart from the immediate issues that business has to address, the chamber movement will also help to consolidate democracy and economic transformation."

New law

Addressing the same gathering on the Competition Bill, chief director for business regulations and consumer services in the Department of Trade and Industry Dr Allistair Ruiter said the new law, which will come into effect in October, was aimed at formulating a holistic approach on how businesses should operate.

He said once in operation, the new law would support and protect businesses, while at the same time opening new opportunities for small business.
' Strikes a threat to low inflation'

By Isaac Moledi

South Africa runs the risk of having its consumer price inflation jump from the current five percent year-on-year to about eight percent by the end of the year, international brokerage firm Salomon Smith Barney (SSB) said at the weekend.

In a statement on Friday, SSB, a specialist in economic and market analysis, said it was concerned about the country's wage growth and a recent wave of strikes. These, the firm said, could have an effect on CPI inflation.

It said a recent wave of strikes had somewhat refocused investors' attention on the economy's structural problems. South Africa's labour market inflexibility in particular, was of major concern, said the firm.

Although the jump in CPI inflation from five percent to eight percent was expected to be reversed throughout 1999, this, to a large extent, depended on the labour market, which SSB described as "a key issue".

"Monetary and fiscal policy probably are tight enough to prevent a lasting inflation deterioration, and thus allow the external accounts to eventually benefit from the weaker rand," the SSB statement said.

"However, a pass through of higher import prices to wage growth would risk damaging long-term inflation expectations," the SSB statement said.

The firm said the wake of a severe downward real adjustment and amid concerns on the emerging markets in general, international investors would be watching the outcome of the recent strikes, particularly as some of them had been accompanied by violent and even violent demonstrations.

Investor attitude on a country like South Africa would largely depend on how far they (investors) perceive the crisis was damaging the economic fundamentals, and on how policymakers were responding to the new challenges.

"In our view, the risk of a new acceleration in wages as a response to the rand depreciation appears limited. Similarly, while showing increasing awareness that structural labour rigidity impedes job creation and growth, the ANC-led Government is unlikely to reverse the pro-labour legislation of the past few years soon."

The firm saw the unlikelihood of a break in the alliance between the ANC, the Congress of South African Trade Unions and the South African Communist Party before the 1999 general elections.

"Similarly, the Government is unlikely to embark on ambitious programmes such as labour market deregulation or accelerated privatization before the election, given grassroots perception that such shifts would favour the white, upper class minority," the firm said.
Mixed Reaction to Intelligence Report on Farm Attacks
Crime syndicates rely on corruption

Jonny Steinberg

EVERY SA crime syndicate of any significance relied on the complicity of corrupt state officials to carry out its activities, a study of organised crime by Peter Gastrow of the Institute for Security Studies showed.

Gastrow’s research report gave case studies of six SA crime syndicates, including a hijacking network in Gauteng, a Nigerian cocaine trading syndicate in central Johannesburg and a large drug mafia in the Western Cape.

The roles played by corrupt state officials in the case studies included the theft of police dockets, forging false registration papers for stolen vehicles and the theft of vehicles from government pounds.

“The very loose nature of many indigenous criminal networks, the importance of ‘freelance’ criminals and the large number of people involved in the chain of events suggests that the fear of possible infiltration or apprehension by the police is fairly low among indigenous criminal operators.”

However, Gastrow said that the majority of indigenous SA syndicates were relatively weak and unsophisticated organisations, undercapitalised, badly resourced and were vulnerable to infiltration.

In contrast organisations of foreign nationals operating in SA were generally tightly knit, disciplined and difficult to infiltrate.

However, Gastrow said that the indigenous underworld was becoming increasingly sophisticated as its contact with the outside world grew.

“Although most SA criminal organisations have not yet reached the degree of expertise and confidence to operate internationally in the way that Russian, Nigerian and Chinese crimes syndicates do, they are on their way towards that phase.”

However, he argued that SA law enforcement still had “a window of opportunity to curb organised crime”.

Gastrow also commented that criminal syndicates appeared to be among the least discriminatory business organisations in SA.

“It is almost encouraging to note the degree to which the indigenous networks of criminals appear to be ahead of the rest of SA society in their non-racial and gender related composition.”
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Economic crime is
‘a threat to govts’

Madeleine van Niekerk

Estimated international annual proceeds from economic crime — as defined in the broader context — amounts to $800bn including proceeds from the illegal sale of arms and drugs, says Prof Danie du Plessis of Pretoria University.

Du Plessis told the national conference of the Institute of Internal Auditors of SA in Sandton yesterday that in 1995 the Office of Serious Economic Offences was investigating 23 cases involving R3.5bn and the SA Police Service 29 000 cases involving R7bn.

Recently, the Heath special investigating unit was investigating cases involving R6bn.

‘It is generally accepted that such activities are a threat to governments and that it attacks the social fibre of society. It is also a fact that international syndicates are targeting economies and democracies in transition,’ he said.

External auditors internationally — and to a lesser extent in SA — were facing negligence claims amounting to billions of dollars as well as criminal prosecution. Internal auditors were not being confronted civilly or criminally in this regard.

He said the extent of litigation aimed at the perceived or real negligence of auditors was well documented. This was especially relevant to the situation in the US, but the litigious climate was now becoming evident also in the UK and other countries. In 1992 there were 400 cases amounting to $13bn pending against US accounting firms. Recently the first case involving negligence was recorded in Japan.

‘I tried to ascertain the facts relating to SA, but found that they were not available,’ he said.

In SA auditors can be charged up to R4 000 for negligence or fraud, while in France they can be imprisoned for up to five years or fined up to FF100 000. In Iran they face imprisonment of up to three years and in Malaysia they can go to jail for up to two years and be fined.

Mike Savage, head of forensic auditing at Ernst & Young, said that according to an international survey in May on companies in Africa, the US and Australia, half of the companies surveyed had been defrauded.

Thirty percent had more than five frauds and 84% of the fraud was committed by employees.

The worst cases were committed by management.

‘Only 13% of losses were recovered. That scares me,’ he said.
Pretoria – A summit proposed by President Mandela on farm killings has been labelled “another talkshop” by farmers’ leaders, who may stay away.

The president made the summit suggestion to a SA Agricultural Union (SAAU) delegation at talks here yesterday, during which the latest police intelligence report on farm killings was discussed.

The report covered the period from January to May.

Mr Mandela said representatives of government, the SAAU, black-led agricultural unions, farm labourers and other stakeholders would be invited as he believed that “the summit will do a great deal of good in focusing our attention on problems that are a great deal of concern to the farming community.”

SAAU president Chris du Toit later called the proposal “another talkshop”, and was uncertain whether the union would attend.

He said the idea would be discussed by the union’s general council later this month.

The summit was proposed for next month.

Mr Du Toit said the union would continue to press for a judicial inquiry, a suggestion which Mr Mandela has not accepted since it was first mooted last August.

So far, 94 farmers and farm-workers have been killed countrywide this year.
Mixed reaction to summit on rural crime

Louise Cook

PRETORIA — Several farmer organisations welcomed President Nelson Mandela's proposed rural crime summit yesterday, but SA Agricultural Union president Chris du Toit was sceptical, saying it might turn out to be another “talk shop”.

Mandela, accompanied by Safety and Security Minister Sydney Majamadi and Defence Minister Joe Modise, met an SAU delegation yesterday to discuss the security report on farm attacks released by SA Police Service (SAPS) commissioner Supt Britz on Saturday.

The report found that the spate of attacks on farmers and their families was motivated mostly by robbery.

The report covered the period from January to the end of May when 53 people were killed and 192 injured in 305 attacks on farms.

Mandela said the number of farmers killed was “totally unacceptable” and said government wanted to hold a special rural crime summit in the next few weeks. He asked the SAU to support the plan.

The summit would include the Black National African Farmers’ Union (Nafu), the SA Agricultural Union, Plantation and Allied Workers’ Union (Saapawu), the SA National Defence Force, police and government departments.

Mandela said he had “complete confidence” that the SAPS was doing its best to fight the problem.

Du Toit said: “It is our first priority to co-operate with the security forces, but the proposed summit, like the job summit, could turn out to be a talk shop that comes to nothing.”

Emerging farmers and farm workers’ organisations backed the idea.

Nafu CEO Andrew Makeneti said: “The whole farming sector is affected by the lack of stability.”

Saapawu spokesperson Thamsanqa Myeza said: “We have called for such a summit a long time ago but our requests have been ignored ... this weekend we lost five members in Mphumalanga in an attack on a farm.”

Linda Ensor reports that the Democratic Party called yesterday for tax breaks for the installation of security equipment by farmers as one of a series of measures to restore safety to rural areas.

The party also called for a joint audit between security forces and farmers of areas at greatest risk and for government to consider temporary emergency measures for these areas.
MURDER RATE ‘INTOLERABLE’

Govt to hold indaba on farm death toll

PRETORIA: Anxious to quell fears about the rising incidence of farm killings, the government is to invite farmers, workers and other interested parties to a national indaba.

The government has proposed holding an urgent summit on farm killings within the next five weeks, President Nelson Mandela said here yesterday. Speaking after meeting representatives of the South African Agricultural Union (SAAU) for over 90 minutes, Mandela said the summit would gather government, farm union and farm labour groups together to discuss ways of preventing the on-going attacks.

But the plan could falter before it even begins. After the meeting SAAU president Chris du Toit said he was uncertain whether his union would participate in what looked like “yet another talkshop”.

Du Toit said it was “not so easy to say we will participate and not so easy to say we won’t”.

Meanwhile, it was reported yesterday by the president of the KwaZulu-Natal Agricultural Union, Graham McIntosh, that the latest figures released by the Central Statistical Services last week showed a “dramatic” reduction in the number of people being employed in agriculture, down from 1.4 million to 637 000 in just four years.

He referred to the “intolerable” crime situation, a worsening economy, huge technical innovations, liberalisation of international and regional trade, new and more open methods of marketing agricultural products in SA, and new labour and land laws.

“With the introduction of labour laws and land laws of the type that have been introduced in the last eight years, farmers realised that charity had to begin at home and that extra labour was becoming too expensive,” he said.

Following the meeting with farmers yesterday Mandela said: “We have suggested a summit of interested parties as soon as possible that will consist of government representatives, the farming union, the black agricultural unions, labourers and other interested parties.

“We think this summit will do a great deal of good in focusing our attention on the problems which are of grave concern to the farming community.

“We appreciate the concerns of the farmers because the number of farmers being killed is totally unacceptable,” Mandela said.

How ever, Mandela expressed confidence in the handling of the situation by the police and said that the rate of arrest was “very high indeed”.

Safety and Security Minister Sydney Mufamadi backed the police and report findings but admitted that the current police strategies needed refinement.

“We are generally of the view that we have not been as successful as we would want to be regarding the prevention of these attacks.

“We hope that as we gain more insights into the problem, our capacity to prevent these attacks will be enhanced,” Mufamadi said.

He agreed with the SAAU that the police probe should include attacks perpetrated during June, July and August to rule out a political motive.

Yesterday’s meeting was at the request of the SAAU, which has rejected a police-driven report on farm attacks that found no evidence of any political motive.

Du Toit said the meeting had not done anything to change the union’s demand for a judicial inquiry.

“We are still of the opinion that at one time or other it will be better to appoint a judicial commission to investigate the whole problem,” he said.

In other developments around the beleagured farming industry, three men accused of attempting to murder a farm worker were granted bail of R2 000 each in the PortSheastroom Regional Court this week.

Eben de Bruyn, 55, a farmer from Buffelshoek near Parys, and Steven Bunyan, 32, and Martin Rudman, 28, both of Oxney, have been charged with the attempted murder of Ismael Oupa Mkhwane of Buffelshoek on August 8.

They were warned to appear again on September 3.

Also, a farmer and his son were arrested on Tuesday and appeared before the Wolmaransstad Magistrate’s Court in connection with the death last month of a resident of Lebaleleng township.

Petoer du Toit, 68, and his son, Christoffel du Toit, 40, farmers in the Mokwase area in North-West, applied for bail when they appeared.

The state alleges they hired three other suspects to carry out the contract killing of Bojie July, 47, on July 21.

Father and son were granted bail of R5 000 each and were ordered to hand in their passports.

— Own Correspondent, Sapa
More to Farm Killings Than Goats Thinks

Government's latest report on farm killings is too hasty and superficial to address

S

COMMENT & ANALYSIS
Out of the statistics comes the tale of one family's anguish and loss.

The story of an African farmer killing himself.

CAPERGUS ISSUES

Cape Argus, Transvaal, August 21, 1988

Inside Story

...
Cops warn ‘vigilantes’
200 in Guguletu face prosecution

Police are to investigate and will attempt to prosecute about 200 Guguletu residents who beat, stripped and paraded four suspected criminals through the community.

"I want to make it clear that any individual involved in an incident of this type will be severely dealt with," said Mr. Giovanni Daniels, West Metropole area commissioner.

Nicholas Solomon said the police would act on any information on suspects supplied to them by residents.

In response to a question on allegations of collaboration between criminals and police in Guguletu, he said he would deal with a complaint from a resident.

Hot water on tap for rural women

In South Africa about 16,000 people have no electricity and 15 million have no running water.

For women in rural areas and informal settlements, the task of fetching wood for fires to heat water for cooking, drinking and washing with cold water is a daily chore.

Even on a tree, the base has a shower head with a shower cap to prevent children from reaching the water.

The unit can be connected to mains water or to a 25-litre can above the unit.

The stove inside the unit heats an element as the water passes through the system. The temperature is adjustable and the user can get...
Judge estimates that the R1.0-billion recovered so far represents just 5% of the total to be unearthed.

Health unit makes big inroads on fraud
Vehicle Licensing Backlog is Lifetime for Thieves

By Jacori Reeves

The backlog of vehicle registrations is causing headaches for the Department of Motor Vehicles. According to a recent report, over 1,500 outstanding registrations are currently on file. The problem is being compounded by the fact that a number of vehicle owners have not renewed their registrations, leading to a backlog that is expected to last for years. The department is urging vehicle owners to register their vehicles in a timely manner to prevent this issue from becoming even more severe.
Fraud investigation unit recovers R10-bn

Special team headed by judge expects to uncover more cases involving billions of rands in lost state money

BY JOVIAL RANTAO
Political Correspondent

The special unit established by President Nelson Mandela to investigate fraud in government structures has recovered 80 farms valued at R20-million, 372 state-owned vehicles worth R33-million and R33-million defrauded from the office of Eastern Cape Premier Makhenkazi Stofile.

Judge Willem Heath, head of the special investigation unit, gave examples to the Cape Town Press Club on Friday of R10-billion recovered by the unit so far.

Judge Heath said the unit's successes included:

- Recovery of vehicles and equipment worth R4-million in the Surajina 2 case. The rest of the case is ready to be presented before a special tribunal headed by three High Court judges in order to reclaim the balance of R6-million.
- 372 state-owned vehicles, worth about R33-million, have been recovered in KwaZulu Natal.
- 80 farms have been recovered in the former Transkei to the value of R20-million. A further 120 fraud cases, involving about R30-million, are still outstanding.
- An order has been granted for the attachment of assets worth about R4.5-million of two trustees of a non-governmental organisation running the Daily Bread Feeding Scheme in the Eastern Cape. The assets attached included a plane, a Mercedes-Benz, and a house worth approximately R2 million. The matter is to be heard by the special tribunal.
- A voucher stolen from the Department of Justice and the assets of the various defendants have been frozen to secure the amount of the voucher, worth R43-million.
- An urgent order was granted to stop payment of a government cheque of R50 000 which was presented at a bank in Kokstad.
- An amount of R23-million from the budget of Stofile, earmarked for assistance to small businesses, was recovered after it had been misappropriated and deposited into a private bank account.

The unit obtained an order for payment to the Durban City Council of R625 000, which was lost in lease agreements fraud.

The unit has also investigated fraud in house subsidy schemes for the poor in two provinces, involving 60 000 cases.

The judge, who heads a team of nine lawyers, five accountants, two computer science experts and a range of on-call specialists, estimated that corruption and mismanagement amounting to about R200-billion was waiting to be uncovered in government structures.

The commission is also investigating 14 part-time district surgeons in Eastern Cape for allegedly falsely claiming to have treated hundreds of patients a day on behalf of the state.

One such surgeon is being investigated for possible fraud amounting to R500 000.
ANC-led govt ‘not a kleptocracy’

By Ido Lekota

HEAD of the Heath Special Investigation Unit Judge Willem Heath has debunked the myth that the present Government is more corrupt than the previous apartheid regime.

Speaking at the Cape Press Club last Friday on the topic “Has our democracy become a kleptocracy?” (Government of those driven by greed), Judge Heath said: “No. It was probably as bad with the previous Government or even worse, but it was never so transparent as it is now.”

The judge also explained how the present Government, through its commitment to addressing corruption, had passed legislation that made it possible to establish his unit.

The law also allowed for the creation of a special tribunal through which the State can lodge civil claims to recover property and public monies.

“South Africa has lost substantial assets over the years through corruption and it is a continuing process.

“It is with this in mind that Parliament passed the Special Investigating Units and Special Tribunal Act No 74 of 1996. The Heath Special Investigation Unit was appointed in terms of this Act.”

Since its establishment in 1996, the unit has had major successes in tracing or recovering state properties and public monies, said Judge Heath.

“Up to November 1997 we recovered up to R10-billion in state properties and public monies. At this stage we are busy with cases to the value of R7-billion.”

He listed a number of examples of success of the unit since March 1997 including the recovery of 80 farms in the former Transkei to the value of R20-million. Another R30-million is expected to be recovered in this case.

Judge Heath ascribed the high incidence of corruption to lack of administrative and financial controls within the management strata of various levels of government.
Cut criminal cash chain, says expert

Wyndham Hartley

CAPE TOWN — Attempts to control organised crime and large crime syndicates should be aimed mainly at identifying “unaccountable wealth” rather than just through the confiscation of assets, British crime expert Barry Rider said yesterday.

Rider, who is a director at London’s Institute for Advanced Legal Studies, told a joint sitting of Parliament’s justice and safety and security committees that the confiscation of assets or proceeds of crime did not work on its own.

He said that in the US and the UK, where confiscation had been allowed for years, only infinitesimal amounts of the estimated money laundered by crime syndicates were recovered.

Parliament’s justice committee would soon begin working on the Organised Crime Bill, which was approved by cabinet last week and provided extensively for the confiscation of the assets or proceeds of crime syndicates.

Committee chairman Johnny de Lange said Rider was complimentary about the broad sweep of the legislation being placed on the statute book in SA.

Rider said measures which forced disclosure and transparency about the origin of wealth were more efficient at identifying unaccountable wealth which came from criminal activity.

He said criminal law alone could not apprehend the crime syndicates, whose best models resembled good and efficient businesses. He said that, in addition to going for the syndicates themselves, those who facilitated the movement or laundering of money should be targeted. Facilitators like banks should be compelled to report certain transactions.

He said the only way to render the operation of crime syndicates unattractive was to render them uneconomic. To do this, governments had to the organisations’ money chains.

It was vital that the technical and regulatory mechanisms, generally ignored by the police, such as companies regulations, reporting of corporate accounts and taxation laws were more closely scrutinised because they could provide important clues to the existence of organised crime, he said.

Rider said Russian crime syndicates were a big threat to the West and there were disturbing signals that the Chinese triads operated not only from Taiwan but also from mainland China.

He said members of the largest triad group, the San Yong, were recently welcomed as honoured guests in China by the minister of security.

NP calls for ministerial resignations

Wyndham Hartley

CAPE TOWN — Trade and Industry Minister Alec Erwin and his deputy Phumzile Mlambo-Ngcuka should do the “honourable” thing and resign following the disaster of the National Small Business Council (NSBC), National Party MP David Graaff said yesterday.

Graaff said after Erwin briefed the portfolio committee on trade and industry on the NSBC that the council was being liquidated and it was still not known how many millions of rands of taxpayers’ money had been lost.

“The board responsible was absent despite receiving notice to attend the proceedings.

Omar upbeat about department

Dustin Chick

THE justice department had played a role in about 60 major laws in the past four years and was sponsoring 16 pieces of legislation being addressed by Parliament, Justice Minister Dullah Omar said yesterday.

Omar was speaking at an African National Congress (ANC) briefing on the progress made by his department.

Included among the major laws under consideration was the Maintenance Bill, legislation formalising customary marriages, and draft legislation seeking to formalise and regulate the use of lay assessors in courts.

Omar said the Maintenance Bill aimed at insuring that the obligations of the respondent in a maintenance case be met, without taking away his or her rights. He said the standing act was open to abuse, as respondents who did not arrive in court caused delays.

Under the new legislation a maintenance order could be granted if the respondent was absent despite receiving notice to attend the proceedings.

Omar said a new Magistrates Commission would come into being on October 1 to spearhead the transformation of magistrate’s courts.

He said that over the past three years 30 black judges had been permanently appointed to the high court bench.

Omar said his department planned, in principle, to create a high court in each provincial capital. He said provincial governments would have the option to locate the court outside the capital, while Gauteng would have two separate high courts with seats in Johannesburg and Pretoria. All existing courts in the Eastern Cape “would have a role to play”, Omar said.

He said the most important achievement by his department was the incorporation of the 11 apartheid-based justice departments into a single national department with a single national management.
MULTI-PRONGED ATTACK URGED

"Let syndicates help pay for law enforcement"

A WORLD AUTHORITY on crime syndicates has told the government legislation alone cannot beat the syndicates. JOVIAL RANTAO of the Parliamentary Bureau reports.

MILLIONS of rands illegally changing hands in the underground economy could be pumped into the national treasury and used to fund law enforcement agencies, if the government heeds the advice of a reputable international expert to consider legitimising some unlawful acts of organised crime syndicates.

Barry Rider, a professor at the University of London, who has advised many governments on international crime syndicates, told a seminar in Parliament that South Africa should consider following the example of some East European countries and help the 300 syndicates believed to exist here to operate above board.

In addition to helping the state recoup some of the money, the approach would also help law enforcement agencies to monitor the syndicates better.

In South Africa the money could, for instance, be used to beef up the under-equipped units of the SAPS. Money recovered could be used to fund police actions, and assets such as cars could be used by the police.

The deal, Rider suggested, should include immunity in return for the surrender of money to the state and the dismantling of the syndicates.

Rider warned that the forfeiture of assets and the legitimising of some activities, as anticipated in the Organised Crime Bill to be tabled in Parliament, should not be the government’s only weapons for fighting the syndicates.

Legislation was one approach, he said, but intense integrated intelligence gathering and strong victim/witness protection programmes were also necessary.

A multi-pronged attack was needed that would include tax measures and a clampdown on lawyers, accountants and other institutions that assisted the syndicates.

Private companies should be forced to submit their corporate accounts on time or face heavy penalties.

"The strategy has to render it unattractive for organised crime to enter a sector of the economy," he said.

Travel agencies had to be watched, as some were used by the syndicates to launder money.

Local syndicates used the taxi industry and small businesses such as hawking for their operations.

South Africa should consider legislation empowering the government to force individuals to disclose the sources of their wealth.

Rider said the South African government should, instead of trying to eradicate international crime syndicates operating here, opt for the more effective and cheaper option of immobilising or disrupting them.
'Anti-crime effort flawed'

Nomavenda Mathiane
26/12/98

A FLAWED criminal justice system, corruption and general lack of trust in the system were elements that did not engender an atmosphere for proper law enforcement, national police commissioner George Fivaz said yesterday.

At a Federation of Hospitality Association of SA (Fedhasa) congress in Midrand, Fivaz said the system was working beyond capacity, and that the country had to inculcate good values and norms if the war against crime was to be won. He said he disagreed with those who saw capital punishment as a crime deterrent. Countries not practising capital punishment used harsh sentences as a substitute for hangings.

In his address, Environmental Affairs and Tourism Minister Pallo Jordan said travel and tourism accounted for 17.8-million jobs and about $6.2bn in gross domestic product. He said that by 2010, 5-million jobs would be created.
Health Profiling: 8/28/98

R7bn

Government Corruption Cases involving

Heath Profiling 8/28/98
Summit on farm killings postponed

BY ROODIE VICTOR

The proposed summit on farm killings has been postponed until early October because President Mandela's international commitments prevent him from attending an earlier summit.

The summit will now probably take place in early October instead of the end of this month, Mandela's spokesperson Parks Mankahlanal said yesterday.

Consultations were taking place to find a suitable date, and Safety and Security Minister Sydney Mofamadi would probably make an announcement on Saturday, Mankahlanal said.

Mandela is chairing a heads-of-state summit of the Non-Aligned Movement in Durban this week.

In mid-September he flies to Mauritius to attend a summit of the Southern African Development Community and later in the month he travels to New York, followed by a state visit to Canada.

The announcement of a probable date for the summit follows another surge in attacks on farms.

Most of the latest attacks have been concentrated in the Eastern Cape, with some taking place in Mpumalanga and Northern Province. In four days, four people were killed and three seriously injured.

On Sunday, a retired Spoor net worker was found murdered on his farmstead at Dys
seldorp, outside Oudtshoorn. André Stander (65) was attacked by two men who stabbed him and battered him about the face and head.

On Sunday, a farmer's wife, Dina Muller (60), survived after she was stabbed 14 times at her farm at Vaalwater in Northern Province.

David Hoy (70) and his wife Sonja (60) were injured when they were attacked and robbed on their farm Gray Valley in the Komga district in the Eastern Cape on Sunday.

On Saturday, dairy farmer George Wylie (78) was shot dead while recuperating in bed from a bout of flu on his farm outside Grahamstown.

Only 24 hours earlier, Jacobus "Bokkie" Human (46) of Paterson, also in the Eastern Cape, was gunned down in the living room by four men posing as cattle buyers.

On Thursday, an Mpumalanga farmer, Johannes Henry van Heerden (67), was found murdered in his bed.

Also on Thursday, Jacobus Human was shot dead on his farm in the Eastern Cape.
SA urged to flex muscle on crime

Jonny Steinberg

UNLESS government shrugs off its present reluctance to use the coercive powers at its disposal, SA democracy will lose the war against crime, a new study on democratisation and crime argues.

However, the study warns that using force to fight crime does not require whittling away human rights and democratic freedoms.

The study — authored by Centre of Policy Studies senior researcher Kholo Shubane — argues that while poverty often is cited as a root cause of crime, there is little prospect of reducing the problem of crime through job-creation schemes. "Where the risk of arrest and prosecution is low, the incentive to abandon all lucrative criminal activity for low-paying work becomes small," Shubane says.

"Only if the cost of crime is increased and its benefits reduced will a decision to abandon it to take up employment become rational," Shubane argues.

Government fears that acting against, for example, illegal street traders might create the impression that the majority party is enforcing the same racial restrictions against which it and its constituency fought.

"A return to coercion is the missing element in the current government's efforts to control crime," he says.

However, Shubane warns that abandoning SA's new human rights dispensation for authoritarian rule will not strengthen the fight against crime. Enforcing the rule of law requires a balance between consent and coercion. Authoritarian regimes, which rule by fear, will at best achieve short-lived success in fighting crime.

"Several societies have both high crime rates and no human rights regime. In Africa, Nigeria is the most prominent example."

Shubane warns that "abolishing due process of law would not only reduce the protection of criminals, it would also remove a safeguard for all other citizens."
Now the hard cases will face the hard line

Behind ANC’s radical rethink on crime

INSIDE STORY

The tough new bail law is vital in the war against crime, writes WILLIE HOFMEYR, an ANC MP and member of the parliamentary justice portfolio committee.

Some critics have argued that this provision is too harsh and may be declared unconstitutional by the Constitutional Court. The parliamentary justice committee, however, looked extensively at overseas bail laws, and we are confident that our courts will uphold the provision.

The new law also aims to ensure that bail applications in very serious matters are properly considered, to prevent the disastrous type of decision taken in the case of Daniel Mahlole. While out on bail on a charge of rape, Mahlole, a 31-year-old father of three, kidnapped and murdered the State’s main witness, seven-year-old Mamokgethi Malebog, a day before she was due to give evidence against him.

Bail applications for Schedule 6 crimes will now be heard in the regional courts to ensure that the most experienced magistrates and prosecutors deal with them. Where prosecutors do not oppose bail, they have to place the reasons on record to ensure that the magistrate has enough information to make a proper decision.

Night courts

Another issue that has caused much public concern has been the right, established in 1984, for the accused to apply for bail after hours, even in the middle of the night.

The new law abolishes the right to after-hours bail hearings. We feel that these night courts are not proper open courts – victims or witnesses are not able to attend the hearings, and are often not even informed about them.

Victims and the community are effectively deprived of their right to state their views on the issue of bail. Night courts not only placed a great additional burden on prosecutors, interpreters, magistrates and other court staff as they still have to do their usual work during the day. Understandably, prosecutors and police are keen to finish proceedings as soon as possible in order to get back to bed!

It seldom allows the state time to prepare properly, and usually information cannot be verified. Apart from that, there is also the large financial burden of overtime that has to be paid to staff involved.

Again critics were unhappy about the abolition of night courts, but were unable to point to other democratic countries where night courts are a right.

General

Finally, the law also addresses several other issues that have worried the public or prosecutors in the past.

First, the new law substantially extends the existing list of serious offences where the onus is on the accused to prove that he or she should get bail.

Secondly, in exceptional cases, bail can now be refused when an offence has caused particular outrage in the community.

Thirdly, there is now a duty on the accused to disclose all previous convictions and outstanding charges at the bail application, and it is a criminal offence to give false information.

This will help prosecutors, who have to wait a month to verify fingerprints and criminal record of the accused.

Fourth, the law makes it clear that the accused has no right to access the police docket during the bail hearing, in order to protect witnesses against intimidation and victimisation.

Some court cases had created uncertainty about this issue.

Lastly, the law will make it easier to cancel bail if, for example, an accused supplies false information to the court during a bail application.

The new law has been criticised by some human rights organisations as too tough or as an attempted quick fix. We all know that there is no quick fix to the very serious problem of crime.

But it is also true that unless we are prepared to take some tough measures, we will not defeat the criminals holding our country to ransom.

It is for that reason that the vast majority of the professionals who have to deal with the practical problems in the criminal justice system, from judges and attorneys-general to magistrates and prosecutors, have supported the new law.
We can make the impossible dream come true.
Only a victim has right to an opinion.

A heart-rending wrench

Just like rest of Africa,

Last week, Imran Khan invited those who were abandoning their Africa children-held wings. How many readers of this
Monitoring index places South Africa in embarrassing 33rd of world's 52 most corrupt countries

Coherent approach can beat graft
Summit on farm killings

HOURS after yet another two farm killings, the government has announced the date for a national summit on farm murders.

Safety and Security Minister Sydney Mufamadi said the summit would take place in Gauteng on October 10.

A steering committee, which would finalise the details, would be set up shortly.

In one of the latest attacks, Cecil Frauenstein, 58, of Sunny Grove Farm in the Kidd's Beach area in the Eastern Cape, was killed. He was the 52nd farmer killed in the province this year. At least 90 farmers have been killed since the beginning of the year.

According to police, Frauenstein was killed shortly after 5am on Saturday when he arrived home from his dairy and apparently surprised his five attackers.

In another incident, five men pounced on farmer John Jackson, 41, of Pongola, KwaZulu-Natal, and his family, soon after they arrived home at 7pm on Friday.

Jackson was shot and stabbed to death. His wife Percy had minor injuries. Their three children were unhurt. The attackers fled with Jackson's revolver.

Mufamadi said President Nelson Mandela had wanted the summit to be held before the end of September, but the President's other commitments prevented this.

The National Party has welcomed the setting of a date for the summit. NP spokesperson on agriculture Manie Schoeman said there inevitably would be further killings during the delay, which should be measured not in days but in lives.

"It is still unclear who will participate in this summit," Schoeman said. "We repeat our call that all role players, including all political parties, be included."

Mufamadi said the summit would seek to identify means to prevent farm killings which, he added, had the potential of becoming a major national crisis.

He said the government was aware of the implications of the continued killings.

"If the matter is not addressed with care and determination, this situation could reverse the gains we have made in restructuring our country and forging unity."

Mufamadi said he did not know whether the South African Agricultural Union (SAAU) would take part in the summit, but could not imagine anyone would miss the opportunity of finding a solution.

The SAAU said last week it had not yet agreed to take part. — Own Correspondent and Sapa
'South Africa sitting on a time bomb'

By Russel Molefe

SOUTH African citizens are sitting on a time bomb in the form of crime which is threatening to destroy democracy, president of the South African Non-Governmental Organisation Coalition (Sangoco) Mr Rams Ramashia said yesterday.

Ramashia said this when announcing a seminar titled The Economics of Poverty and Inequality to be held in Cape Town during NGO Week from September 17 to September 21.

About 300 delegates representing 4 000 NGOs and community-based organisations are expected to attend.

Ramashia said every sector of society needed to take a stand against crime. The NGO sector itself had not been immune to criminal activities.

“We are sitting on a time bomb and if we don’t act now it will destroy our democracy.

“Our sector itself has also been plagued with accusations of embezzlement of funds. We have taken measures which bind our members in the hope to minimise crime and corruption in our sector.

“Crime is one of the cancers facing us. As agents of change, it is proper that NGOs take a meaningful stand against crime. During the Speak Out on Poverty hearings, we heard of how people who had lost hope of finding employment resorted to criminal activities so that they could feed their families,” Ramashia said.
How corrupt are we?

CURRENT perceptions of corruption—that it is only prevalent in the public service and that it has increased under the new Government—are being challenged by a body that aims to quantify and understand the full extent of the problem.

Transparency International-South Africa (TI-SA), the local branch of a global non-governmental organisation that deals with such issues, has started compiling a corruption and good governance profile of the country.

Released last week, the document aims to stimulate informed debate about corruption.

It raises several questions and says that focusing on corruption "is only one side of the coin" and attempts to detail good governance as well.

While TI-SA acknowledges that there is growing awareness of the issue of corruption, it points out that no one as yet knows the extent of the problem, or if this country is now more corrupt than before.

With the motto, "combat corruption collectively", TI-SA says it hopes to be part of a broad range of groups that will work together to find some of the answers.

Emphasising that there is as yet no coherent plan to address corruption, TI-SA says it aims to address corruption from the side of civil society.

Early next year an international summit on corruption will be held in South Africa. Before that, the Ministry of Justice is expected to host a conference that will examine the local situation.

In the meantime, the debate rages and in the run-up to next year's election, accusations and counter-accusations of corruption are likely to be part of all the parties' agendas.

TI-SA cautions that the term corruption is either used "too broadly" to refer to anything that has gone wrong or anything that is ethically unacceptable.

At the same time, it may be used only to refer to misdemeanours in the public sector, ignoring that fact that "white collar crime" and corruption may be rife in the private sector too.

While corruption is a global phenomenon and South Africa is by no means alone in its problems, there are questions that are unique to this country.

The most obvious is why there wasn't an anti-corruption drive in the years of apartheid, and should the brutal and racist system not be deemed to be systemic corruption?

TI-SA, which is five years old, says that "the taboo on corruption has only recently been lifted, both locally and internationally".

It, like other international organisations set up branches here because it believes that South Africa can make a contribution to the international debate on corruption.

At the same time, there's the eternal question: Is South Africa now more corrupt than before?

"The perceived increase in corruption has to do with the fact that a lot of corruption is being reported due to the democratic changes in the country, the actions of a number of institutions and an independent vociferous press," says the TI-SA document.

It suggests that an "integrity system" be put into place as the core of an anti-corruption drive.

Frameworks

Regulatory frameworks, institutional or statutory mechanisms, and informal or non-statutory bodies and networks in civil society are some of the ways proposed to deal with the issue of corruption.

"The rationale of this approach is that corruption is a very complex and broad ranging, cross cutting, systemic and societal problem," it says.

Therefore there's a need for a comprehensive and coherent strategy, which includes all role players (both in the public and private sector) to work together to fight it.

While there is much to be done locally to understand and deal with the issue fully, the international dimensions also have a bearing on this country.

The North-South divide, with the developed countries perceiving all or most of the devel-}

A new non-governmental organisation aims to stimulate debate on the question and extent of corruption in South Africa. Sharon Chetty reports.

Why wasn't there an anti-corruption drive in the years of apartheid, and should that system not be deemed systemic corruption?

"The taboos on corruption have only recently been lifted, both locally and internationally", it says.

It, like other international organisations set up branches here because it believes that South

opining countries to be corrupt, is the first hurdle to be overcome.

They tend to confine the problem to the public sector, without examining the role played by outsiders, such as international companies based in the North, which often sanction bribery and then fund the payments and even 'get tax write-offs on them'.

Thus anti-corruption efforts led from countries in the North are viewed with suspicion in the South.

The understanding of corruption has to be broadened, says TI-SA, and consensus should be sought on the definition of the problem.

It emphasises the pressures of globalisation and the international market place and poses crucial questions, such as:

"To whom are big international and multinational companies and international financial institutions accountable, while demanding stable and democratic governments?"

"How democratic and accountable is the free market economic system as championed by many economically powerful countries? Who is the no-drive to democraticise the global economy as well?"

"Are the inequitable global economic situations and dynamics not in themselves epito-

"demising grand corruption and systemic corruption, on a scale never seen and experienced in the history of the world before? Is this not global economic apartheid?" asks TI-SA.

It suggests that the current understanding and debates around corruption do not deal with such questions and should in future do so.

Another cogent exercise is the annual Corruption Perception Index compiled by Transparency International.

South Africa, in the three years it has featured in the index, has had a low ranking (21 out of 41; 23 out of 34 and 33 out of 52) and appears to have become more corrupt in the view of the business people surveyed.

However, Transparency International admits that the surveys are subjective and that several factors (for example, whether the people surveyed are influenced by press reports or personal experience) are not made clear.

But, TI-SA says that perceptions on corruption, subjective as they are, should still be taken seriously, and Government must show a willingness to address them.
Farm talks set as more die

ARGUS CORRESPONDENT AND SAPA

Hours after two more farm killings, the Government has set October 10 as the date for a national summit on the murders. Safety and Security Minister Syd- ney Mufamadi said the summit would take place in Gauteng. A steering committee, which would finalise the details, would be set up shortly.

In one of the latest attacks, Cecil Frauenstein, 56, of Sunny Grove farm in the Kidd’s Beach area in the Eastern Cape, became the 52nd farmer to be murdered in the province this year. According to police, Mr Frauenstein was killed shortly after 8am on Saturday, when he apparently surprised his five attackers as he arrived home from his dairy.

In another incident, five men pounced on John Jackson, 41, of Pongola, KwaZulu Natal, and his family soon after they arrived home at their farm about 7pm on Friday.

Captain Bongani Ntimande said Mr Jackson was shot and stabbed to death, while his wife, Fersia, had minor injuries. Their three children escaped unhurt.
Farmers take to the streets

Four days of protest against crime precede summit in October

BY NORMAN CHANDLER
Pretoria Bureau

Farmers around the country will take to the streets for four days to protest against crime and criminal activity in South Africa later this month.

The protests have been called by the South African Agricultural Union (SAAU) in response to official reports by police and intelligence agencies that attacks on farmers have been criminal and not political acts. Farmers in general have rejected the reports.

Herman Verkuil, chairperson of the safety and security committee of the SAAU, said the marches and meetings were being held to protest against crime and not only attacks against farmers.

The protests are expected to take the form of mass rallies, public meetings and church services.

Government said it had no objection to the country’s 80 000 commercial farmers protesting.

President Nelson Mandela’s spokesperson, Parks Mankahlahla, said the planned action would “highlight concerns which are not acceptable to society in general and to the Government”.

The protests were acceptable because “the farmers and government are not at opposing ends in combating rural crime”, Mankahlahla said.

Two more farmers – one in the Eastern Cape and the other in KwaZulu Natal – were murdered at the weekend, bringing the total killed since 1994 to 520.

Protest activity is to begin in KwaZulu Natal, Northern Cape and Northern Province on September 29 followed by the Eastern Cape, North West, Mpumalanga and Gauteng on September 30.

On October 1, action shifts to the Free State and Western Cape, and the SAAU and all its affiliated unions will hold national protests on October 2. A national farm safety summit is scheduled for October 10.
Concern over crime and jobs among all races

New Idasa poll shows high degree of consensus among South Africans

BY ANDRE KOOPMAN
Parliamentary Bureau

South Africans of all race groups and all levels of income identify jobs, crime, housing and education as top priorities for government action in a surprising indication of national consensus on these issues, the Institute for Democracy in South Africa has found in a national survey.

While concerns about political violence and discrimination had decreased since 1994, concerns about criminal violence had increased sharply from 6% in 1994 to 18% in 1997.

The results of the survey were released during a press briefing yesterday by Robert Mattes, a survey co-ordinator.

Idasa has so far conducted three surveys: in 1994, 1995 and 1997.

Its national survey last year of 3,500 people, titled "Public Demands on Government: The People's Agenda", indicated that there had only been two major shifts in public priorities since 1994.

The first was concern about discrimination, inequality and rights, listed by 19% of the public in 1984 and only 3% in 1997 as being of pressing concern.

Concern about political violence had dropped from 56% in 1994 to 9% in 1997.

Significantly, the Government's greatest success stories in terms of delivery had not been prioritised by respondents.

Both urban and rural South Africans list the same four issues as problematic: jobs, crime, housing and education.

Sixty-eight percent of South Africans marked unemployment as one of their top three concerns, followed by criminal violence (38%), housing (44%) and education (20%).

"There are few differences between the priorities of the employed versus unemployed, between middle class, working class, farmers or the informal sector; and absolutely no differences in the priorities of men and women," Mattes said.

There was significant provincial variation in the ordering of priorities. But even here there was more agreement than disagreement.

Since the first Idasa national survey in 1994, job creation has consistently ranked as the public's number one choice for the most important problem that the Government ought to address.
Farmers intensify anticrime efforts

Louise Cook

PRETORIA — The Free State Agricultural Union yesterday withdrew its support for the SA Agricultural Union’s (SAAU’s) planned end-of-the-month anticrime protests — calling instead for the urgent blocking of roads and intersections throughout the country, to get through to government.

The SAAU called on the provincial union to reconsider, saying tougher measures were not appropriate. Last month the SAAU, frustrated at the spiralling murder rate of farmers and crime in general, announced plans for rolling mass action throughout the country.

Details of the plans were released to provincial farming unions and it was understood that mass gatherings, public meetings and church services would be staggered in different parts of the country, culminating in a countrywide protest on October 2. Coinciding with the Free State union’s decision yesterday, Freedom Front leader Gen Constand Viljoen and former army chief Georg Meiring were reportedly working on plans to make farms more resilient to attacks.

The plans — which according to Viljoen are designed to head off anarchy — are understood to include concealed weapons around homesteads and equipment to set off explosions in cases of trespassing on private property.
Agribusiness feels impact of crime

Louise Cook

A RANGE of farm-related businesses called on government yesterday to fight crime more effectively, saying it was affecting rural employees and had a negative impact on the long-term economic sustainability of agriculture.

The fertilizer, seed, animal health, animal feed and farm machinery sectors said they had a turnover of more than R10bn a year and represented capital investment worth billions of rand. They employed thousands of workers and made an important contribution, through collective inputs, into agriculture, to national food production.

"Replacement of infrastructure of a capital nature and new investment are at risk in a high-crime environment. We are concerned that efforts by government and law enforcement agencies fall far short in deterring crime."

"We have indicated to government that we would welcome an opportunity to discuss ways and means in which we, as farm-input suppliers, can play a more constructive role in crime prevention."

The call follows reports this weekend that 74% of skilled citizens were thinking of emigration due to crime. The Sunday Times reported that a survey found that thousands of highly qualified South Africans of all races wanted to leave the country because of crime and violence. The survey covered mainly skilled and well-qualified workers. More than 60% of respondents cited crime as the main reason for wanting to leave.
Crime: New Era of Action

Police Chief Faces the Public

The police and the public have a common interest in maintaining order. It is the duty of the police to enforce the law and protect the public. It is the duty of the public to support the police in their efforts. The police must have the support of the public in order to be effective. The public must have confidence in the police in order to be safe. It is important for the police and the public to work together to maintain order and protect the community.
Generals to set up farmers' army

By JOYAIL RAMTAO
Cape Town – Two former defence force chiefs are to spearhead an initiative to prevent farm attacks.

General Constand Viljoen, Freedom Front leader and former head of the South African Defence Force, and General Georg Meiring, the recently retired head of the SA National Defence Force, have held talks with the SA Agricultural Union on a new rural security service.

The SAAU says there have been 450 attacks on farms in the first seven months of this year, which left 104 people dead.

Viljoen said he conceived the plan and Meiring had attended meetings to discuss how to implement it once officially accepted by the SAAU.

Viljoen said although the farmers were not about to form a private army, they could establish their own strike power to stem the tide of murders.

"This farm security service is not politically motivated and is not a private army, and will co-operate with the police and local commandos.

"The SANDF and SAPS have failed to stop the killing of farmers. We're now going to protect them by creating an organisation that will be planned, trained and paid for by farmers. It won't depend on state money," Viljoen said.

Although their role had not been clarified, farmworkers would play a crucial part. The system, Viljoen stressed, was not for farmers only but for whole rural communities.

Farms would be grouped into districts and a well-trained, full-time protection officer be assigned to each. Headquarters would be in Pretoria.

Viljoen said he intends discussing the plan with Deputy President Thabo Mbeki and Safety and Security Minister Sydney Mufamadi.

Land Affairs and Agriculture Minister Derek Hanekom said the plan was "okay" as long as it was operated within the bounds of the law.

"I have said many times that farmers should take reasonable and effective steps to protect themselves as we cannot put a policeman on every farm."

"I cannot comment on the details of the plan as I haven't seen them. It's good because it seems to involve farmworkers."

"I do welcome the fact that General Viljoen is putting time and energy into helping us to solve the violence on farms," Hanekom said.

SAAU executive director Jack Raath said the union did not encourage members to withhold products and taxes, but there was a danger that individuals could act on their own.
Revealed: the most likely crime victims

Survey of four cities shows that black people are more likely to be victims of violent crime, with property crimes such as burglary being evenly spread across the races.

By Gill Gifford
Crime Reporter

He is aged between 25 and 45 and lives in a township. This is the profile of the person most likely to be a victim of violent crime.

And, like most people in Johannesburg, he probably lives in fear and feels extremely unsafe in his home at night.

A crime survey conducted in South Africa's four main cities shows black people are more likely to be victims of violent crime, while property crimes such as burglary are evenly spread across the race groups.

The survey, conducted by the Institute for Security Studies in line with the format used by the United Nations in international crime studies, fills in "the dark figure in official police crime statistics, and also accounts for some unreported crime", said ISS researcher Antonette Louw.

Another finding of the survey is that Johannesburg has the highest crime rate in the country and Durban is not far behind. This trend is not reflected in police statistics.

More than 7,000 people in Johannesburg, Cape Town, Pretoria and Durban were approached in street surveys aimed at detailing city crime and boosting safer-cities strategies.

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<td>People surveyed who were victims</td>
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From 1993 until Jul '97 Dec '97 Apr '98 Feb '98

Research indicates an African in most parts of the country, or a coloured person in the Cape, has good reason to be scared.

"Weaknesses in the surveys are that they don't fully capture crimes against women, and children could also not be surveyed," Louw said.

"Those most at risk of being victims of crime are African people, followed by Indians," Louw added.

The research indicates an African in most parts of the country, or a coloured person in the Cape, has good reason to be scared, as they apparently do not receive the same quality of policing and services as those provided to white people in the suburbs.

But a general fear of crime rated high across all four cities. The survey showed that 56.5% of black people around the country feel very unsafe in their homes at night, as opposed to 38.1% of white people.

"Fear is widespread and should not be taken lightly. It is not a white-collar phenomenon, but with fear in the races matching the victim..."
Revealed: the most likely crime victims in South Africa

With Johannesburg ranked 21, the country's economy growing, it's no surprise that crime rates are rising. But what are the most likely crime victims in South Africa? Here are some insights from the latest crime statistics.

1. Young adults aged 18-25
2. Women
3. Fathers
4. Teachers
5. Police officers

Crime rates are highest in urban areas, but rural areas also have their share of incidents. The most common crimes include theft, assault, and murder.

What can be done to prevent crime? Here are some suggestions:
1. Increase police presence in high-risk areas.
2. Install more CCTV cameras in public areas.
3. Provide education on personal safety.

Crime is a complex issue, and there's no one solution. But by working together, we can make South Africa a safer place for all.

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*From page 1*
Fear of crime more prevalent among blacks than whites, survey shows

Jonny Steinberg

FEAR of crime is more prevalent among blacks than whites, a victim survey, which polled nearly 14,000 South Africans, has found.

While 58% of white Johannesburg residents felt unsafe in their neighbourhoods at night, 87% of blacks and 83% of coloureds feared for their safety at night. In Cape Town only 20% of whites felt threatened in their neighbourhoods after dark, while for black Capetonians the figure was 50%.

The survey, conducted by the Institute for Security Studies, found that a majority of those who lived in SA's four largest metropolitan areas had been victims of crime since 1993. Johannesburg was the most dangerous city with 63% of the 1,200 surveyed saying they had been crime victims since 1993. But SA's other cities were not far behind. In Durban the figure was 60%, in Pretoria 55% and in Cape Town 50%.

"The notion that Johannesburg is out on its own is a myth," said the institute's Antoinette Louw. "Evidence suggests most people in metropolitan areas have been personally touched by crime in the past few years."

Large-scale victim surveys argued the only accurate indicators of crime levels available to researchers, Louw said. Police statistics were unreliable, primarily because many victims did not report crime to the police.

The survey found that blacks were more likely to become crime victims than whites in all major cities, with the notable exception of Johannesburg.

There, 76% of whites surveyed had been crime victims in the past four years, compared with 56% of blacks.

Whites on the whole had more confidence in the police than blacks - 45% of whites in Johannesburg believed that police in their neighbourhoods were doing a good job of controlling crime while only 27% of blacks thought the same.

Asked what government should do to make cities safer, only a small minority of those polled believed that penalties for crime should be made harsher. Most believed the solution lay in more effective policing.

Asking what strategies should be used, the majority of respondents said government's most urgent task was to create jobs.

The survey found the most prevalent crimes committed in SA's metropolitan areas were burglary and robbery, followed by assault and car theft.

People in Pretoria, where hijacking incidents are comparatively low, are twice as likely to be murdered as they are to be hijacked.
Single body to probe corruption mooted

Cape Town.—A special summit on anti-corruption measures, to be held at the end of November, would also look at the roles and functions of entities such as the Heath special investigative unit and the public protector. Justice Minister Dullah Omar said yesterday.

Speaking during an interpellation debate, Omar said several organisations, including the Heath unit, the public protector, the police anti-corruption unit and others, were involved in investigating corruption in South Africa.

Institutions such as the Heath unit and public protector had done a good job, but it was necessary to consider whether it would be better to set up a single body to deal with all aspects of corruption in the country.

Matters to be discussed at the November summit included whether a judge should carry out the functions currently handled by Judge Willem Heath, chairperson of the unit set up to probe corruption in the Government and public service.

Corruption in South Africa went back too long before 1994, and the Government took the matter seriously having already taken steps to combat it, Omar said.

Dr Ruth Rabbinovitz (IFP) called for an increase in the Heath unit's budget. It was dealing with about 90 000 cases, involving billions of rands, and the current budget was inadequate.

Her colleague, Kelin O'Malley, said every cent the unit recovered meant more money for the Government to spend on the poor. — Sapa
Global teamwork and cooperation are two ways of stamping this cancer, says Mr Justice Heath.

Aggressi corruption in Puckle secter

Governments must set example
Organised crime 'not the main cause of SA violence'

Theometer 17, 1998

Jonny Steinberg

SA's soaring violence was not the result of organised crime, but of a weak social fabric, poor interpersonal relations, and alcohol abuse, the head of the police's crime management, information centre, Chris de Kock, said yesterday.

Speaking at a crime conference at the University of Pretoria, De Kock said organised crime's contribution to violence was minuscule.

"Organised crime is highly concentrated," he said. "Hijacking, bank robberies, cash-in-transit heists, occur largely in Gauteng. And within Gauteng, they occur primarily in Johannesburg, the East Rand and the North Rand.

"Yet you are most in danger of being raped if you live in the Boland," De Kock said. "But we are surely not talking about organised crime in these areas. We are talking about a poor social fabric. The majority of violent crimes appear to involve alcohol abuse."

He said the greatest threat posed by organised crime was not violence but the corruption of state organs.

The flood of illegal immigrants from SA's neighbours did not fuel organised crime, De Kock said. "Most immigrants from neighbouring countries will take cheap work and try to stay out of trouble."

He said that the most significant factors in the growth of organised crime in SA were the country's good transport infrastructure, its sound banking system, the corruptibility of state institutions, and SA's position as the only motor vehicle maker in the region.
POVERTY, HATRED BEHIND FARM ATTACKS

Police blame 'criminality', but it is also possible that Afrikaners are seen as 'symbols of apartheid'.

BY JOYCE BARNETT

Poverty has been touted as one reason for the surge of farm attacks across South Africa, where 72% of poor people are concentrated in rural areas.

According to the "Poverty and Inequality Report" brought out by the United Nations and South African Government earlier this year, farm workers are the poorest of the poor, often earning wages below the minimum standard.

The report also indicates that 63% of blacks are poor, while 38% of coloureds are considered poor.

On the other hand, just 1% of the white population is classified as poor.

Richard Gumede, a regional organizer for the South African Agricultural and Plantation Workers Union, which represents about 8,000 white and black workers, said farm employees are frustrated by the low wages.

"We start work young and we die young," he said.

"I don't know where the killing is coming from, but farmers must work together with their employees and learn how to stop these killings," he said.

He said some farmers were arrogant and brutally exploited farm workers and that both parties needed to sit down together to solve our problems.

Recent police reports, however, blame the crime wave that has seen over 500 farmers killed since 1994 on "pure criminality" and greed.

The reports reveal that in many cases there was a link between a perpetrator and the targeted farm, either through a former or current employee.

South African Police Commissioner Karel Brits appointed by President Mandela to head a commission on serious and violent crime, said that farmers are particularly vulnerable because of their remoteness and their closest neighbours are often miles away.

"They are soft targets," he said.

"And South Africa has a culture of violence. Farmers must secure their homes and be on the look out for attacks."

Farmers have proposed withholding their tax payments from the Government and setting them aside in a special fund designated for additional police protection.

An October summit with Mandela has tentatively been set.

At the end of this month, farmers plan to take to the streets in a nationwide demonstration to call attention to their plight.

"We are trying to tell the outside world that something serious is going on in this country," said Louie Bosman, president of the Mpuamalanga Agricultural Union that includes some 1,600 farmers in the northern part of the country.

Although the farmers concede that poverty is a factor in the attacks, they also calculate another factor to the crime equation.

Most farmers are Afrikaners and as such symbolize the apartheid system to many of the country's still disenfranchised blacks who are now bent on revenge.

Farmers are appalled at the violence of some of the crimes.

Robbers may have waited around farms all day with the purpose of killing the families when they come home.

People have been tortured and raped before being murdered.

After a particularly brutal killing of a farming couple in July, family members charged that the killers were seeking revenge after a disagreement with their employer.

Graham McIntosh of the KwaZulu Natal Agricultural Union, decry what he sees happening to his neighbours and community.

"In all my life, and my family came to South Africa 200 years ago, I never thought it would get this bad.

"We know what the Wild West is all about." - African Eye News Service
Anti-corruption unit underfunded

BY RYAN CRESSWELL

The Heath special investigative unit, which looks into corruption regarding state money and assets, needs a bit more autonomy and a lot more money to be fully effective around the country, according to senior unit members.

When the East London-based unit started out investigating corruption and maladministration, it used to get information and then move fast.

But things changed during a special tribunal hearing when lawyers argued that legislation meant each case needed to be proclaimed before anything else could be done.

Unit spokesperson Guy Rich said having to wait for a proclamation from the president's office could slow a case down by up to a year.

The unit's advocate, Gerhard Visagie, said public declarations were alerting corrupt individuals that unit members were on their way and were hindering urgent applications.

"It also damages our reputation because members of the public tip us off and then phone back months later and we haven't moved," said Visagie.

Financial manager Hyton Long said the unit wanted about R32-million this year so that it could start building up to the ideal staff complement of two teams of five operating in each province with team managers and three senior managers.

But the unit has received only about R16.4-million.

At the moment Gauteng and the Free State are not covered at all by the unit, and other provinces are not being fully investigated.

"One small team is trying to unravel 60,000 housing subsidy quackeries in KwaZulu Natal alone.

"Financial concerns have restricted the size of our teams," said Long. "Managers are using their own cars and doing about 50,000km a month. The teams drive almost everywhere to save on airfares and stay in cheap guesthouses instead of hotels."

Visagie said the auditor-general's office had estimated that the unit would recover at least R8-billion in cash and assets in the long term.
Kahn optimistic about bringing crime down

Police chief appeals for people to take precautions

By Gill Gifford
Crime Reporter

Police chief executive Meyer Kahn is confident police are “gradually, slowly and begrudgingly getting on top of the job constitutionally bestowed on them”, and claims crime will be within internationally acceptable norms and standards within three years.

One year and 17 days into his two-year secondment into the SA Police Service, Kahn said yesterday that while crime in South Africa was alarmingly high, damaging the country’s reputation and contributing to the brain drain, he could see an improvement.

“Let us as a nation be more balanced in our views. Things are not getting worse, in fact they are getting better. A look at (crime) statistics shows at worst a stabilisation and at best there is a fair indication of decline,” he told a Johannesburg Chamber of Commerce and Industry breakfast.

He claimed the senior police command structure had, for the first time ever, started working together with a common purpose.

A code of conduct had been drawn up, aimed at changing behaviour and developing a culture of policemen caring for their colleagues, their country, the people they serve, as well as a respect for the police service. The code had been signed by all policemen and lodged in their files.

“The rules of the game have been defined for the first time. Recent arrests of policemen is not because the service is suddenly more corrupt – it is because the anti-corruption units are more effective. And honest members feel more free to clean the service of corrupt elements because they are backed in their efforts,” Kahn claimed.

He appealed to the public to “see matters in perspective” and not react hysterically or emotionally to crime.

“In terms of a worldwide trend the ‘have-nots’ are outgrowing the ‘haves’. So people in South Africa who decide they want to remain the ‘haves’ need to take precautions. It breaks my heart to hear most property crimes happen via unforced entry,” said Kahn.

“To use an analogy – our country is a malaria-ridden society. Now who would go into a malaria area without taking tablets? Who, in their right mind, leaves a cellphone lying in their car or their doors unlocked? The biggest contribution people can make in the fight against crime is to take precautions. In a sense I am appealing to people to start taking malaria pills.”

Kahn added that because South Africa’s economic future remained uncertain, law enforcement should be seen as a process rather than a result.

“We want to win badly, so hang in there. We have not lost by any measure – in fact we have hardly begun.”
Law should allow farmers to shoot to kill — Villigen
The South African National Defence Force has poured cold water on a plan to establish a so-called farmers' army to fight crime on the platteland.

It says there are already structures in place for this purpose and we will not be in favour of additional military-style structures, said Colonel John Holt of the SANDF.

The new group would be monitored to see if it overstepped the mark, interfered with existing structures and projects, or if it interfered with the running of the SANDF's commando units.

Executive Outcomes, the security consultancy company, would also be monitored but Holt said Executive Outcomes could be hired by anyone as there was nothing illegal about its operations.

It is planned to divide farming areas into districts under the command of a full-time protection officer. No date has yet been decided upon for the implementation of the project, which is expected to be staffed mainly by former members of the SANDF.

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Executive Outcomes, the security consultancy company, would also be monitored but Holt said Executive Outcomes could be hired by anyone as there was nothing illegal about its operations.

The SA Agricultural Union is concerned about the number of attacks on farms which have seen more than 530 farmers killed in the past four years.

The new organisation would not depend on state money and would be paid for and trained by farmers themselves. The SAAU is expected to agree to its levy for the purpose at its annual conference which takes place in Durban next month.
Hanekom hits out at call for ‘heavy patrols’

Jonny Steinberg

AGRICULTURE Minister Derek Hanekom hit out yesterday at agricultural leaders who called for “strangers” in the countryside to be apprehended and interrogated by armed citizen patrols.

Several agricultural leaders said last week that the apprehension of strangers by “heavy patrols” was the only way to stop farm killings.

“Everyone living on a farm must carry identification,” said KwaZulu-Natal Agricultural Union president Graham McIntosh.

“Each area must be heavily patrolled by army commandos. People who are not recognised must be thoroughly interrogated.”

McIntosh suggested that commando members be recruited from local communities, and include both farmers and farm workers.

Freedom Front leader General Constant Viljoen called last week for the law to licence farmers to use lethal force against those who entered the farm yard area unannounced. He also said that trespassing laws must be stringently enforced, allowing farmers to apprehend strangers who crossed their property.

Responding to these calls, Hanekom said yesterday that the harassment of strangers was illegal and morally unacceptable.

“Trespass laws must be balanced against the fact that farm workers live on farms, that they have the right to lead a normal family life, and that this entitles them to receive visitors,” Hanekom said.

“The old trespass legislation, which has now been scrapped, gave rise to horrific human rights abuses. I know of a case where a man was shot in the stomach while on his way to his mother’s home on a farm.

“This cannot be allowed to happen.”

Hanekom said he fully endorsed the establishment of commandos, local patrols and other protective measures.

He stressed however, that such initiatives would not succeed unless they included the involvement of farm workers.

“Any protection initiative will only work if it is based on good relationships,” Hanekom said.

“I understand that good relationships are not the whole solution. They do not negate the fact that farms are soft targets. But they are a necessary place to begin.”
SA gets poor marks in corruption probe

Simon Barber

WASHINGTON — International businessmen and political analysts consider SA government officials only middling honest but less prone to corruption than their counterparts in eastern Europe, according to Transparency International’s latest annual corruption perception index.

On a scale of one to 10, with 10 representing a completely clean bill of health, SA gets a 5.2 this year, placing it 32nd out of 85 countries rated.

Denmark tops the chart with 10, while Honduras (17), Paraguay (15) and Cameroon (14) occupy the cellar.

The scores are compiled from surveys by the World Bank, Gallup International, the World Economic Forum, Political Risk Services, the Economist Intelligence Unit and others. SA’s figure was generated from 10 surveys.

The perceived propensity of government officials to demand bribes and kickbacks and embezzle public funds is what is being measured, rather than private sector corruption. But there are strong correlations between the two, according to Transparency.

SA received a 4.9 rating last year, down from 5.7 in 1996. Transparency said this year’s figures were not entirely comparable with the previous year’s because a larger number of surveys had been used.

Botswana is felt to be the least corrupt African state, with a score of 6.1.

but this is based on only three surveys. Namibia, again on the basis of three surveys, comes in second (5.3), putting it on par with Malaysia.

All eastern European countries in the index ranked behind SA, with scores ranging from 4.8 for the Czech Republic to 2.4 for Russia. SA officials are also considered more honest than Italian ones (4.6). Of SA’s major trading partners, the UK scored 8.7, Germany 7.9, the US 7.5 and Japan 5.8.

Dustin Chick reports Transparency International SA greeted the report with a degree of scepticism.

Transparency International SA CEO Stiaan van der Merwe said the organ-

Corruption

Continued from Page 1

isation acknowledged the role the index played in raising awareness by provoking public discussion. However, the organisation was worried about the credibility of the report’s findings because of inherent deficiencies.

These deficiencies included a limited definition of corruption; vast differences in the numbers of surveys used per country which, in turn, affected rankings; a yearly change in the profile of respondents; and the fact that indices could not be compared on a year-to-year basis.

Van der Merwe said much more needed to be done to limit the report’s bias against the developing world.
Farmers get support for protest action

By Gershwin Chuenyane

The coming nationwide crime protest action by farmers has received support from many organisations, including organised labour, the churches, taxi industry and business chambers, according to the South African Agricultural Union (SAAU).

SAAU's nationwide peaceful protest against crime is scheduled to take place next week, beginning on Monday. There will be church gatherings and protest actions will be held in several cities and towns in various provinces. A march on the Union Buildings in Pretoria will end the week of protest.

Motorists will be asked to switch on their car lights next Friday morning to show that they will not tolerate the present crime situation any longer.

During the protest, communities will carry a clear message to criminals and the Government that "South Africa wants real measures against crime," SAAU spokesman Mr August du Preez said.

"Initially," according to SAAU executive director Mr Jack Raath, the protest action had been planned to show that rural communities are sick and tired of violent crime in the country.

However, many calls from other organisations had prompted the SAAU to take further action. Starting on Monday, business chambers, transport unions, organised labour, churches, taxi organisations and ratepayers' forums will join members of organised agriculture in taking a clear stand against crime.

Real measures

"The solidarity we are experiencing with organisations that would not normally form part of our industry shows that people of all communities are sick and tired of crime and expect Government to take real measures to turn the tide," Raath said.

Leaders of organisations taking part in the protest will march on the Union Buildings to present a memorandum to the office of President Nelson Mandela.

This year about 104 people have died in 590 farm attacks, Raath said.
Work claims tide of immigrants leads to crime

"We welcome Premier David Cameron with his new cabinet members. Nevertheless, many immigration leads to crime."
Rights bill seen as obstacle to prosecution of commercial crime

(34)

Johnny Singsborg

40 Apl. 79

SUN CITY — The new bill of Rights was approved this week.

Spearheaded by the Office for Special Economic Affairs, the bill is aimed at preventing internationalались with international law enforcement agencies. The bill sponsors believe this will help the country to be in compliance with international standards.

The bill was introduced in the Senate last week and is expected to be passed by the House of Representatives within the next few months.

The bill's sponsors claim it will help to prevent commercial crime, which has been a significant problem in the country.

The bill includes provisions for increased assistance to law enforcement agencies, as well as measures to improve the country's economic and financial systems.

The bill is expected to be debated in Parliament next week, and is likely to be passed by the end of the month.
Protest against farm killings widely backed

Louise Cook 28/9/98

This week's nationwide rolling protest by organised agriculture against farm killings has received the backing of a wide spectrum of nonfarming organisations throughout the country.

The protest will culminate in a march to the Union Buildings in Pretoria on Friday to hand over a memorandum addressed to President Nelson Mandela and Deputy President Thabo Mbeki.

SA Agricultural Union (SAAU) executive director Jack Raath said last week that various business chambers, transport unions, organised labour, churches and taxi organisations would be joining in a series of peaceful demonstrations and actions planned for the week.

Today church services are to be held in most towns in the Western Cape. Provincial union Western Cape Agriculture has asked businesses to allow workers to attend the religious services, due to be held between 10am and 11am this morning.

Tomorrow KwaNalu, the agricultural union in KwaZulu-Natal, will hold a protest march led by its members from the Royal Agricultural Showgrounds in Pietermaritzburg to the provincial legislature. Safety and Security MEC Nyanga Nqabane will be handed a memorandum.

On Wednesday, actions include marches in Bisho and Port Elizabeth and in the Northwest province and Mpumalanga, Nel-
‘Ex-cadres part of crime network’

By Charity Bhengu

The spate of car hijacking and cash-in-transit robberies in South Africa has now become a political issue.

Technikon SA researcher Dr Anthony Minnaar says the increase in crime is partly due to the fact that supposedly demobilised members of Umkhonto we Sizwe’s self-defence units and the African Peoples Liberation Army turned to crime after the struggle ended in 1994.

Minnaar’s research on crime syndicate operations was presented to the international community at a conference at Sun City, North West, last week.

His findings are based on the fact that a large proportion of car hijacking and cash-in-transit robberies have been attributed to a small number of highly organised and ruthless military-style gangs.

"After being cut off from funding by the liberation organisations and having weapons or ready access to weapons, the former members of the liberation forces turned from political violence to crime. They were readily sought out and recruited by criminal syndicates," says Minnaar.

About 38 274 vehicles have been hijacked in the past three years. This year 4 411 cars were hijacked in the first three months.

Stolen cars are found as far afield as Cyprus and Portugal

Stolen cars are increasingly being used as a means of payment when bartering for drugs or arms in countries such as Lesotho, Tanzania, Zimbabwe, Mozambique and Zambia.

Some cars are hijacked for illegal export, insurance scams, parts, used as getaway vehicles in robberies and as obstacles in ambushing cash-in-transit vehicles.

African National Congress spokesman Mr Thabo Masebe says: "It may be true that the ringleaders of these crimes have had some military training. But why look only at those who were part of the liberation movement and not include those who left the army for various reasons after the elections?"

Mr Ngila Mwendane of the Pan Africanist Congress says: "One cannot dismiss the possibility but what he (Minnaar) is not saying is whether these criminals could be coming from forces in the former Transkei, Venda or Bophuthatswana."

Members of the former liberation forces were integrated into the South African National Defence Force. Those who were left out look packages and some opened businesses.
Coffin heads protest march

Farouk Chothia

DURBAN — About 3,000 farmers and supporters staged a protest against crime in the country with a march through Maritzburg yesterday.

The marchers rallied under the slogan "We want to live in SA". At the head of the procession was a coffin draped with the SA flag.

A memorandum detailing a list of demands was presented to KwaZulu-Natal safety and security department head Wynand van der Merwe. This called for a commission of inquiry into the possibility of reinstatement of the death penalty and urged government to confiscate unlicensed firearms.

The march was organised by the KwaZulu-Natal Agricultural Union.
Grizzly protest ... farmers in the Piet Retief area made it plain they want the death penalty back when they took to the streets to protest against crime yesterday.

Farmers roar into action over crime

We’re fed-up, they say, but underscore the point that their workers are major victims too

By Ryan Croxall

Piet Retief

The message was clear when more than 100 farm vehicles poured through Piet Retief in Mpumalanga as part of the nationwide rolling protest against rural killings. Farmers and workers are demanding drastic and immediate action.

A stream of trucks, bakkies, tractors and cars moved into the small farming town at funeral pace yesterday as part of a national week-long protest organised by the SA Agricultural Union. Thousands also took part in marches in Kwazulu Natal and the Eastern Cape on Tuesday and yesterday.

The strangle Mpumalanga procession was led by two macabre floats: in one an armed farmer crouched in a sandbagged redoubt over an Afrilex sign that translated as “The Farming Today” while in the other a headless straw figure swung on the end of a mock gallows over a poster that stated: “Bring back the death penalty.”

People in the area say the three-year wave of crime which has cost the lives of dozens of farmers and workers in the region – nearby Amsterdam has suffered about 50 attacks in that time – needs intervention now.

Philip Day, treasurer of the district agricultural union, said most of the murders had taken place among staff on the farms.

“In the past, people would not have rallied under this type of banner. But now there is a strong feeling among farmers that the death penalty will help.”

Day said there was also a feeling that the police force and justice system were failing somehow. Day explained that most of the attacks were by black on white.

“Those attacks are usually done by white on white,” he said.

People also felt the attacks were a mixture of opportunistic crime and politics. Some farmers also felt threatened by new laws they see as targeting landowners.

“When politicians talk about our relations with our workers they are really generalising, as politicians do, but we would be naive to say there are not some incidents,” he said.

A number of farmers, Peter Versier, also said the killings and the rolling action they had spawned was “not a black and white thing.”

He said his neighbour Christo Vorster was murdered in 1996 but most people who had been killed at raped were workers.

During the past few months, a man with a 25-shot pistol has terrorised the people of Phosa Village and other areas.

Mondi Farm foreman Tsholong Mapo said: “We have heard of all the deaths. The people who work for me have to be careful all the time, they are tired.”

At a meeting after the procession Piet Retief agricultural union chairman Richard Paul handed over a memorandum to town and tribal leaders calling for an end to crime.

At Lichtenburg in North West, Premier Pepo Molefe received a memorandum from about 200 people marching under the North West Agricultural Union banner.

Naze Kusumana in the Northern Cape, 120 farmers led a protest and in Ottsdal, about 100 tractors led a procession through the streets.

Businesses in Klerksdorp closed for one hour and shop-keepers stood outside with anti-crime posters.

In Port Elizabeth, a decoy line of tractors, taxis, trucks and bakkies drove through the city and a memorandum was handed to Dennis Nee, MEC for safety and security.
On anticrime bill

Committee Reects, Apportioed Policing Claims

David Cupper
Mass protest against crime begins to gain momentum

THE rolling mass action by farmers protesting against high crime levels gained momentum yesterday when thousands of people took to the streets in three provinces to add their voice to the action, the SA Agricultural Union (SAAU) said.

The demonstrations took place in several towns in the Eastern Cape, Mpumalanga and North West, and were part of a week-long nationwide protest against the upsurge in violent crime, especially against farmers.

The action was launched by the SAAU on Monday and began in 60 towns in the Western Cape. On Tuesday about 3,000 KwaZulu-Natal farmers and supporters marched in the Maritzburg city centre.

SAAU spokesman August du Preez said yesterday the protest was widely supported by businesses, employees, taxi organisations, religious groups and civic organisations.

"We are sending a very strong message to government that people are taking a stand against crime," he said.

"So far 35 organisations have already signed the memorandum we will hand to President (Nelson) Mandela on Friday during our national march in Pretoria."

The Pretoria march will mark the end of the week-long action and Du Preez said protest action was expected to continue today.

The Mineworkers Union, which has 60,000 members, yesterday gave its support to the anti-crime action. It said it would hand over memorandums to five major industries today. — Telkom, Eskom, Icor, Sasol and the mining industry.

Approximately 8,000 people participated in protest marches in Bisho and Port Elizabeth, according to Eastern Cape Agricultural Union president Pieter Erasmus.

In Port Elizabeth the action was supported by taxi associations, the Christian Coalition, churches and the Ubuntu & Environmental Trust. A memorandum was handed to premier Stoffie Makhankheli in Bisho. He was accused of indifference towards the victims of violent crimes after threatening a victim's family member with legal action.

Stoffie apparently told protesters that policing was a national rather than a provincial government function after which someone from the crowd shouted at him: "What did you do when my daughter was murdered?" Stoffie threatened to take court action if the statement was repeated.

The march in Bisho also drew abusive racist remarks from some members of the public. — Sapa.
Thousands march as crime protest gathers momentum
Lawyers slam Govt over Bill

By Ido Lekota

The Government has come under fire from National Association of Democratic Lawyers (Nadel) for adopting a "near hysterical" stance against crime which has led to the introduction of "rightwing, anti-crime strategies".

In a presentation to the portfolio committee on justice in Parliament yesterday, Nadel said the Prevention of Organised Crime Bill - which introduces extraordinary measures to combat organised crime and gang activities - was part of such a trend.

According to Nadel, the Bill was modelled on the United States' "rightwing, anti-crime stance" which targeted largely Afro-American and Hispanic youth.

The Bill makes it an offence to be a member of a gang that is involved in criminal activities or to recruit someone to join such a gang.

Nadel argued that this provision would only serve to marginalise the black youth because it did not take into consideration the reality where gang membership was the only means of survival.

"There is a failure to recognise the socio-economic realities that they face. If Madiba's grandson was arrested for fraud and, more recently, Mofamadi's daughter for theft, then what are we to say about the impoverished youth throughout South Africa?" "Gang activity often is a means to survival," Nadel said.

There was no need to implement this law because existing legislation was sufficient if effectively implemented, the body said.

The solution, Nadel argued, lay in improving the policing force, which was fraught with corruption and inefficiency.

Nadel's concern was also that the Bill gave "wide discretionary powers" to the police which could lead to arbitrary harassment.

Portfolio committee chairman Johnny de Lange sent a warning to gang members that the Government was gunning for them.

"We make no apology that we want to break gangs. If you want to terrorise the community, the state will terrorise you," he said.
Anti-crime march by farmers, residents...
Poster Reduce Concerned Citizens March on the Union Building in Pretoria yesterday to protest against crime. Few turn up for anti-crime march.

BY PHOMELIZI MOWESE

Poster Reduce Concerned Citizens March on the Union Building in Pretoria yesterday to protest against crime. Few turn up for anti-crime march.

BY PHOMELIZI MOWESE
Heat of success puts pressure on provincial corruption investigators

Since the Heath Commission, later the Heath Special Investigating Unit, was established three years ago it has uncovered fraud and corruption totaling billions and won international attention. Reporter Ryan Cresswell went to the Eastern Cape to take a closer look at SA's own "Law and Order" team.

William Hendricks Heath, \"Then I have received a number of informal invitations to visit some countries.\" Heath said the reason for this was that the criminal investigation systems in most regions did not cover financial and civil litigation aspects like the unit and tribunal did, and this was seen as a serious shortcoming.
Heath had said he had only had to quote a list of successes to drive this point home: successful cases included 80 farms valued at R25 million recovered in Transkei. Of the 80 farms, 58 had been on behalf of the KwaZulu Natal department of transport, some R23 million recovered in the Eastern Cape Provincial government recovered from a private company bank account, vehicles and equipment worth R5 million recovered in the Carrynnus Investment and an order being granted that a R25 million promissory note by the Dlamini Zuma Park Board must be honored.
Describing each success, the unit has received some fairly severe criticism. There are politicians who question the money spent on the unit and some sceptics feel the organisation should concentrate on big names when investigating.
But Heath said the unit was set up to deal with the whole spectrum of crime and corruption, and it was an effort to make the public aware of the benefits of such an organisation. \"In fact I would like to address the Cabinet,\" said Heath. He also said the unit considered all cases on a high court.

At present the unit has about 70 members but there is an almost palpable commitment to expansion that seems to go beyond the realm of realistic expectations. The unit feels that a large proportion of the community appears to regard public officials as corrupt and their efforts to combat the crime is far more serious than most people perceive it to be.

At present there are 10 small teams operating out of 10 provinces, not just in the Free State and Northern Province but also in all the other provinces. The unit's annual budget was just over R1 million this year but it wanted R3 million to start an expansion.

Financial manager Hyton Long said investigation teams were staying in cheap hotels and driving everywhere rather than flying in an effort to cut costs. He said one small team was looking at about 900 queries on housing subsidies in KwaZulu Natal alone. The unit is now looking at operating from a house in that province because there is so much work to be done.

Brave step to appoint a team that will step on many toes

The unit is unique in the sense that no similar institution exists in any country I have visited. At an international symposium in Malaysia with 100 representatives, they were all thrilled and wanted to do something similar in their own countries,\" said the head of the unit.

Successes include the recovery of 80 farms in Transkei.
Heat of success puts pressure on provincial corruption investigators

Since the Heath Commission, later the Heath Special Investigating Unit, was established three years ago it has uncovered fraud and corruption totalling billions and won international attention. Reporter RYAN CRESSWELL went to the Eastern Cape to take a closer look at SA's own "Law and Order" team.

At present the unit has about 19 members but there is almost an palpable commitment to expansion that seems to go beyond the realms of mere job security. The unit finds that a large proportion of the community appears to regard public funds and assets as "fair game" for corrupt schemes, and the crime is far more serious than most people perceive it to be.

At present there are also small teams operating below strength everywhere but in the Free State and northern provinces. The unit wants 10 larger teams with the capacity to operate fully in all the provinces.

The unit's annual budget was just over R160 million this year but it wanted R34 million to start an expansion process.

Financial manager Hyton Long said investigation teams were staying in cheap guesthouses rather than hotels and driving everywhere rather than flying in efforts to cut costs. He said one small team was looking at about 80,000 queries on housing subsidies in Kwazulu Natal alone. The unit is now looking at operating from a house in that province because there is so much work to be done.

Heath believes corruption is a worldwide problem and has said so on overseas visits. But he also mentioned that realisation was one thing and establishing sufficient safeguards and an infrastructure which would deter corruption was another.

The unit has become a major part of this drive to build an anti-corruption network that encompasses everything from social awareness to the establishment of distinct institutions.

What is more, Heath's personal secretary Gay Kidd said the unit was gaining "international recognition" and he felt that international experience was now equal to that of the South African Institute for anti-corruption lessons had to be a good thing.

Successful include the recovery of 80 farms in Transkei

Judge William Hendrik Heath. In fact I have received a number of informal invitations to visit some countries.

Judge Heath said the reason for this was that the criminal investigation systems in most regions did not cover financial recovery and civil legislation aspects like the unit and tribunal did, and this was seen as a serious shortcoming.

He said he had only had to quote a list of successes to drive this point home overseas. Successful cases include 80 farms to the value of R10 million recovered in the former Transkei, 372 state vehicles worth R2.4 million recovered on behalf of the Kwazulu Natal department of transport, some R2.5 million belonging to the Eastern Cape provincial government recovered from a private company bank account, vehicles and equipment worth R3 million recovered in the Sengsila investigation and an order being granted that a R4.6 million promissory note by the Municipal Parks Board be be served.

Despite such successes, the unit has received some fairly severe criticism. There are politicians that question the money spent on the unit and some sceptics feel the organisation should concentrate on big names when investigating.

But Heath said both Government and citizens would realise the necessity of the unit if they knew the full story about levels of corruption.

"In fact I would like to add the Cabinet," said Heath. He also said the unit considered all cases on merit and would never embark on a "whipping" for big names.

He added, "The present government was also prepared to take the brave step of appointing an institution to help them to have known what to keep on a lot of foes, unlike the previous government.

Senior legal representative Gerhard Vissagio said the story of the investigation started in 1986 when former Eastern Cape premier Reynold Mahaha approached Heath to investigate corruption in the province. The judge was worried about the effectiveness and reputation of just another commission so he instead the institution have legal clout.

"We were fewer than 10 men," said Vissagio. Then called the Heath Commission, the unit broke some large cases and things began to roll.

In 1979, President Nelson Mandela appointed Heath - who had been a prosecutor, advocate, lecturer, court martial presiding officer and judge - as head of the Heath Special Investigating Unit. The unit was entrusted, by provisions in Section 5 of Act 74, 1976, to deal with the whole spectrum of criminal administration and the protection of the interests of the public with regard to public money and property.

The special tribunal was also established in terms of the act and judges are called upon to adjudicate on issues of maladministration and corruption. The tribunal has no criminal jurisdiction but can enforce recovery and then pass on information to the police. The findings of the tribunal carry the weight of a high court.

Graft: 172
ART 5/10/98,
suspended

A total of 172 public servants in national Government departments were suspended with full pay because of corruption allegations, Public Service and Administration Minister Zola Skweyiya said today.

In the Department of Justice, 51 officials were suspended with full pay, followed by 33 in correctional services, nine in the labour ministry, three in public works, two in foreign affairs, one in home affairs and another in transport, he said in written reply to a question in Parliament from Dr Ruth Rabinowitz (IFP). – Sapa
Willie Homeyer

Organized crime: got takes the gloves off

VIEWPOINT
Stop the cancer of corruption

A recent survey shows that corruption is an important factor holding back economic growth in the poorest countries.

By Dennis Dansoe

If the environmental movement in the country is one of the most pronounced of our dependencies on nature for survival, the fight against corruption is another. A similar role in our national life - the fight against corruption is also vital to our society.

The age of "hustle" has come to an end, corruption is on the rise. Our government, our national institutions and the people of this country have to fight against this cancer that is destroying our society.

Corruption today is not only a national issue, it is a global issue. It is a problem that affects every nation, every region, and the world as a whole. Despite this, we are aware of some of the consequences of corruption. It is no longer something that happens in our country, it is happening everywhere.

As the old saying goes, "When the fist hits your face, it is not your own fault." This is our lesson.

The government has taken steps to combat corruption. It has been a week since our government has taken action to fight corruption. We have a new Anti-Corruption Act that has been passed by the parliament and signed into law by the President.

The government enforces the National Anti-Corruption Act, which was introduced in the country in November 10 to 12, and is to be followed by the Ninth International Anti-Corruption Summit next year.

Corruption is a cancer that is affecting our society. It is destroying our economy, our people, and even our children. We need to take action to stop it.

By Simon Denyer

East Africa is one of the world's most impoverished regions. It may also be one of the most corrupt.

Kenya, Uganda and Tanzania receive some of the worst corruption ratings from a field of 83 surveyed by the Transparency International.

International businesses and visitors to the region are often skeptical of the government's ability to respond to the issue.

As far as I am concerned, there is no reason to believe that the government is not doing its best to address the problem of corruption.

Kenya and Tanzania are two of the most affected by the greasy cancer. The government has made some efforts to combat the problem.

Kenya, for instance, has introduced a new anti-corruption law. This law has been well-received by the public and has helped to address some of the issues.

However, there is still work to be done. The government needs to continue to fight corruption and to hold those responsible accountable.

The removal of corruption for our society means all of us.

Children bear the brunt of the effects of poverty, which is often exacerbated by the burden of corruption. A recent survey ranked East Africa among the world's poorest and most corrupt regions.

Poorest countries bear burden of corruption

Military procurement and supply contracts, overseen by the National Security Council, are often described as a fast-growing problem in Uganda by representatives of Transparency International.

With all the focus on Kenya, many guilty parties were not targeted by Tanzania's ranking in the survey - the first time it has been published. Brian Corrigan, acting director for the office of Transparency International, said that Tanzania and Kenya have been the most affected.

The problem is not new. In fact, it is getting worse. The government needs to take action to address the issue.

The president is committed but it does not look like anyone is doing anything. The president says that he is doing all he cando to address the issue.

"For businesses investing in Tanzania, there is a lack of trust in the system," the report states.

"In Tanzania it is clear that corruption and bureaucracy are constant threats. It is a very worrying situation - they are extremely discouraging factors."

The secretary of Transparency International, the government's new anti-corruption agency, said that the report is a wake-up call to the government.

The government has already taken steps to combat corruption. A new anti-corruption law was passed in 2010 and a new anti-corruption agency was established.

"In any event, the report is a wake-up call to the government. It has to act. It is not enough to say that the government is doing its best. It has to take action," the report states.

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"The report is a wake-up call to the government. It has to act. It is not enough to say that the government is doing its best. It has to take action," the report states.
A recent survey shows that corruption is an important factor holding back economic growth in the poorest countries.

By Dennis Hulser

In the environmental movement in the 1960s, even a moment's awareness of our dependence on nature for survival, the fight against corruption in the environmental movement was one of the critical issues.

The focus on corruption has come to an end, culminating in the full of corruption, our globalised societies and their intricate networks of think tanks would have to come to all the corrupting influences that distort good government, public service and the rule of law.

Corruption today is not just a matter of the rich stealing the poor — it is also one transcending race, class and religion, embarrassing us all. Suddenly we are aware that none of our activities escape the corruption that seeps into every nook and cranny of our lives. Being black or a woman might mean that we are the victims of particular opporurations, but that doesn’t mean that being black or a woman makes us any less human than the person whose corruption we can watch on our screens.

When the CIA took a decision recently to examine our sense of public morals it placed the region in a larger context: the kind of good governance that can inform all our public institutions and what kind of democracy we work to establish. It is not only the repertoire of our public institutions that is of concern — it is the government, the judiciary, the police, the public service, the media and the private sector. Corruption is a weapon that has been used to undermine our democracy and our economy.

The rule of law is the only way to ensure that our political system is free of corruption. The removal of corruption for our society means all of us.

By Simon Dugan

East Africa is one of the world’s poorest regions. It may also be one of the most corrupt.

Kenya, Uganda and Tanzania recently released their most recent reports from a study of 85 surveys by Transparency International.

International businesses and visitors put Tanzania on a par with Nigeria as the fourth most corrupt country.

"The survey was a good news for the region. While all three governments have made efforts to battle against graft, analysts say little has been achieved," said Robert Shuwa, a director of the East Africa Business Council in Nairobi.

"In Kenya and Tanzania we see the beginnings of official recognition of corruption as a major factor ... holding back economic growth," said Robert Shuwa, a director of the East Africa Business Council in Nairobi.

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Hope that success will rub off on SA

BY GILL GIFFORD
Crime Reports

Sir Paul Condon, commissioner of the Metropolitan Police, under whose leadership London's crime has dropped to its lowest in 10 years, is to share his success strategies with top players in the South African criminal justice system. Condon is in South Africa to brief cabinet ministers, SAPS Commissioner George Fivaz, police chief Meyer Kahn, senior police personnel, researchers and others.

Speaking at Technikon Southern Africa yesterday, Condon said he did not intend offering solutions to South Africa's crime problem, but would rather "share with fellow professionals the things we are doing in London".

The Metropolitan Police service employs a quarter of England's bobbies and has a federal bureau of investigation, a drug enforcement agency, and traffic, detective service, special branch and anti-terrorism units, all tasked with policing about 10 million residents in London and 20 million visitors.

The staff complement is 40,000, with an operating budget of R18-billion—making it larger and wealthier than the entire South African Police Service.

According to Condon, London is not a violent city and police officers are not armed. The murder rate is about 150 a year. In comparison, 1106-murders were perpetrated in Johannesburg in 1998.

Condon said drug involvement was identified as the major motivation behind crime, so the service set about suppressing supply and demand for drugs, especially among schoolchildren.

"Operation Bumble Bee was another successful venture in which burglary, the city's highest ranked crime, was reduced by almost half."

Top US crime expert Paul Coffey had been brought to South Africa to help tackle organised crime, Sapa reports from Cape Town.

Coffey is chief of the US Justice Department's organised crime and racketeering section in Washington.

Overseas experts share knowledge with police
Absa officials to be grilled by Heath

Greta Steyn

SENIOR Absa officials must appear before Judge Willem Heath's special investigating unit before its report on Absa's R1.6bn Reserve Bank lifeboat can be finalised and made public.

The lifeboat was granted to the troubled Bankorp group in 1990. Absa took over Bankorp in 1992 and the lifeboat remained until October 1995.

The Heath unit, charged with tackling corruption, has investigated whether there was misuse of taxpayers' money and whether the lifeboat was intended to protect depositors or Absa's major shareholder, Stanlam.

The unit's investigations manager, Steve Barkhuizen, said the issue should be finalised within the next week or two. "There are one or two (senior Absa) people who can help us with a few outstanding questions," he said.

Asking whether further action was likely as a result of the report, he said some steps could be taken. "We still have to put some facts to Absa, but we have not formulated any summonses and if there is any action for recovery of money it will be only next year.

The Heath unit announced in May it was looking into the issue. Originally, expectations were that the investigation would be finalised and made public by the beginning of September.

An official of the unit said recently a presentation on the lifeboat had been made to a justice department, and it was up to the president to issue a proclamation authorising the unit to continue investigating.

The central bank has also been part of a controversy surrounding the appointment of governor Chris Stal's successor, Tito Mboweni.

Net-Bridge reports that Public Protector Salaya Baqwa yesterday rejected an allegation by the National Party (NP), that she submitted to pressure from the president's office in finding there was no prima facie case to investigate the appointment of former labour minister Mboweni as SA Reserve Bank governor in August 1999.

"I take strong exception to the suggestion that I do my work on the basis of instructions from elsewhere," she said in a media statement.

In July the NP asked the public protector to investigate whether prior knowledge of Mboweni's appointment on July 4 contributed to the weakness of the rand, which lost about 20% from late May to early July, and also whether the appointment of Mboweni met the stipulations of SA's constitution and the Reserve Bank Act.

The public protector said at the weekend that a prima facie case could not be made to justify any further investigation of Mboweni's appointment to the post.

Doubt over future of investigating unit

EAST LONDON — Justice Minister Dullah Omar yesterday cast serious doubt on the future of Judge Willem Heath's special investigation unit established by President Nelson Mandela to fight state corruption.

In a statement to Parliament, Omar asked whether it was appropriate or desirable to appoint a judge in a full-time capacity to head the unit and whether the unit was necessary.

Omar raised the possibility of rationalising the functions of the unit and the public protector.

"Is it appropriate to give the unit a blueprint to investigate any kind of irregularity within its mandate, even of a trivial nature, while such a matter can just as well, and even in a less expensive way, be investigated and disposed of?"

He said the possible rationalisation of the functions of the unit and the public protector would be examined during a summit against crime next month.

There was a proposal that government establish one anti-corruption centre and that a cabinet committee be set up to deal with that. "These are all matters which the cabinet is looking at."

Omar said the appointment of a judge to the full-time position as head of the unit raised the question: "What happens to the independence of the judiciary? Given the political principle and the judicial independence associated with the office of a judge, it should also be asked whether a judge should be doing that type of work.

Omar's statement was in response to an interpolation by Inkatha Freedom Party MP Ruth Rabinowitz, who said the independence of the unit had been compromised by the Special Investigating Units and Special Tribunals Act. The act states that the unit can investigate corruption involving only state assets and funds once the president or provincial premier has signed a declaration to that effect.

Rabinowitz said the proclamation process set out in the act was causing substantial delays in Heath's work. Heath said he had forwarded suggestions to Omar in April to address this problem but had not received a response. — Sapa.

Key Market Movements — 5/10 to 6/10

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I - NET BRIDGE
US expert to help in fight against organised crime

GASANT ABARDER  ET 7/10/98

THE fight against organised crime in the Western Cape has received a boost with the arrival of a top US crime buster to share his expertise with the new Organised Crime Unit.

Paul Coffey, 55, the chief of the organised crime and racketeering unit in the US Department of Justice, has been invited by the national director of public prosecutions, Butelani Ngcula.

Coffey, who became chief of the US unit in 1992, will assist the 30-person city-based Organised Crime Unit, which is headed by advocate Percy Soni.

"Criminals will have nowhere to hide. Coffey's help and advice will be invaluable in turning the tide against these thugs and making the Western Cape safer.

"We will always go out and get the best in the world to weed out crime. They choose the warpath and we will take the fight to them," Ngcula said yesterday.

"Coffey has years of experience in the type of tough new measures contained in the Prevention of Organised Crime Bill, which will be introduced shortly.

Ngcula said international experience has shown that an integrated unit that targets specific syndicates is the most effective way of dealing with organised crime.

He added that it was essential for the unit to combine the skills of the best detectives, prosecutors, accountants and intelligence operatives to deal with the increasing sophistication of crime.

"My office has already had significant assistance from the business community. With the international assistance that we will now receive from Coffey and other experts, I am confident that we will begin to score some victories in what is sure to be a long war against organised crime," he said.
Health anti-corruption unit won’t be ditched

By Alan Chuchswell

The government insists it is merely looking at streamlining official structures dealing with graft, not the anti-corruption unit.
Rural security spending ‘too low’

Jonny Steinberg

GOVERNMENT’s rural protection programme is failing to prevent farm attacks, and its national co-ordinating committee should open its minutes to public scrutiny, Freedom Front leader Constand Viljoen said yesterday.

Speaking at a seminar on farm killings in Midrand, Viljoen said rural army commandos had managed to recruit only 15% of SA farmers and could not function effectively without more community participation. “A large part of the problem is money,” Viljoen said. “The defence budget is over 9 billion rand, but only 15 million of that is spent on rural security. That in itself is criminal.”

Police assistant commissioner Johan Burger said farm murders and attacks had increased steadily this year, while murder rates in SA as a whole had declined. He said the majority of farm murders were clustered around towns and cities, suggesting that attacks on farms may be a spillover and symptom of urban crime.

Antoinette Louw of the Institute for Security Studies said nearly half the murders categorised by police as farm murders took place on urban smallholdings and not on farms.

Louw said the politicisation of farm murders had clouded strategic thinking on the issue.

“‘There is too much debate over whether the killings are politically motivated, but not enough debate about what to do.”

Louw said that the analytical focus of investigative reports had been too narrow.

“Is there any connection between farm murders and non-violent rural crime like stock theft and burglary? Why did the last investigative report not examine social fabric crimes? Perhaps investigations have removed farm killings from their context, closing down avenues for exploration.”

Burger said there was no evidence that farm killings were the work of “sinister forces”. However, he said “irresponsible statements” on the part of certain black politicians had deepened panic and mistrust in the countryside.
Vigilante group splits over ‘illegal’ methods

Jonny Steinberg

The executive of Mapogo a Mathamaga, a 10 000-strong vigilante organisation operating in the Northern Province and Mpumalanga, was split over whether to abandon violent and illegal methods, Northern Province safety and security MEC Seth Nthai said yesterday.

Mapogo, which was founded by a group of black businessmen in 1993 and boasts 3 000 white farmers among its members, is widely known in the two provinces for the harsh punishment it metes out to alleged criminals.

Nthai was due to meet the organisation’s executive on Tuesday to ask why Mapogo had reneged on an agreement signed last August pledging to refrain from breaking the law.

While Nthai did meet a group claiming to be the organisation’s executive, it is unclear whether the group had a mandate from the organisation.

Mapogo president and founder John Magadolo said yesterday: “At a general meeting last month we dissolved the executive because of repeated incompetence. Any agreement signed with the MEC is null and void.”

Nthai said: “The organisation appears to be divided over whether to use illegal methods. The executive agreed to stay within the law, but Magadolo differs. He believes criminals should get a taste of their own medicine.”
Heath points to need for independence

David Greybe

CAPE TOWN — Judge Willem Heath called on government yesterday not to compromise the independence and apolitical character of his special investigating unit, which tackles state corruption.

Heath's call comes amid sign of growing friction between the unit and government following a suggestion by Justice Minister Dullah Omar that the unit be rationalised.

Heath said any rationalisation of the unit, the public protector's office and other anti-corruption bodies should firstly be discussed with the relevant organisations before being debated, as Omar suggested in Parliament, in the open at the November 10-12 anticorruption summit.

Heath also questioned the possible creation, also mooted by Omar, of a single anti-corruption centre under a special cabinet committee. Such a step would raise the question of whether or not such a body was apolitical.

Omar and President Nelson Mandela's office, to whom the unit answers, denied that proposed rationalisation amounted to political interference.

The proposed creation of a single anticorruption centre under a special cabinet committee was nothing to do with interference in the work of the Heath unit, Omar said. "Both can exist at the same time." A cabinet committee had been set up to look at how best to combat corruption.

Rationalisation did not mean the Heath unit or the public protector would be abandoned — "in fact we may need to strengthen them". Rationalisation would do away with duplication.

Omar said the Heath unit "has done outstanding work and is one of the big success stories of the present government. I regard it as an institution that we will need as long as there is corruption in our country".

Omar said he was still considering Heath's request, made in April, to speed up investigations by scrapping the requirement that the unit probe only matters proclaimed by Mandela. He was unaware of the unit's claim that there were hundreds of delays, but he would investigate the matter.

Mandela's spokesman, Parks Makahla, scoffed at the suggestion from some quarters that delays of up to a year in Mandela's office granting authorisation for "hundreds" of new cases could be interpreted as an attempt to minimise the amount of government corruption exposed in the run-up to next year's elections.

He attributed the delays to the heavy workload of the justice department, to which all cases were referred before Mandela granted authorisation.

National Party MP and Justice spokesman Sheila Camerer said a coordinating anticorruption body could play a useful role, but the NP would fight tooth and nail to protect the constitutionally guaranteed independence of the public protector and the auditor-general. Democratic Party MP and justice spokesman Douglas Gibbon questioned the need to rationalise the Heath unit and the public protector. "If you have something that works, it stands to reason that you let it be."
OMAR DEFENDS INVESTIGATIVE BODY

Govt will 'strengthen, not abolish Heath unit'

PRESIDENT MANDELA has no intention of doing away with the special corruption investigation unit headed by Judge Willem Heath, a presidential aide said yesterday.

PRESIDENTIAL spokesman Parks Mankahana, reacting to media reports that Justice Minister Dullah Omar had cast doubt on the Heath unit's future, said that, on the contrary, the government wants to strengthen it.

The unit was established by Mandela in 1996 to fight against corruption.

"Inevitably, all structures of government have to be reviewed, not only for purposes of maximising efficiency, but also to ensure that the general cost of administration is kept at a minimum," Mankahana said.

"The reality of the situation is now you have the Heath special investigating unit, the police and the public protector. Sometimes we even appoint commissions of inquiry and you have Parliament. The duplication that is taking place is unbelievable," Mankahana said.

Furthermore, they all rely on resources from the same coffers.

"We are not saying that the Heath Commission or the Public Protector must die — all we want is to maximise efficiency and rationalise our structures."

Mankahana said the question will be discussed at next month's "moral summit" proposed earlier this year by church leaders during talks with Deputy President Thabo Mbeki.

"It is expected that the summit will come up with additional proposals."

News reports yesterday focused on Omar's statement to the National Assembly last month, where he questioned whether it was appropriate or desirable to appoint a judge in a full-time capacity to head the unit.

Omar also raised the possibility of rationalising the functions of the unit and those of the public protector.

"Is it appropriate to give the investigation unit a blueprint to investigate any kind of irregularity within its mandate, even of a trivial nature, while such a matter can just as well, and even in a less expensive way, be investigated and disposed of?"

Omar said the possible rationalisation of the functions of the unit and those of the public protector would be examined during an anti-crime summit next month.

He said there was also a proposal that government establish one anti-corruption centre and that a special cabinet committee be set up to deal with that.

The National Party yesterday questioned the government's commitment to fighting corruption, especially in the provinces — in the light of reports of Omar's comments.

NP spokesman on justice Sheila Camenz said in a statement that her party supports the idea that a co-ordinating anti-corruption body could play a useful role, but would fight tooth and nail to protect the constitutionally-guaranteed independence of the public protector and the auditor-general.

"Omar yesterday raised serious doubts about the Heath special investigative unit, saying it was one of the success stories in the fight against corruption."

"There is no possibility whatsoever of our disbanding the unit for any reason whatsoever. There is no reason for us to do that," the minister said in Pretoria.

Omar said the Heath unit is a presidential project and is doing outstanding work.

"I myself played a very big part, together with Judge Heath, to develop the legislation for the unit. I am very excited about it. It is one of the success stories in the fight against corruption."

"It's work may increase. There may be a better understanding as to what the public protector does and what the Heath unit does, but there is no suggestion of scaling down whatsoever."

"I regard it as an institution which we will need as long as there is corruption in our country," Omar said.

The question of whether a judge should head the investigation unit, Omar said, was not raised by him but by the judiciary.

"I was asked to look at that question by members of the judiciary, but there is no doubt whatever that the Heath unit will continue. Judge Heath himself will continue. He is doing outstanding work," Sapa
Insecure Farmers, on Knife’s Edge

DURBAN — Land and Agricultural cooperation is needed to address the challenges facing farmers, especially smallholder farmers, who are increasingly vulnerable due to factors such as climate change, economic instability, and political unrest. The need for a cooperative approach is highlighted by recent reports that indicate a decline in agricultural productivity and a rise in food prices.

The government and various stakeholders must come together to develop strategies that will support farmers in their efforts to sustain their livelihoods. This includes providing access to credit, improving infrastructure, and investing in research and development.

It is important to note that the challenges facing farmers cannot be addressed in isolation. They require a holistic approach that takes into account the interdependencies between different sectors. Therefore, it is crucial for policymakers to consider the needs of farmers when formulating policies that affect the agricultural sector.

In conclusion, the future of farmers in South Africa is dependent on the decisions made today. It is essential that we work together to ensure that farmers are not left behind in the face of these challenges.
Let us use the rural safety summit well

It is often observed that the miracle of our peaceful transition from a fragmented society to a beacon of hope in a devastated continent is due largely to the superficiality of our perceived differences as South Africans.

We have discovered that despite our cultural, linguistic and religious preferences, we have much more in common to build on.

One distinguishing and common characteristic of our emerging nation, a trait that cuts across many divides, is our love for get-togethers to find solutions. We brand them var*---*; as bokserade, magboa,*---*, "bushveld" or, to be more politically relevant those days, summit.

One such gathering takes place in Midrand near Johannesburg today: the summit on rural safety and security.

And before the end of the month South Africans will come together once more, under the banner of the President's Jobs Summit, to mull over another issue of national importance: the creation of jobs.

Today's summit results from an earlier meeting between President Nelson Mandela and the South African Agricultural Union. It could not take place earlier because of Mr Mandela's tight programme.

It will attempt to find a common strategy to stop the criminal turmoil that is engulfing rural and urban communities. Hopefully, at the end of the one-day event, there will be greater consensus on, and understanding of, the underlying causes of the violent crimes.

Even ahead of the summit, all participants seemed determined that it should produce and adopt a comprehensive and workable programme of action which they could all promote.

In short, the summit is not designed to be a waste of time.

Indeed, it should not be. Short of the criminals themselves, everybody who has an interest in this matter will take part.

If, at the end of the day, no workable solutions have been found, South Africa as a nation should hang her head in shame and declare formally her surrender to the criminals.

Such an outcome is possible. The success or failure of the summit depends on whether the participants approach it with an open mind, prepared to concede that mistakes have been made and, in order to proceed as a united force against the scourge of crime terrorising the farming communities, it will not help to be bogged down in a quagmire of moral or political righteousness.

There are issues that are guaranteed to stall the summit because they will lead to hardened attitudes, much to the detriment of all concerned. The summit could very easily devolve the whole day to discussing how unfair labour practices and sheer brutality on the part of farmers leave them vulnerable to retaliatory attacks by their workers.

Representatives from the unions could argue very eloquently that unless the farmers change their attitudes towards their workers, and begin to treat them as human beings worthy of respect and human dignity, the labourers will not feel it is in their interests that the bosses and their families should be safe.

Farmers could well have a moving story to tell about how they produce the food that feeds this nation, yet Mr Mandela's hand-writen government cannot protect them from the criminals who enjoy unprecedented rights under the Constitution.

The agricultural union could demand to know from Mr Mandela why the Government does not call a referendum if it has any doubt that the vast majority of the South African population will vote for the reinstatement of the death penalty.

The Government, in turn, would defend its position on the death penalty.

The farmers could respond that they know their workers best, and that they do not ill-treat them. They could charge that it is agitators from outside who bedevil relations... the accusations and counter-accusations could go on and on.

A forum is provided to representatives of political parties, another facet of those paederic debates that usually take place in Parliament about who is responsible for the mess we are in will cease. At the end of the day nothing will have been achieved, and South Africa will lose a valuable opportunity to work as one to bring safety to rural communities.

It would be naïve to expect the summit to gloss over what the participants believe to be the root of the problem. Indeed, no solutions can be found if there is no understanding of the nature of the problem. But the meeting can only produce solutions if there is a commitment on everybody's part to accept that things could have been done differently, and that mistakes have been made. It will advance no one's cause to seek to impose solutions.

Coming as it does just before the Presidential Jobs Summit, today's meeting on rural safety and security must demonstrate once more that the many generations of South Africans who found solutions to the country's problems at boeserade, magboa, tshepiso or inzikhundla bequeathed to the new South Africa a forum for compromise for the good of the whole country. Failure today will be a bad omen for the jobs summit, and we cannot afford that.

Cyril Madlala is the senior assistant editor of the Independent on Saturday in Durban.
on rural crime

Grassroot attack

Grassroot attack

on rural crime

The President's message to the nation

...
Farmers positive after crime summit with govt

Jonny Steinberg

THE presidential summit on rural crime held in Midrand at the weekend may not have found a formula to stop farm killings, but it brought the estranged farming community back into the political fold, sources close to the summit said yesterday.

Agriculture leaders, who had expressed scepticism about the summit last week, described its success in glowing terms.

"We had grave doubts before the summit," SA Agricultural Union vice-president Janie Grobler said yesterday. "But no more. For the first time, the political will to fight farm killings exists. Government condemned farm crime with no reservations."

Government's delegation, which included four cabinet ministers, nine MECs and several senior public civil servants, was the most high-powered government delegation to be assembled since April 1984, a senior government official said yesterday.

"A firm message came down from Mandela early last week," the source said. "Get everyone there, and open your arms to the Afrikaans community. Mandela was genuinely worried that if this summit did not bring farmers back into the fold, this farm killing issue would lead to decades of Afrikaner political estrangement."

One of government's primary concessions to farmers was an admission that the criminal justice system was in need of redress.

"There are weaknesses in our criminal justice system," Justice Minister Dullah Omar said. "It needs harmonisation ... and it needs resources."

"This admission represents a turning point," said SA Agricultural Union executive director Jack Rauten. "We interpret it as an implicit commitment to channel more funds into crime fighting. We've been calling for this for a long time."

Organised agriculture acknowledged that large-scale poverty was a contributing factor to rural crime.

Freedom Front leader Constand Viljoen called for the establishment of local conflict resolution forums to deal with, among other things, wages.

If there was a note of scepticism after the summit, it came from Viljoen.

"The resolutions were good, the question now is implementation. The ball is in government's court. If they do not deliver, we will hammer them hard."
It's all systems go to stop farm killings

Agicultural union warns Government's commitment

AFFA 13/10/98

Afri-Afr 11/10/98

Cape Argus, Monday, October 12, 1998
tackle farm killings
summit agrees to
Exams, best
ANC policy paper ‘an alliance effort’

Farouk Chothia
and Linda Ensor

DEPUTY President Thabo Mbeki oversaw discussions among African National Congress alliance partners when a document proposing a review of fiscal deficit targets and urging government to stick to a cautious approach on privatisation was drafted.

Alliance sources said yesterday the document was drafted by a committee that included ANC national working committee member Joel Netshitenzhe, Congress of SA Trade Unions (Cosatu) general secretary Mbhazima Shilowa and SA Communist Party central committee member Philip Dexter.

“It is an alliance document, drafted in the true spirit of the ‘alliance,’ one source said.

The committee was one of several falling under a task team, chaired by Mbeki, looking at the transformation of the state. Other members who served on it included Deputy Finance Minister Gill Marcus, Trade and Industry Minister Alec Erwin and Public Service and Administration Minister Zola Skwini. The SA National Civic Organisation was also represented on the task team.

The document, titled “The state, property relations and social transformation,” calls for a balance between extreme positions in relation to fiscal deficit targets. It says it is “sound” not to rely on borrowing in relation to fiscal deficit targets, but it is also “suicidal” to cut services to the poor “in pursuit of fractions of deficit targets.”

The document’s aim was to stimulate debate ahead of an alliance summit later this month.

The ANC had convened a special meeting of its national executive committee for this weekend where the “crucial” item on the agenda was economic policy, a source said. The source did not expect the committee to debate the document, but issues raised in it were bound to come up for discussion.

Cosatu spokesman Nokwazi Mpati said that the federation’s central executive committee would discuss the document at a three-day meeting today.

Democratic Party finance spokesman Ken Andrew said the document was worrying as it indicated a backtracking on sound fiscal policies. The mere tabling of the proposals was harmful and their acceptance would damage SA’s economic prospects.

“SA has been less badly affected by the recent international financial volatility than many emerging markets because it has adhered to responsible fiscal discipline, has strong financial institutions and has an economic strategy which takes account of global realities. These new ANC proposals represent a backtracking on these crucial elements.”

Heath unit accused of sloppy referrals

David Greybe

CAPE TOWN — President Nelson Mandela’s office has written to Judge Willem Heath accusing his special investigating unit of preparing sloppy referrals for anticorruption inquiries which had resulted in “litigation or threatened litigation”.

Jakes Gerwel, director-general in Mandela’s office, also wrote to Heath, saying that the anticorruption unit had allegedly failed “to operate within its legal limits”.

Gerwel’s letter, dated last week Friday, was in response to claims by the unit last week of delays of up to a year in Mandela’s office granting authorisation for “hundreds” of new inquiries.

There have been signs of growing friction between the unit and government following a suggestion by Justice Minister Dullah Omar that the unit be rationalised as part of a single anti-corruption centre under a special cabinet committee.

Heath responded with a plea to government not to compromise the independence of the unit.

Guy Rich, spokesman for the unit, confirmed that the unit, based in East London, had received the letter yesterday, but said Heath was out of town and would return only tomorrow.

“We have never directly accused the president’s office or the justice department for the delays,” Rich said. “We have, however, on numerous occasions, highlighted the delays.

Mandela’s spokesman, Parks Makwana, confirmed the contents of the letter, but declined to be more specific about the litigation cases, or threats of litigation, as a result of “errors” in the unit’s submissions.

Gerwel said there was “absolutely no substance” to complaints of delays. The processing of requests for an inquiry “receives priority treatment even over pressing matters of state, and are usually processed within 24 to 48 hours if the president is available”.

Secondly, any delays which had occurred “has been at the justice department which is required to check your

Continued on Page 2
Law in pipeline to punish corrupt civic bodies

Pule Molebeledi

THE Gauteng provincial government was considering introducing legislation to deal with corrupt civic associations accused of robbing people living in squatter camps of land, local government MEC Sicelo Shiceka said yesterday.

The legislation would be presented to the provincial legislature early next year, he said.

Shiceka was addressing the media about Friday's informal settlements summit, to be held at Gold Reef City, which aims to bring together stakeholders to discuss the development of the province's squatter camps. The summit will be attended by 600 "democratically elected" delegates from informal settlements and the entire provincial executive, including premier Mathole Motshekga.

Housing MEC Dan Mofokeng said the government had invited churches, parastatals, and non-governmental organisations to form partnerships to develop the 300 provincial informal settlements occupied by more than 1-million people.

Mofokeng said a number of studies had shown that the province was experiencing a rapid population growth of 2.4% a year, which was more than the national average of 2.1%. This was placing a burden on the resources of Gauteng.

Mofokeng said 25% of squatters in the province had moved from other provinces. Most people in informal settlements earned less than R500 a month, a recent study had found. "This requires government to come up with interventions," Mofokeng said.

He said the summit would look at ideas on the upgrading of informal settlements; providing sanitation, facilitating the rapid release of land for development; building houses and upgrading squatter camps into townships. **13/10/98**
Forensic experts lobby for DNA database to fight crime

David Greybe

CAPE TOWN — Forensic experts have tried without success for the past 15 months to get government to "seriously consider" implementing a national DNA database they say could significantly reduce rape and other crimes by helping to catch offenders earlier.

The UK, France, Germany, New Zealand, Australia, Canada, The Netherlands and Denmark are some of the countries to have adopted national DNA database systems — which are fast becoming the new international standard in fighting crime.

The US officially joins in today, when the Federal Bureau of Investigation opens a national database made up of 50 databases administered by the various states but with common test procedures and software.

DNA databases make it possible to compare a sample from a suspect or crime scene with others in the system.

Since the system's UK debut in 1995 it has matched 28 000 people to crime scenes and made 6 000 links between crime scenes. The UK database holds 360 000 entries.

"We would like to do the same in SA," police superintendent Stewart Allen, the leader of the SA project for a DNA database, said yesterday. "But the big problem is the lack of money."

Allen said "formal lobbying" for a national DNA database began at the beginning of last year with letters to, among others, Safety and Security Minister Sydney Malan and Justice Minister Dullah Omar, requesting their backing. "However, there has been no real movement from the relevant departments," Allen said.

Depending on what types of crimes were covered, between R20m and R30m was needed to set up a local DNA database of international standard. Crimes such as rape or murder could be targeted, or the net could be widened to include serious and violent burglaries, for instance.

It would cost about R12m a year to operate the system, with a support staff of about 40, Allen said. DNA testing in SA was currently limited to investigated criminal cases.

The UK database initially focused on sex offenders but, because of the high numbers of DNA matches, now also covers burglaries and car theft.

The New York Times reported this week that the US system "still faces many unresolved issues, which are likely to play out according to the reaction from the public and the courts."

"One such issue is which offenders should be included. Another is whether the mass screening of suspects' DNA will prove constitutional," it said.

Allen said the issue of the constitutionality of a DNA data base in SA was discussed at the recent international organised crime and human rights conference at Sun City. It was pointed out that such systems had been successfully implemented by so-called first-world democracies.
Latinos displaced by the pandemic, unregistered for food assistance

The weekend’s summit on rural crime showed authorities

A new report by the Farm

Comment & Analysis
BETTER LABOUR RELATIONS WILL IMPROVE FARM SECURITY — Mandela
Health Responds to Criticism by Mandela's Office

Heath Responds to Criticism by Mandela's Office

David Groupe

20/5/1998
Anti-graft unit will defend its independence

The future of Judge Willem Heath's unit probing government corruption is to be decided at next month's anti-crime summit, writes RAY HARTLEY.

Proposals that the unit be amalgamated with the office of the Public Protector, Solty Baqwa, could be presented by government.

A storm erupted this week after Justice Minister Dullah Omar said he wanted Heath's unit and the Public Protector to fall under the control of a Cabinet committee to avoid duplication.

Omar has since claimed that he did not mean to undermine Heath's inquiries, which have recovered more than R600-million.

Now a committee on white collar crime, fraud and corruption, that will convene at the summit, is expected to debate the proposals. They are likely to encounter strong opposition from Heath.

Following a week of bruising encounters with senior government officials over the unit's future, Heath told the Sunday Times that the independence of his unit was critical to its success.

Heath denied claims by president Thabo Mbeki that his investigations were leading to "litigation" and were not following proper procedure.

Heath's remarks followed exchanges between himself, Gerwel and Omar, who said he would like to see Heath's unit "rationalised".

"The impression has been created that there's some issue between us and the government. That is not so, we've got very wide support," he said.
SA is making magnificent progress in fight against commercial crime — Heath
'More effort needed to fight corruption'

By Shadrack Mashalaba

JUDGE Willem Heath has thrown down the gauntlet to all stakeholders in the economy to fight corruption instead of relying on commissions to do so.

Heath, head of the Heath Special Investigation Unit, said the unit was currently investigating 90,000 cases involving R8 billion. He was addressing a breakfast briefing of the South African Institute of Race Relations in Johannesburg yesterday.

"Since January this year the special unit has prevented the loss of approximately R570 million in state assets and state monies," said Heath.

He said while corruption was prevalent in the public sector, the private sector was also infested.

Heath appealed to both public and private sector to be proactive in dealing with the scourge that threatens to bring the country to its knees.

"Is the South African community prepared to allow the rich to become richer while the corrupt fill their pockets? Are we prepared to accept the power and influence of syndicates to bribe and corrupt individuals or some state employees or individual politicians?" he asked.

For South Africa to be the powerhouse of Africa it must have the ability to initiate by example.

Corruption could be solved by the Government alone, we needed a culture of morality, he said.

The independence of institutions that fight corruption should be guaranteed.

"We could allow greedy people to plunder state coffers with the money which can be used to uplift the disadvantaged. Culprits need to be taught a lesson that crime does not pay," Heath said.

They should be punished and the money that they have stolen must be recovered.
Anticorruption talks backed by the cabinet

David Greybe

CAPE TOWN — The cabinet has approved a public sector anticorruption conference on November 10 and 11 to, among other things, look at the possible rationalisation of agencies such as the Heath special investigating unit and the public protector's office, Justice Minister Dullah Omar said yesterday.

The conference, which will be held in Parliament, would lay the groundwork for a national summit on corruption in February.

The conference would "send a clear message that government would not tolerate corruption and would respond harshly when it occurred", Omar said.

The conference was intended "to underscore a sense of urgency and necessity for a new proactive approach to combat corruption, and to promote government's constitutional obligations, namely transparency, clean governance and efficient service delivery".

Participants will include Judge Willem Heath's unit, the auditor-general's office, the public protector's office, the SAPS, members of the national crime prevention strategy, the public service commission, and government representatives at national, provincial and local level.

Omar said the conference was part of government's initiative to develop a comprehensive anticorruption programme, in terms of an October 1997 cabinet decision.

"The programme includes the improvement of investigation and prosecution of corruption, possible rationalisation of agencies combating corruption, review of the relevant legislation, steps to improve management systems and discipline at all levels of government, the protection of 'whistle-blowers' and witnesses, and a national campaign based on concrete issues," Omar said.

Omar recently suggested the possible creation of a single anticorruption centre under "a special cabinet committee" as part of the rationalisation of anticorruption agencies.

This suggestion did not go down well with Heath who said such a step "would raise the question of whether or not such a body was apolitical", and he called on government not to compromise the independence of his unit.

However, both Omar and President Nelson Mandela's office, to whom Heath's unit answers, denied at the time that the proposed rationalisation amounted to political interference.

Omar said rationalisation did not mean the Heath unit or the public protector would be abandoned.
Mandela hits at ‘cancer of corruption’

Pleas to Afrikaners

Mandela, the biggest single source of cancer eating away at the fibre of South African society was corruption, which ran through every sector of the community, President Mandela said here.

Mr Mandela was visiting the African National Congress Pretoria East branch at Hoërskool Garafontein yesterday as part of the party’s election and ID registration campaign.

"Unfortunately, I must admit we have a social illness which does not escape political affiliation. Many of our people are just as corrupt as their predecessors were," he said.

Mr Mandela also said Afrikaner leaders demanding a volkstaat did not know who their people were and that Afrikaners had a duty to work for a better South Africa.

"When things come to the push whites in this country have other places to go, but the Afrikaner has no other place to go. Your duty is to work with all the people of South Africa, to build your country, and to promote the spirit of reconciliation," he said.

President Mandela did not hesitate to praise his old rival and former National Party leader F W de Klerk for his efforts in bringing about a democracy.

"One of the most important of (those who brought democracy to this country was President F W de Klerk, an Afrikaner who realised the time of white supremacy was gone.

"He had the courage to come forward and to say so. And in the process he lost a great part of his constituency. No matter what you think of him now, he has a place in history," Mr Mandela said.

He said affirmative action was aimed at redressing the legacy of the past and not at marginalising the minority groups.

"Affirmative action is not a campaign aimed against anyone. It is aimed at unlocking and developing the full extent of our nation’s human potential. It does not mean that any group should now be systematically left on the margins."

Mr Mandela accused political leaders who were using crime for political gain of being unpatriotic and irresponsible.

"I know that numbers and statistics are of little comfort to people who have been victims of crime or to their families and friends.

"But the fact of the matter is that our police are turning the tide against criminals," he said.

The Government was making progress in alleviating poverty.

"This has meant, inter alia, clean water for 2.5 million people, electricity for 2 million, houses and telephones for 1.2 million — this is far beyond what the previous government ever tried."
Heath probes World Trade Centre lease

David Greybe

CAPE TOWN — President Nelson Mandela has instructed the Heath special investigating unit to probe allegations of corruption in the former constitutional development department.

At the centre of the allegations is a controversial lease deal — involving at least R66m — for the World Trade Centre in Kempton Park during multi-party negotiations in the early 1990s which resulted in democratic elections.

The probe could become an issue in the forthcoming election campaign as United Democratic Movement deputy leader Roelf Meyer, who was constitutional development minister at the time, said it was a “political action”.

Mandela’s instruction to the Heath unit to investigate the constitutional development department, since transformed into the provincial affairs and constitutional development department, is contained in the latest Government Gazette.

A source familiar with the case said yesterday that because of the seriousness of the allegations the investigation “must inevitably include politicians and high-ranking officials who ran the department at the time”.

The R66m mentioned in Mandela’s proclamation for investigation “is only the tip of the iceberg”, Meyer said the auditor-general had regularly audited his department and “there is nothing improper that I am aware of”. He had been unaware of the proclamation.

Niel Barnard, who was Meyer’s director-general and is now director-general of the Western Cape, said he was aware of the allegations. He was “surprised that it has now been raised with the Heath unit because it was only raised by the auditor-general and as far as I know was not finalised”.

Mandela instructed the Heath unit to investigate any serious maladministration; improper or unlawful conduct by employees; unlawful appropriation or expenditure of public money or property; or corruption.

Specific to the case, Mandela proclaimed, was:

□ The unlawful, unauthorised and/or irregular leasing of conference facilities at the World Trade Centre by the department;

□ The department’s failure to conclude a formal written lease agreement;

□ The failure by the department and/or the supplier of the conference facilities to provide the auditor-general with proper records and substantiating documentation in connection with the leasing of facilities;

□ The “reasonableness and fairness” of the expenditure of about R66m in connection with the leasing of the facilities and;

□ The failure by the department to exercise proper financial control and administration over expenditure in connection with the lease.

World Trade Centre executive chairman Neels Swart is out of the country. The centre’s lawyer, Stan Rothbart, said he could not comment “because I have no personal knowledge of this matter”.

Presidential spokesman Parks Mankahla said: “Careful attention is paid to detail before such an investigation is authorised.”
Corruption in the bud

by Sandeep Masih

The young number of corruption

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Bill aims to curtail gangsters’ activities

BY JOVIAL RANTAO
AND CHARLES PHAMLAME
Parliamentary Bureau

Cape Town — Gangsters and criminal syndicates face fines of up to R1-billion and jail sentences of up to 30 years, the National Assembly’s justice committee decided yesterday.

Committee chairperson Johnny de Lange said the Prevention of Organised Crime Bill was aimed at the “big sharks”, who used their subordinates to deal in drugs and commit murders but could not be directly linked to the crimes.

According to the bill, courts will take into account a person’s previous two convictions of a similar nature when trying them under the Prevention of Organised Crime Bill for racketeering.

This follows the American principle of “three strikes and you’re out”, in terms of which a person convicted for the third time faces harsher treatment.

The proposed hefty fine will be in addition to the criminal and civil forfeiture of assets that accrue from the proceeds of crime. The committee turned down a proposal for the fine to be increased to R10-billion.

Although gang and syndicate matters can be tried in a regional court, they should be referred to higher courts for sentencing.

The bill also places a reporting duty on a person — for instance a bank teller who witnessed the abandonment of a transaction which could have resulted in the transfer of proceeds of crime — to report the transaction to the police.

This would mean that a bank teller who failed to report a syndicate to the police an aborted bulk deposit immediately would be guilty of an offence.

The committee took a policy decision that this reporting duty would not be extended to private sales. Accordingly, individuals concluding cash deals involving large amounts would not be required to report the matter to the police.

The reporting duty would apply specifically to property sales. If the sale was handled through an estate agent, the agent would have the responsibility of reporting the transaction to the police.

The bill — piloted by Justice Minister Dullah Omar — is a drastic measure, and the Government’s response to spiralling syndicate crimes.

The bill, set to become law before Christmas, is also aimed at cutting the lifeline of gangsters through a focused attack on the economic power bases of their activities.

The legislation also permits the Government to use money confiscated from gangs to be used in the fight against organised crime.

In addition to criminalising activities associated with gangs, the bill provides for the establishment of a Criminal Assets Recovery Fund, which would be used to provide financial assistance to law enforcement agencies involved in fighting organised crime.

The legislation defines a criminal gang as a formal or informal ongoing organisation, association or group that has, as one of its primary activities, the commission of criminal acts and consists of three or more people who have a common name or common identifying signs, colours or symbols.
Forum says zero-tolerance is not the solution to crime

Jonny Steinberg

TOUGH-minded strategies of punishment and incarceration are failing to curb urban crime and should be sidelined in favour of rehabilitative and preventative programmes, the international forum of mayors for safer cities resolved yesterday.

The forum, which brought together more than 50 mayors from across the globe, resolved to mobilise politicians and law enforcement agencies to turn their backs on traditional, punishment-driven responses to urban crime.

"There are two rival crime-fighting philosophies vying for dominance in third world cities," a United Nations (UN) agency official, who asked not to be named, said yesterday.

"One is the hard-nosed New York-style zero-tolerance philosophy which believes the solution to crime is to fill our jails with urban youth. This conference realises that zero-tolerance exacerbates the problem. The problem is one of a deteriorating social fabric. The task is to mend this fabric, not tear it further by throwing the poor in jail."

One of the best received proposals at the forum was Gauteng premier Mathole Motshekga's campaign to introduce community dispute-resolution forums to urban townships.

"The premier's proposal is about poor communities taking responsibility for their own safety by exerting moral authority over their own members," the UN official said. "These are precisely the sort of innovative ideas we are looking for."

Some mayors complained that the programme of action adopted by the forum was too abstract to be useful and lacked a mechanism to implement it.

The UN official said they were missing the point.

"The aim of this conference is to win ground for a particular crime-fighting philosophy. Mayors must put pressure on leading police officials, national politicians and judicial institutions to abandon zero-tolerance for a more sophisticated and humane approach to crime," he said.

Local government leaders are ideally placed spearhead this campaign," the official said.
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Cape Town adopts plan to save CBD

Samantha Sharpe

CAPE TOWN — The city council has joined forces with property owners to create a new section 21 management company aimed at combating crime, poverty and pollution in Cape Town’s central business district (CBD).

As part of a joint public-private sector initiative, the council will have to set up basic performance contracts for its services, indicating that failure to perform according to minimum requirements could result in privatisation of those services.

Golding Commercial Properties director Theodore Yach, who has been securing private sector support for the initiative, said private property owners polled had indicated strong support for the section 21 company and for a levy to create business improvement districts in the inner city.

The move comes amid growing fear that the Cape Town CBD is following the trends set by Johannesburg and Durban, where office vacancy levels have soared, resulting in a downgrading of property values.

Property sources estimate that close to 80 000m² of Cape Town CBD office space is, or will soon be, vacant as businesses move out.

SA Property Owners’ Association spokesman Wendy Hartshorne said the creation of a section 21 company was in line with international trends, providing an ideal vehicle for addressing the CBD’s problems.

Private sector business expertise would result in a joint body “taking charge of the CBD, dictating its future and accepting responsibility not only for its survival, but its growth and increased competitiveness.”

She said the company would be funded in the short term by a contribution sought from the Cape Town municipality, Cape metropolitan chamber and the private sector. “In the longer term the company, run by a soon-to-be-appointed CEO, will seek to be self-sustaining where possible, generating income by means of guaranteed income streams, for example, municipal parking, informal trading licences and services provision.”

The Cape Town council had already approved a municipal by-law sanctioning the creation of business improvement districts in the inner city. Based on a concept used successfully in the US and UK, private property owners in these districts would be asked to contribute towards a levy which would go towards topping up the essential services provided by the council. The levy was separate from any contribution made to funding the company.

Govt steps up campaign against gangs

David Greybe

CAPE TOWN — Parliament’s justice committee intensified the campaign against gang bosses yesterday, raising the maximum fine and jail term for racketeering from R10m to R1bn and from 30 years to life imprisonment.

“Now we can really nail these buggers,” committee chairman Johnny de Lange said in a debate on the Prevention of Organised Crime Bill.

The bill would set in place the necessary legal steps “to deal with the tyranny of organised crime”.

It also provides for civil and criminal forfeiture of assets. In the case of civil forfeiture, any asset involved in a crime or proceeds of a crime can be confiscated by the state, even though there has been no conviction.

In criminal forfeiture, there will be a presumption after a person has been convicted that all the property of the accused is the proceeds of crime, and the onus is on the owner to prove legitimate ownership.

The committee also strengthened the definition of racketeering offences by delinking and broadening certain clauses which, as originally drafted, would make it more difficult for the state to convict a gangster.

African National Congress MP Willie Hofmeyr said similar legislation in the US against organised crime, which linked certain racketeering offence clauses, had made it extremely difficult — using these clauses — to convict gangsters. By creating two separate clauses it would be much easier to get convictions.

Hofmeyr said the reason for increasing the fine — at R1bn the highest in SA’s legal history — was the huge sums of money involved in organised crime.

The increase in the maximum sentence to life was because gang bosses could often be convicted only on racketeering charges while their gangs were responsible for extremely serious offences, such as murder.

The committee is scheduled to conclude its work this week, in time for the bill to be put to the National Assembly for adoption at the end of next week.

Key Market Movements — 26/10 to 27/10
Gangsters set to face R1-bn fines

SA's '3 strikes' law

JOVIAL RANTAO
AND CHARLES PHAHLANE
PARLIAMENTARY BUREAU

Cape Town – Gangsters and criminal syndicates may face fines of up to R1-billion and jail sentences of up to 30 years when the Prevention of Organised Crime bill becomes law.

The National Assembly's justice committee proposed these levels yesterday.

Committee chairman Johnny de Lange said the bill was aimed at the "big sharks", who used their subordinates to deal in drugs and commit murders but could not be directly linked to the crimes.

Under the bill, courts will take into account an accused's last two convictions of a similar nature when trying him or her for racketeering.

This echoes the US principle of "three strikes and you're out", under which a person convicted for a third time faces harsher sentencing.

The proposed hefty fine will be in addition to the criminal and civil forfeiture of assets that accrue from the proceeds of crime. The committee turned down a proposal for the possible level of fines to be increased to R10-billion.

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The bill also places a reporting duty on a person – for instance a bank teller who witnessed the abandonment of a transaction which could have resulted in the transfer of proceeds of crime – to report the transaction to the police.

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The bill, set to become law before Christmas, is also aimed at cutting the lifeline of gangsters through a focused attack on the economic power bases of their activities.

The legislation also permits the Government to use money confiscated from gangs to be used in the fight against organised crime.

In addition to criminalising activities associated with gangs, the bill provides for the establishment of a Criminal Assets Recovery Fund.
Trust plans broad thrust to counter crime on farms

Louise Cook
CP 291Q8 324

PRETORIA - A trust focusing on the safety of farmers and farming communities was launched yesterday. Agri Security was set up by the SA Agricultural Union (SAAU) with the backing of Northern Transvaal Rugby Union marketing expert Robert Denton.

The SAAU plans to generate R100m capital investment within two years and have R20m available from the returns to fund projects in rural areas.

The projects would include a crime prevention awareness campaign, provision of security equipment, victim support, crime research and eventually provide for socioeconomic needs like rural schools and clinics.

SAAU president Chris du Toit said at the trust's launch in Pretoria that unless security in rural areas improved dramatically, increased urbanisation coupled with higher crime rates and unemployment would result.

"We have to support victims of brutality, many of whom have had to stop farming altogether. This obviously left several families and farm workers without a livelihood."

In the past four years, 577 commercial farmers were killed in attacks on farms.

Earlier this month, a presidential crime summit in Midrand saw government, the police, agricultural unions representing black and white farmers, and trade unions, thrash out practical ways of improving the police's rural safety plan.

SAAU executive director Jack Raith said farmers were impressed with the constructive way in which the summit was conducted.
Pretoria — A R100 million trust fund is to be established by the SA Agricultural Union to boost security for farmers and their employees under siege in rural areas.

The project, named Agri Securitas, was launched here yesterday by SAAU president Chris du Toit.

SAAU executive chairman Jack Raath said: "We intend to channel as much energy as possible towards rural safety measures, such as alarms and fencing at the homes of employees and those of farmers."

He said it was tragic that between 12 and 15 people were being murdered each month.

The fund is to be administered by a board of directors, who are to be named soon, and the SAAU and its 1,200 affiliated farmers' unions.
FLAT SHOE SHUFFLE IN THE TELLER MACHINE

A banks are joining forces with the police and justice officials to fight fraud.

The Banking Council of SA (BCSA) has agreed in principle for the banking community’s own investigators and internal audit staff to be made police reservists. This would help alleviate the crippling shortage of financially skilled police detectives.

The police have a serious problem in being unable to retain commercially or financially skilled investigators as the public sector cannot compete with private-sector salaries, says SA Police Service CEO Meyer Kahn. By turning bank investigators (many of them ex-police-men) into reservists, the police service will be re-acquiring valuable skills.

“The internal audit staff of the banks are experts in the processes and systems of the banks and are thus better qualified to determine how a fraud is committed and to brief police detectives and prosecutors on specific cases,” says BCSA crime strategies GM Mossie Myburg.

Bank robberies, in-transit heists and other high-profile robberies tend to grab the headlines, but so-called “white-collar crime” is just as costly to financial institutions and, by implication, to all the people who use those banks.

For example, 465 bank-related robberies cost the banks R1.36bn last year, with a further R4bn lost through ATM attacks and burglaries, says Myburg. In the same time, cheque fraud alone (6,044 cases) cost the four major banks R783m — a calculation that would be far higher if one counted losses through frauds involving “prime bank instruments”, bearer bonds, electronic money transfers, credit card frauds and Internet hacking on credit card accounts.

Security costs added to the burden: the acquisition of metal detectors, video cameras, double doors and the like cost the banks a further R800m in 1997, Myburg says.

Banks had to develop new strategies to identify and investigate fraud, corruption and other crimes perpetrated against the banking industry.

Business Against Crime, meanwhile, has earmarked 146 “blockages” in the criminal justice system, and last week presented a set of proposals to the Cabinet to eliminate these problems over the next five years. The estimated cost of these initiatives would be R1.5bn. They include the long-term development of an electronic data system for prosecutors and police, the unification of the criminal records and dockets and the streamlining of investigation and prosecutorial systems.

One of these initiatives would be to establish specialised Commercial Courts to alleviate backlogs in fraud-related cases.

BCSA head Bob Tucker and his senior staff have held several discussions with Safety & Security Minister Sydney Mufamadi and Justice Minister Dullah Omar on the banking crime issue in recent months. These discussions led to the proposal to make bank investigators reservists.

“BCSA and government have agreed in principle to the idea. All that remains is for the details to be worked out,” says BCSA strategy & communications GM Claire Gebhardt-Mann.

The number of banking staff who could become police reservists has yet to be determined.

Peter Honey
Banks fail in bid to stop crime Bill

A LAST-minute bid by the Council of South African Banks to stop President Nelson Mandela from signing a tough new anti-crime law, requiring them to report suspicious banking transactions, has failed.

Mandela rejected the Cosab plea and signed the Organised Crime Act into law on Friday, forcing banks to divulge information to investigators about suspect transactions which could point to money-laundering.

The non-disclosure of such information carries substantial fines or even imprisonment.

LEGISLATION

By HENRY LUDSKI

Banks are said to be concerned about the issue of client confidentiality and the possible administrative load they will have to carry by reporting suspect transactions, possibly on a daily basis.

Fink Haysom, legal adviser to Mandela, on Friday confirmed the banks had approached his office to express their “disquiet” over certain of the provisions in the Act.

Justice Minister Dullah Omar told ET on Friday he was aware of the concerns of banks.

“We will continue to talk to banks to see how we can strike a balance between their concerns and our objective of breaking the back of organised crime,” Omar said.

He added that the Money Laundering Bill, expected to be passed by Parliament next year would create the “administrative machinery” through which banks would be required to report suspect transactions and transactions above a certain amount.
Survey shows criminals target rich and poor

Jonny Steinberg

A rich SA household is far more likely to be robbed or burgled than a poor one, but poor South Africans are more vulnerable to violent crime, SA’s first nationwide survey of victims showed.

The survey, conducted by Statistics SA and released yesterday, showed that 77% of assault victims knew their aggressors, shattering the illusion that most people are threatened by strangers.

Conducted in March this year, people from 4,000 households across SA were interviewed. The survey found that a third of households with an income of more than R36,000 a year, experienced at least one crime last year, while 18% of households earning less than R3,000 a year were victims of crime.

It found that the wealthy and educated were less likely to be victims of violent crime: 0.1% of those in SA’s highest-income bracket compared with 7.8% of those in the lowest.

The survey found that rural South Africans were more vulnerable to violent crime than their urban counterparts: 14.8% of Free State respondents and 8.8% in the North West were victims of violent crimes compared with 4.9% in Gauteng.

The survey was commissioned by Safety and Security Minister Sydney Mufamadi and will be used to hone crime prevention policy.

"Perhaps the most important finding is that the most common crime in SA is domestic violence," National Crime Prevention Strategy head Bernie Fanaroff said.

The survey found that rural people were more satisfied with the police than urban residents: 71% in Gordons in the Northern Cape were satisfied with policing, while 79% of Johannesburg were dissatisfied. A total of 60% said the police had become less effective since the 1994 elections; 22% said policing had improved and 38% said the quality of policing was unchanged.
Heath finally gets nod to probe graft

Mpumalanga departments and parks board in the spotlight following bureaucratic delay

BY JUSTIN ARENSTEIN
Nelspruit

Judge Willem Heath's special investigative unit has finally been mandated to investigate corruption and maladministration in four Mpumalanga departments after bureaucratic bungling caused a 75-day delay.

Administrative slip-ups forced the Department of Justice to re-draft the unit's presidential proclamation at least once after Judge Heath originally applied for permission to probe four Mpumalanga departments on August 19.

The proclamation was finally approved by both President Nelson Mandela and Justice Minister Dullah Omar and published in the Government Gazette on Wednesday.

It mandates Heath to begin in-depth investigations into a series of irregularities in Mpumalanga's health, finance and public works departments as well as its embattled parks board.

The new probe in the finance department focuses on illegal contracts to as-yet unnamed service providers who submitted fraudulent quotations to the provincial tender board.

A number of other service providers allegedly submitted inflated invoices for legitimate contracts.

Heath has also been mandated to begin recovering state funds embezzled by an estimated 32 public works and traffic department officials.

Six of the officials were suspended this week in a pre-emptive strike by Public Works MEC Jackson Mthembu.

The officials allegedly convinced relatives to set up front companies, which they then contracted to do imaginary government work.

A series of payments to women's societies by the health department will also be probed, following evidence that some of the funds were deposited into private bank accounts. - African Eye News Service
First national survey on victims of crime to help raise awareness of rights.

Where most of the crimes took place:

Source: Statistics South Africa.

Where criminals strike

and at the hands of people they know

likely to be largest in their own homes

Survey shows crime victims are most
One in five SA homes have experienced crime last year

By Mckeed Kottolo

MORE THAN 20 percent of all households in South Africa and about 15 percent of individuals experienced at least one incident of crime during last year, according to a national survey on victims of crime.

This information forms part of the report on a first Victims of Crime Survey which examines crime from the point of the victim.

It was released by Safety and Security Minister Mr Sydney Mufamadi at the Union Buildings in Pretoria yesterday.

The aim of the survey, based on United Nations methodology and standards, was to determine the extent of crime, identify those most at risk from particular crimes, provide specific information on when crimes are likely to occur and in what circumstances, as well as to determine public perception of police effectiveness.

Mufamadi told the media conference that the police statistics informed the Government and the public about crime levels but fail to "tell us everything, especially data about the victims of crime".

He said to complement and reinforce the statistics, they commissioned Stats SA to conduct the survey.

Unheard victims

Mufamadi added that the findings, which were released on International Human Rights Day, were "in essence designed to give a voice to the previously unheard victims in our society".

The survey – funded by the United Nations Development Programme – showed that crime patterns in the country did not necessarily reflect common perceptions.

A total of 4,000 households and 4,000 individuals in both the rural and urban areas were interviewed about their experiences of crime. It was discovered that crime affects all levels of society.

It has also been found that "South Africans are most likely to be victims of crime in their own homes or close to home and that it is generally perpetrated by someone they (victims) know," according to Stats SA's chief director of research and development, Dr Ron Hirschowitz.

According to the report, 20.6 percent of households nationwide and about 3,8 million individuals had experience at least one crime incident in 1997. The most common crimes experienced were burglary (7.2 percent) and livestock theft (4.9 percent).

The most common crime was theft of property (48 percent), followed by assault (4.2 percent) and police corruption (2.2 percent).

Household crimes likely to be reported to the police include theft of motor vehicles (95 percent) followed by murder (83 percent).

Dr Hirschowitz said some people tended not to report cases to the police because they believed the police would not solve the crime and that some police were corrupt or inaccessible.

She also said some could not identify the perpetrators while others feared reprisals from perpetrators.

KwaZulu-Natal's Midlands had the highest percentage of reports (52 percent) as far as households were concerned last year, followed by Johannesburg with 31.1 percent and Giyani was last with 5.5 percent.
Leaked report paints grim picture of crime

THE government should pay serious attention to crime levels in SA and make available adequate funds to help eradicate it, New National Party (NNP) spokesman for safety and security Piet Mathie said yesterday.

Reacting to a confidential SA Police Service overview of crime for the country over the next five years — which was leaked to the media over the weekend — Mathie said the African National Congress-led government lacked vision and commitment in fighting crime.

"The NNP has repeatedly requested that a clear strategy be spelt out in terms of crime. This strategy must display measurable goals with specific time frames that must be adhered to. The government should address the shortfall of R12.2bn in the current budget as well as the backlog of R2bn in equipment that has built up since the present government came to power," Mathie said.

He said the safety and security portfolio committee of the national assembly should urgently convene to discuss the report.

The report, leaked to Sunday paper Rapport, said chaos prevailed in the police as a result of corruption, mismanagement and lack of financial, material and human resources.

The document said the country could descend into chaos if current tendencies of crime and political violence continued. — Rap.
Report forecasts 10% dip in crime by 2001

Crime rates could take a high or low road, writes Jonny Steinberg

A CRYSTAL ball-gazing exercise conducted on behalf of senior police management has forecast that crime levels in SA will probably fall by about 10% by the end of 2001.

Weekend newspaper reports on the document painted a gloomy scenario in which murder rates escalated, KwaZulu-Natal and the Western Cape were destabilised by political violence, and labour unrest sparked a flight of foreign capital.

However, this forecast was dubbed a "worst-case scenario" by the document's authors, one which would unfold "if everything ugly happens at once".

The document, written by police research department head Ian de Vries last year, was based on the results of a questionnaire distributed to senior police management.

The document painted three possible scenarios for 2001: a "high road", in which serious crime declined by 20% compared with last year's levels; a "realistic road", in which crime rates declined by 10%; and a "low road" which saw crime stabilise at current levels.

Initially written for senior police managers to clarify thinking on strategic planning, the document was distributed to interested parties outside police ranks during the drafting of the safety and security white paper earlier this year.

A senior police manager said the document was not highly confidential, as reported.

"I would imagine it was billed that way by people who believe that, in this pre-election period, government's Achilles heel is law and order. It's an early volley in a long and predictable election campaign.

"The document was a thought exercise written for managers who push too much paper and lose sight of the bigger picture," the police manager said.

The report also documented a sharp rise in recorded police corruption since 1994 and catalogued a steady exodus of skilled police personnel in the same period. It warned that if such trends continued the police force would soon be incapable of fulfilling its mandate.

"The exodus of skills and the rise of corruption are very serious, but they are not news," the source said.

"The million dollar question is whether the leak has been plugged. Some say the trauma of the political transition is over, some say it is just beginning. The report shed no light on this issue. It simply repeated the terms of the problem."

Explaining why it was "realistic" to expect crime rates to fall by 10% by 2001, the document suggested the crime epidemic was a symptom of "transitional instability".

It argued SA was in a phase of moral confusion and institutional weakness which could well pass as the democratic order "finds its feet".
Crime General
1999
Watchdogs rap police performance

CRIMEUSING SHAMBLES
How our cops die

Sowetan 8/1/99
(34)

Police murders countrywide from 1994 to 1998

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By Charity Bhengu

Fighting crime has become a nightmare for the South African Police Service, with nearly 500 policemen murdered in the country last year. Of these, 85 percent were black officers working in the townships.

The SAPS Crime Information Analysis Centre (CIAC) said yesterday about 236 officers were murdered while on duty in the first six months of last year, the highest number of killings since 1994.

The latest study by Inspector Elsie Nel of the CIAC and criminologist Professor Herman Conradie of the University of South Africa, reveals that 1 400 police officers were murdered in the past five years.

Since the 1994 elections, the motives for killing police officers have shifted drastically from being politically-motivated to those of a social nature, characterised by high levels of violent crime, the increasing number of illegal firearms in circulation and a 'general breakdown of respect for the law and its servants,' Nel says.

Most of the attacks on police happened in the course of crimes such as robbery, car hijackings and burglaries. Policing is tied to high levels of violence in this country.

The study says the rate at which officers are killed has remained exceptionally high over the last five years in Gauteng, which lost 411 officers KwaZulu-Natal which lost 339.

According to gender, 97.9 percent male officers were murdered and 2.1 percent female. Most suffered head and chest gunshot wounds.

On-duty police fatalities took place during routine crime prevention operations such as patrolling, attending to complaints, conducting investigations and at the arrest of suspects.

Off-duty murders resulted from general criminal activity and from arguments with the public, family and friends. Other fatalities happened during disputes with colleagues. The attacks were mostly committed between 8pm and midnight.

Other findings are that:

- A typical profile of the cop killer is that he is a black male aged between 21 and 35. He either commits the deed on his own or is accompanied by one or two other persons. He takes a firearm after the attack.

- The victim is a black male aged between 26 and 35, with the lowest rank of constable. He does not have special weapons and tactics training.

One such example is Sergeant Moses Maluleke (32), of Klipfontein Police Station in Soweto, who is wheelchair-bound from an attack.

Maluleke was ambushed by two men and shot in the back. He was not wearing a bulletproof vest at the time of the attack and his service pistol was stolen.
Crime survey update: usual perception

It appears to be twice as bad in rural areas, for example, as in Gauteng, writes Jonny Steynberg.
Cape Town leaders back latest police initiative to combat spilling urban terror

Hope for an end to violence
Stan policyman, was friend to all
Swamp, Stolen Guns

Illegal, Stolen Guns

By Charity Brown

18/11/99

(Stamp)
Slight drop in crime, says government

By Robyn Venter

South Africa's murder rate declined last year but there was a surge in the incidence of robberies with aggravating circumstances, including hijackings, according to the latest crime statistics released by the Ministry of Safety and Security yesterday.

After remaining constant at 1811 serious robberies per 100,000 population for two years, serious robberies fell to 188 per 100,000 for the period January to November last year.

Other categories of serious crime declined, according to the ministry. Murders were 62 per 100,000 in the first 11 months of last year, down from 62 for the same period in 1994. Fraud cases decreased from 140 per 100,000 in 1994 to 136 last year.

Crimes which remained "stable" were attempted murder, rape, assault with intent to do grievous bodily harm, and theft of motor vehicles.

Increases were noted for street robbery, (usually perpetrated without a weapon), residential housebreaking and "other thefts".

The ministry said yesterday it had decided to release crime statistics on a regular monthly basis to counter public perceptions that the statistics were inaccurate. Previously the statistics were released quarterly.

"The most worrying aspect is that, on many of these trends which are stabilising, short-term increases have been recorded," said criminologist Professor Beaty Naudé.

Naudé also suggested that "the true crime figures could be much higher than the official statistics indicated."
POLICE claims that crime rates had stabilised were questioned yesterday by analysts as statistics released yesterday showed that incidents of car hijacking, armed robbery, vehicle theft and burglary were all higher last year than in 1997.

However, other serious crimes such as murder, rape, bank robberies and cash-in-transit heists continued to decline.

Policing analysts greeted the news of increased hijackings and armed robberies with some trepidation.

"A theory which is doing the rounds is that crime levels peak in the early stages of transitions to democracy and then quickly stabilise and decline," the Institute for Security Studies' Antonette Lonw said yesterday.

When crime levels stabilised between 1994 and 1997, that theory gained some credence in SA. But with the latest report, we can no longer say with any certainty that crime levels are stabilising. Even if crime rates decrease next year, the fact that the annual graph is wobbling renders crystal-ball gazing difficult. The more things fluctuate the less credible it is to talk authoritatively about the future.

In 1997, 151 South Africans out of a ratio of 100 000 were victims of armed robbery. Last year the figure increased to 188.3. The 1997 figure for car hijacking was 25.1, increasing to 32.7 last year. Murder rates, however, continued to decline: 62.1 in 1994, 53.1 in 1997 and 52 last year.

A safety and security department official said the fact that violent crimes such as hijacking and armed robbery were on the increase was cause for concern.

"It shows that there is still a flood of guns out there and that people are as willing to use them as ever," the source said.

"When a particularly violent crime becomes fashionable, like car hijacking, it is crucial that it be in the bud early, sending a message that the justice system will not tolerate it. The longer it goes on, the more difficult it is to police it.

"If there is a single lesson to learn from the latest statistics, it is that bolstering rapid-response units which are tailored to catch armed robbers and hijackers is urgent priority."

From now on, police will release crime statistics on a monthly basis, rather than on a quarterly basis. A safety and security ministry statement released yesterday said the move was intended to combat widespread public scepticism about official crime statistics.

While comparisons between 1997 and last year's figures looked bleak, serious crime levels were on the whole still lower last year than they were in 1994.

Of the 20 serious crime categories recorded by police, robbery, residential house breaking and street theft were up compared to 1994. Crimes in the other 17 categories had either stabilised or declined slightly over the past four years.
CAPE TOWN — The fight against urban terrorism in the Western Cape was severely hampered by liberal legislation regarding the rights of accused persons and these had to change if Operation Good Hope was to succeed, community safety MEC Mark Wiley said this week.

Operation Good Hope was announced last week by Police Commissioner George Fivaz to deal with urban terrorism in the Western Cape. Police had been stymied in their investigations by a lack of evidence, mainly because of the requirement that all evidence had to be presented to court for a bail application hearing.

"The police know exactly who the culprits are and with enhanced capacity we can tackle the problem, but one of the major constraints we have is that under the new constitution everything has to be transparent and open, and this has compromised the efforts of the police.

"About 700 to 800 arrests have been made with regard to the urban terror campaign. But the requirement that the full evidence be laid before the magistrate implicates the people who have had the courage to come forward to submit sworn statements. And because the urban terror campaign works on the basis of intimidation, the life of a person who has made a sworn statement is not worth the paper it is written on. Very few people are prepared to come forward and give evidence."

Wiley said SA’s witness protection programme left much to be desired and did not protect people adequately against a sophisticated enemy who was prepared to kill those who testified against them.

Operation Good Hope would basically be an enhancement of existing police operations as there was no way "that something as complex as the urban terror campaign in Western Cape can be dealt with by totally new people", he said.
Zero tolerance... Jack Murphy explains how it worked for him.

Police in Place at Right Time Will Beat Crime

New York's Crime Buster Gave South Africans Expert Advice on How to Make Streets Safer

Over 81/119

The Star. Thursday, January 21, 1999

NEWS
Mandela for security launch

Campaign of rural terror has resulted in 150 deaths in the past year.

BY HOMAYON KANDERI

Farm murders rising at staggering rate, say monitors.

(34)

FRIDAY 24/11/94

All but two of the 150 murder victims of rural terror in KwaZulu-Natal were farmers. The latest victim was Farmer Robert Verty of Lebombo near Pietermaritzburg. Two of his cows were butchered, his grandson was seen wandering near the scene and the farmer was knocked on the head with an iron bar. He died an hour later.

The latest statistics indicate that in the past year, there have been 185 murders in KwaZulu-Natal. This is an increase of 30% over the same period last year. The number of murders in the past year is the highest since the 1988-89 season, when 195 murders were recorded.

The的情况 is deteriorating. In the past year, there have been 185 murders in KwaZulu-Natal. This is an increase of 30% over the same period last year. The number of murders in the past year is the highest since the 1988-89 season, when 195 murders were recorded.

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The situation is deteriorating. In the past year, there have been 185 murders in KwaZulu-Natal. This is an increase of 30% over the same period last year. The number of murders in the past year is the highest since the 1988-89 season, when 195 murders were recorded.
Dramatic increase in farm murders over past year

OWN CORRESPONDENT

THE NUMBER of farmers, their wives and workers killed in attacks on rural homesteads is increasing dramatically, latest figures indicate.

The murders of 12 more people over the past six weeks brings to 150 the number since January last year, despite a rural safety programme and combined efforts of the police, army and intelligence agencies to curb the violence.

The death toll is the highest recorded in a single year since 1994.

Between January 1, 1998, and January 20 this year, there have been 740 attacks in which vehicles and firearms have been stolen; and 356 farmers and workers injured. A total of 311 arrests have been made.

The latest deaths were near Christiana, North West Province, on Wednesday, when a farmer and his wife were stabbed to death in their home by two men who drove off in the couple's bakkie. The men were arrested and the bakkie recovered following an intensive police search.

Overall, attacks on isolated farms have been occurring mostly in central KwaZulu-Natal, Northern Province, Mpumalanga, Free State and North West Province.

The 740 attacks have been recorded by the National Operational Co-ordinating Committee (Nococ), a joint police and defence force computerised operational headquarters established last year after meetings on farm security between organised agriculture and the government.

It followed on confidential intelligence reports given to President Nelson Mandela which said, inter alia, that the attacks were not politically inspired but criminal acts.

Martin Ayiward, of the Rural Safety Task Team which operates closely with Nococ, said yesterday the latest information was still being collated.

Kobus Visser, spokesperson for the SA Agricultural Union (SAAU), said yesterday that his organisation's statistical information showed that the campaign of terror against farmers had virtually doubled the number of attacks and murders in five years.

The SAAU figures indicate that 556 murders in all have taken place in the past 61 months, working out at a fraction under 10 murders a month.

The attacks peaked last May and July but resumed after a three-month lull, that coincided with appeals for an end to rural crime from President Mandela, Deputy President Thabo Mbeki, Safety and Security Minister Sydney Mufamadi and top government officials.

The KwaZulu-Natal Department of Agriculture is to hold a series of rural safety indabas soon, starting in the Midlands "where most of the brutal incidents have occurred", the department said this week.
SA signals intention to join fight against corruption

John Dludlu

SA has signaled its intention to become a party to the International Convention against Corruption, which is aimed at reducing corruption in national government agencies. The convention, which is the first of its kind in Africa, aims to promote international cooperation in the fight against corruption.

The convention, which is being held in South Africa, is being attended by representatives from 110 countries, including government officials, membership organizations, and the private sector. The convention is expected to bring about increased transparency and accountability in the way governments operate.

Minister of Finance, Nhlanhla Nene, said in his speech at the convention that SA is committed to addressing corruption and strengthening its institutions. He said that the convention is an opportunity for SA to learn from other countries and to contribute to the global effort in the fight against corruption.

The convention is being held from 28 November to 2 December 2016.
DROP IN BURGLARY, MURDER

Wiley sets W Cape crime record straight

CONTRARY to the perception that the Western Cape is unsafe, most types of major crimes are on the decline, says Community Safety MEC Mark Wiley. DAN SIMON reports.

A "bleak picture" has been painted regarding crime in the Western Cape, Community Safety MEC Mark Wiley said yesterday.

Speaking after a "Stand up for Peace" rally in the Cape Town City Hall, Wiley said: "In the main this picture has been assisted by well-placed political statements and supported by error-filled editorials and sensationalist reporting. It is not supported by facts, however."

Wiley said these actions had led to a "pervasive perception" that the streets of Cape Town were a flame and the province unsafe.

"The net result has had a substantial effect on the economy of the Western Cape and the mindset of its citizens."

"There is no denying that crime in the Western Cape in general and in Cape Town in particular, is unacceptably high. This notwithstanding, there have been relatively few major incidents or spikes in the crime graphs."

"On the contrary, the intensive and multi-dimensional anti-crime operations over the festive season have produced some remarkable results."

Wiley said that in a study of 10 types of major crimes during the period December 20 to January 4 for 1997/98 and 1998/99, only four crime types showed increases.

Burglary from residences dropped from 2 080 to 1 960; burglary from businesses from 709 to 506; car hijackings from six to two; culpable homicide from 91 to 64; murder from 218 to 188, and attempted murder from 190 to 155.

Public violence cases increased from four to seven; rape was up from 350 to 352; armed robbery up from 118 to 187, and the theft of cars and motorcycles up from 359 to 408.

Wiley said one could be tempted to question the validity of the statistics, but reports from other sources "verify the decrease in crime".
LAST YEAR President Nelson Mandela warned in Parliament that South Africa can expect tough action on crime when the Government "will fight fire with overwhelming fire" in the war against serious crime.

Since then the implementation of drastic new laws dealing with bail, parole and minimum sentences has shown that the gloves are off in the fight against crime.

These laws target especially violent crime and try to ensure that these crimes will be treated by the justice system as harshly as is possible in a democracy.

For example, those charged with murder, serious robbery or rape will find it almost impossible to get bail, and the courts must now impose life imprisonment unless the accused has a very good reason.

And life will mean life. Lifers will not get parole unless the court approves it.

The Prevention of Organised Crime Act promulgated last Thursday contains even harsher measures aimed at organised crime.

The law makes it possible to sentence gang members and bosses to long prison terms even if they are guilty of only relatively small crimes, or even if they did not commit any offence, but helped to run the affairs of the gang.

It also gives Government wide powers to seize assets that are used to commit crimes, or that are the proceeds of crime.

The law creates several new racketeering crimes, based on the laws that have been used very effectively against the Mafia in the United States and elsewhere.

It becomes a crime to take part in the affairs of an organisation through a "pattern of racketeering activity". In plain language, this means that it becomes a very serious crime if you commit two or more crimes as a gang member.

For example, take a gang member who was convicted of a serious assault five years ago, and is now convicted of living off the proceeds of prostitution. Normally he would face a relatively minor prison sentence (or just a fine).

But if the state can prove that he committed both offences as part of a gang, he is guilty of racketeering and may well get an additional sentence of 10 years. In fact, the maximum sentence is life imprisonment depending on the seriousness of his role in the gang.

The advantage of this law is that senior members of gangs can be sentenced to very long prison terms even if they can be proved guilty of only relatively small crimes.

The second racketeering crime is even more important to get at the gang bosses. Once some people are convicted of racketeering, the bosses and others who help to run the gang can be convicted of the serious crime of managing a racketeering organisation.

To give a practical example, a typical racketeering trial will involve 10, or even more, members of one gang. Some are charged with committing actual crimes, and others are charged with managing those who committed the crimes.

Once some are convicted of committing crimes, the state must then prove that the bosses and senior leaders managed those who committed the crimes.

The state has to prove that they are in a position of authority, for example that when the bosses give an instruction it is carried out. It can simply be an instruction to hire a car or go to the bank — it is not necessary to prove that the bosses ordered anyone to commit a crime.

Because everyone is charged together, the prosecution can show the court how serious the gang is. Although the charges faced by some members of the gang may be minor, the court can see that they are an active part of a gang that also commits murder or armed robbery.

Another part of the law allows the state to seize an asset that has been used to commit a crime or that is the proceeds of a crime. This is done by a civil action, so it is not necessary to prove anyone guilty beyond reasonable doubt as in a criminal trial.

This new measure will, for example, allow the police to act against the many houses on that.
How to take on the bad guys

Using NYPD strategies can stem SAS crime wave, writes US expert Jack Maple

The Star - Toronto Star April 1, 1999

OPINION
Finding the truth down on the farm

‘Political correctness’ lies behind attack on farm survey, write R W Johnson, Lawrence Schlemmer

When the KwaZulu Natal Agricultural Union (Kwanalu) approached the Helen Suzman Foundation to survey farmers and farmworkers the foundation insisted that it would put resources of its own into this project. We did not want our results to be seen in any way as subject to the influence of the farmers' union - and nor were they.

By no means all our findings pleased the farmers. For example, when we asked farmworkers whether they would like white farmers to stay in or leave South Africa, although more said they should be encouraged to stay than to go, over half said they "didn't know" - a degree of ambivalence hardly comforting to farmers.

We reported this result just as truthfully as we did those results in which farmers found some satisfaction - such as the finding that the average farm wage was higher than the average rural wage and may have approached urban wage levels when all extras were taken into account.

Now, however, Brendan Pearce and Dave Husy of the National Land Committee have launched an attack on our survey ("Survey on farmers carries no weight", The Star, January 26). The key word in their diatribe is that our work was "politically flawed".

This gives everything away. Here lurks a notion of political correctness and the idea that the purpose of research is to provide only "politically correct" results.

Our approach was different, for we started without preconceptions. Our survey was the only one ever carried out on the basis of a proper representative sample (395 farmers and 1,677 farm workers) across a whole province. The NLC has no other body of data gathered in a scientific way.

Any disagreements which Pearce and Husy have are based not on research but on their notion of political correctness.

Pearce and Husy attack us for having enjoyed the co-operation of Kwanalu. This was in fact essential. The NLC seems to believe it can get a proper picture of the farming world from talking to one side only (and not even to a representative sample of them), but actually it is essential to get information from farmers as well as farmworkers. Until the NLC have done this they really have no locus standi in the argument. Under the conditions of insecurity caused by farm attacks it is simply impossible to gain access to farms without the farmers' co-oper-

ation. If the NLC does carry out some proper research it will find the same condition applies to it.

Pearce and Husy argue that farmworkers' responses may have been distorted by fear. We took extreme care to prevent possible duress and pointed out wherever we felt our results were influenced by social pressure. We feel confident that the farmworkers told us pretty much the truth, not only because they sometimes gave us replies which farmers would hardly have liked, but because their responses were internally consistent.

There was also a consistent agreement on facts; when we got farmworkers and farmers independently to describe the wage levels, perks and payments in kind, there was very close agreement. Such agreement can simply not be belied.

Pearce and Husy are keen to believe that farmworkers are all miserable and that there is an irreconcilable conflict between them and farmers. Of course, some workers are probably ill-paid or ill-treated: we did not come across such cases directly but we had hearsay of them and mentioned this in our report. But that was all. In whose interests is it to insist, against the evidence, that all farm workers are brutally exploited and miserable? Given the snail's pace of land reform it is hardly a bad thing that the present state of affairs is not intolerable.

None of this is to say that things should not change: we put forward in our report proposals for the way in which land reform could be more successfully achieved than via the Labour Tenants Act.

The real point is that Pearce and Husy are determined to believe that nothing has changed since the bad old days. They feel threatened by politically independent and professional social research which fails to back up this picture and accordingly want to bad-mouth it. It would be more sensible for them to do some proper research of their own.
Death of Daewoo man 'will impair economy'

POLITICAL parties yesterday blamed the killing of Daewoo SA's president Yong Koo Kwon on the Government's inefficiency in controlling crime and warned that it would seriously damage the country's economy.

Kwon (49) was found murdered in his car in front of his home in Morningside Manor, Sandton, at 3am yesterday after an apparent hijack attempt.

He was shot in the head through his car window when he returned home at 10.30pm after having dinner with the South Korean ambassador to South Africa.

Daewoo Motor South Africa general manager Mr Pieter Coetzee said yesterday that Kwon was committed to the growth of Daewoo in southern Africa and had innovative plans to expand its operations.

Although we are horrified by the news of the death of our company's president, Daewoo Motor will continue with its business as usual as we are committed to Mr Kwon's vision," Coetzee said.

Kwon leaves his wife and two sons, aged 24 and 20.

In August 1996 Erich Ellmer, Daimler-Benz's South African financial director, was also killed in a hijack attempt.

The New National Party (NNP) said yesterday Kwon's killing amounted to nothing less than economic sabotage.

The Federal Alliance warned that his death would have a serious detrimental effect on business confidence in the country.

NNP spokesman Mr Piet Matthee said the brutal murder was a disgraceful deed committed by criminals who for the past four years had received 'kid-glove' treatment from the Government.

"The ANC is failing in its most basic duty - that of ensuring the safety and security of all the inhabitants of the country, including foreign guests.

"The negative implications this has on foreign investment and the result on job creation will be immeasurable," Matthee said.

The Federal Alliance warned that the killing placed South Africa in the spotlight as never before.

It said President Nelson Mandela should lift limitations on police with regard to arrests and detention.

The party also called for the reintroduction of the death penalty.

The Democratic Party's Mr Douglas Gibson said rampant crime was feeding instability, with foreign investors already indicating they were nervous about investing here.

"Hijacking is currently one of the top three crimes in South Africa. In Gauteng there were 4 219 hijackings in the first six months of last year.

"This is a six percent increase from the same period in 1997," he said. - Sapa.
Gun-toting citizens are not any safer — study

Johannesburg: A recent study commissioned by Gun Free South Africa found that while owning guns made people feel safer, it didn’t make them safer. Anna Cox reports.

South Africa has the second-highest firearm-related murder rate in the world, second only to Colombia, according to a 1998 UN survey. It is estimated that, on average, about 11,000 people — 30 each day — are killed by people armed with guns.

SA also has the highest number of law enforcement officers killed — 212 in 1997 and 223 in 1998.

Gun Free South Africa recently commissioned research on the effectiveness of firearms as a form of defence, which was released at a Gun Free SA seminar in Johannesburg yesterday.

Antony Altbeker, a lecturer in the policing programme at the Graduate School of Public Development and Management at Wits University, conducted a four-month study in Alexandra and Bramley.

He found that between January and April 1997, there were 836 murders, robberies, attempted robberies and pointing of firearms, averaging about seven a day. Of this figure, 84% of the incidents involved guns.

Males, particularly young men, were identified as the most likely victims of gun-related crime in both areas.

The research showed that while owning a gun made people feel safer, it did not translate into actual security.

Despite high levels of civilian gun ownership, only 8% of victims had their guns on them at the time of attack. Of the total figure, 78% of victims had their guns stolen from them, while only 22% were able to use their guns in self-defence.

“However, such defensive gun use increased the likelihood of perpetrators returning fire, thus increasing the risk of injury or death by three times. Victims with guns are four times more likely to lose their firearms than to use them and those that did use them often faced a significantly increased chance of being fired on,” he said.

- A new anti-hijacking field team was formed in August last year by deputy area commissioner Perumal Naidoo to combat increased hijacking in the northeastern Johannesburg suburbs of Sandton, Sandringham, Bramley and Alexandra.

The team, which consists of 10 men, operates with five vehicles donated to them by Business Against Crime.

It has had an enormous success rate, dropping the hijacking figures in the area by 19.1% as opposed to decreases of 1.6% in other areas, said Naidoo.

“We studied the terrain, modus operandi, used relevant computer data and increased our informer system,” he said.

In five months 18 criminals have been arrested. The team has recovered 62 vehicles, 151 firearms and property worth R9.6 million.

Captain of the team Johnny Smith described hijackers as the “worst kind of criminals” who had no regard for life — either those of their victims or their own.

“They are ruthless people who will not hesitate in killing. Our team members are in constant danger and under a lot of stress but we are being successful.”
A meeting called by Judge William Heath has led to agencies pooling resources, writes David Grieve.
Zero tolerance makes little sense

Ted Loggett

The police have promised a "zero tolerance" approach to the Western Cape's crime, a term that has been bandied about a lot lately. There is a growing sense that they are being too soft on criminals, that a concern for human rights has emasculated what was once a potent police service.

"Zero tolerance" sounds sufficiently manly to serve as a rallying point for those who would adopt a "no nonsense" tack on law enforcement, the "nonsense" generally being large parts of the Constitution.

The South African version of the zero tolerance idea was brought here largely by advisers from New York, like Jack Maple, who recently visited these shores at the invitation of the New National Party.

New York has experienced a remarkable decline in crime, attributed by the city's police to their targeting of "lifestyle offences", such as begging and vagrancy.

By getting the riff-raff off the street, the theory goes, the general atmosphere of lawlessness is reduced. By enforcing every statute, no matter how minor, respect for the law can be won again.

What advocates of zero tolerance fail to recognise is that New York and South Africa are about us alike as footlongs and boerewors. Both are sausage-shaped meat products, but that's about where the similarity ends.

New York is concentrated around Manhattan, which is an island. Working with limited space, developers were forced to build up, rather than out. The result is one of the highest population densities in the world — eight million people packed into an area of 515km².

This means the city's 38 000 police have a relatively small land mass to patrol, smaller than the Durban metro area. There is virtually a hobby on every street corner.

New York is also one of the wealthiest cities on Earth. The incomes of Americans are not just taxed by the national government, but by their home state and city as well. The high income, property and sales taxes paid by New Yorkers are sufficient to give the New York Police Division (NYPD) an annual budget of $4.4-billion — roughly equal to the budget of the entire South African Police Service.

In addition to their numbers and density, New York police are well paid, with overtime and benefits sufficient to attract a huge pool of applicants for available positions.

There is usually a waiting list a year long of qualified people wanting to become officers. All of them have matric certificates and drivers' licences, and are functionally literate.

Being a cop is a prestige profession in the United States, so much so that many departments require a four-year degree to join the force.

The NYPD drills human rights into the minds of all recruits, and with a good reason: the all-mighty American lawsuit. A police officer who abuses a citizen in the US can expect himself, his department and the city to be served with legal papers within 24 hours.

There is an entire community of lawyers who work for a percentage of whatever their clients are awarded and who watch every move the NYPD makes.

A strong internal affairs division, under direct pressure from elected officials, is just the mustard on the pretzel.

All this means that New Yorkers can afford to talk about zero tolerance. They can back it up by arresting every litterbug and vandal they come across. They can expect their officers will not misconstrue the tough-guy rhetoric and manhandle the public.

Until South Africa has the capacity to identify a criminal when he is arrested for the umpteenth time, and until human rights become an entrenched part of local culture, we'd probably be better advised to look for guidance from nations more like ours.

This is not to say South Africa has nothing to learn from the New York experience. What the NYPD has shown is that little crimes do make a difference, that they create an atmosphere of lawlessness and impunity that leads to bigger things.

But zero tolerance is about generating a sustained ambiance of order, not just responding intensively to crises.

In South Africa, zero tolerance could only practically be applied in heavily patrolled urban areas. Using scarce resources to make sure there are no litterers in Sandton or drunks on the Durban beachfront will result in the rest of the country being relatively neglected.

The zero tolerance approach has the potential to reinforce a kind of apartheid, between those who have access to the police and those who do not.

While private security firms and the new municipal police forces ensure that the rich continue to be better protected than the poor, it is incumbent on the government to minimise this differentiation. Disguising preferential treatment for the most visible sectors of society as "zero tolerance" is not the way forward.

Ted Loggett is editor of Crime and Conflict Quarterly.
MEC vows to stamp out corruption

By Joshua Raboroko

Gauteng MEC for housing and land affairs Mr Dan Mofokeng announced yesterday that his department had begun working in close cooperation with the police and other government agencies to stamp out corruption in the housing sector.

Addressing guests at the opening of 900 low-cost houses at Slovoville, Dobsonville, Soweto, Mofokeng said his department was liaising with the provincial police Commissioner Sharma Maharaj to work out ways in which “we can clamp down on fraud and all forms of crime in the housing sector”.

He said since the recent exposure of a fraudulent R120 million low-cost housing scam, his department had gathered information that would enable it to devise means and strategies to protect communities from criminal elements.

The scam was apparently carried out by unscrupulous fraudsters masquerading as government officials and representatives of financial institutions. Homeless people were ripped off after being promised houses and subsidies.

“We would like to urge the communities to close ranks and launch a campaign with the law enforcement agencies in exposing the criminals,” Mofokeng said.

However, this all comes at the same time as the launch of an investigation into Mofokeng’s department by the Heath Investigative Unit.

The New National Party and the Democratic Party have both alleged there were irregularities with the allocation of government subsidies and maladministration in the housing sector.

Mofokeng lashed out at the NNP and the DP apparently for gearing their election campaigns around housing matters.

He said he welcomed the move in which the Heath Investigative Unit, the Public Protector and the Auditor-General, had joined forces to investigate allegations against his department.

Mofokeng claimed his department was unswerving in its commitment to uproot corruption.

“Our department has always ... and will continue to uphold accountability and transparency at all times.

“Our commitment to maintain good governance and root out corruption in collaboration with all agencies remains unswerving.”

His department was also focusing on putting mechanisms in place that would make sure “we assist communities to guard against crooked elements masquerading as officials of the government and defrauding the unsuspecting”.

He said the Government had already built more than 900 houses which had benefited no fewer than 3 000 families in the area at a cost of more than R19 million.
Farm attacks plan is failing, says Viljoen

Jonny Steinberg 8/3/99

GOVERNMENT's plan to stem the tide of farm attacks was failing because both organised agriculture and government had been slow to implement their own recommendations, Freedom Front leader Constant Viljoen said yesterday.

Preliminary data indicated that while farm attacks declined slightly since mid-1988, the number was still much higher than a year ago, said SA Agricultural Union executive director Jack Raath.

A high-profile rural crime summit held last October was hailed by organised agriculture at the time as evidence of government's willingness to fight the epidemic of attacks on SA farmers. The summit resolved that government would pour extra resources into rural crime-fighting, while organised agriculture would step up the organisation of its own security networks.

Raath said at the weekend that, while the number of farm attacks was still intolerably high, it would be "foolish and dangerous" to argue that the summit had failed to do its work.

"It is far too early to condemn anyone for failing to implement the summit's recommendations," Raath said.

"The working committees are functioning well. The rural protection plan has been vastly improved since the summit. Extra resources are flowing in.

"The key to success is increased citizen participation in commandos, the police reserve and agricultural union security structures. This takes time. It will happen soon," said Raath.

However, Viljoen was far more sceptical. "Government talks the talk, but it is not walking the walk.

"By now it should have offered to subsidise the salary of a fulltime security officer in each farming district. It has not done so. It should be subsidising the more expensive components of farm district security, like radio networks. No such offer has been forthcoming."

Viljoen also had bitter words for organised agriculture.

"In some areas, organisation is strong, but in most places it is weak. Security hinges on an active commando structure and a strong district security network. This will not happen while organised agriculture fails to mobilise its members."

Viljoen said he was prepared to sacrifice his role in the Freedom Front's electoral campaign to help strengthen security in farming districts.

"If security is strong, and a criminal knows he may well be killed, he will take his business elsewhere. But if criminal reconnaissance finds that security is weak, the floodgates open."

An agricultural union official, who asked not to be named, said last week: "Government's tactics are very smart. The rural security plan hinges on organised agriculture bringing its constituency to the party. If the plan fails, government can always say it has done its bit. If the farm attacks issue explodes again, the union, not government, will take the bulk of the fallout this time."
Pagad strikes back: where's your proof, Mr President?

LYNNE RIPPENAAR
Staff Reporter

Pagad has lashed out at President Mandela, accusing him of “undermining his own integrity” during his speech at the opening of Parliament.

While not directly naming Pagad in the speech, Mr Mandela alluded to the group, saying “what started off as a campaign against gangsterism has now become a violent and murderous offensive against ordinary citizens and law-enforcement agencies”. Mr Mandela said he did not deem “any organisation or individual guilty”.

At a press conference in Crawford yesterday, Pagad accused the president of directly criticising the organisation. Pagad legal adviser Cassiem Parker said it was “clear” Mr Mandela had been referring to Pagad.

“We believe it behoves a person of his stature to base his statements on fact rather than speculation and devious information from the same police and intelligence community that served the interests of the white racist regime of the past.”

Mr Parker also reacted to claims by Mr Mandela that the police knew who the terrorists were. “If they do, they owe it to the community to produce the proof,” he said.

Pagad’s national co-ordinator, Abdus-Salaam Ebrahim, denied claims that Pagad was at war with the Government and wanted to create an Islamic state in South Africa. “Our fight is against drugs and gangsterism,” he said.

Mr Ebrahim said “no one had a problem” with Pagad when they were targeting the small drug dealers, but when they were on the verge of exposing everyone, including businesses involved in the drug trade, “they (police) needed to clamp down”.

He said police were desperate to bring the perpetrators of recent violence in the Western Cape to book and were using Pagad as a scapegoat.

Arrested Pagad members had been brutalised by police and been made to spend hours alone in dark rooms, been given electric shocks and had their heads covered by wet bags during interrogation, he said.

It was also alleged that one of five Pagad members arrested on the N1 near Prince Albert Road in the Karoo last Wednesday had been man-handled by police.

Mr Parker added: “We have every reason to believe that, in order for Operation Good Hope to be a success, they need to prosecute Pagad members.”
Replay to Mandela focuses on crime

POLITICS & P

For every 1,000 crimes committed, there are 77 convictions and 36 people go to jail.
More money ‘to help fight against crime’

By Morgan Naidu

The battle against crime in South Africa is likely to get a major boost with the allocation of extra funds in the forthcoming Budget, Safety and Security Minister Mr Sydney Mufamadi announced yesterday.

The minister told a parliamentary briefing in Cape Town that despite public perceptions, the police appeared to be winning the battle in many areas. He cited arrests in cases of urban terror and cash-in-transit heists as particular examples.

Mufamadi also announced a new automatic fingerprinting system likely to be put in place by the end of the month.

Although he did not specify how much extra money would be allocated to his department, he was confident it would offer substantial help to a police force that had to deal with understaffing and a shortage of skills.

The minister was at pains to assure the public that the police were making use of advanced technology and increased training to help in the investigation of murder, robbery and incidents of urban terrorism.

Turning to the ongoing tension in the Western Cape, Mufamadi said that investigators had been working together with the forensic science laboratory to build up DNA profiles of possible suspects in the recent bombings and killings.

He said the very first arrest of a suspect using the DNA-matching method had been carried out.

In KwaZulu-Natal, said the minister, at least R5 million in cash had been recovered from the R31 million cash heist at SBV Security in Pinetown.

A further R1-million had been attached by courts after a joint effort by detectives and members of an international insurance firm.

With regard to cash-in-transit robberies we have tasked more than 44 murder and robbery units, comprising about 1 000 detectives, to treat this as an intimate part of their mandate. As a result there are a number of cases today before the courts,” said Mufamadi.

He added that KwaZulu-Natal would see an increase in security measures and joint deployment of military and police in the run-up to the 1999 elections.

Despite the recent political assassination of political warlord Sifiso Nkabinde in the Natal Midlands, Mufamadi said the situation was relatively quiet and that police had things under control.
Anti-terrorism laws 'may infringe on rights'

Drew Forrest
and Jonny Steinberg

CAPE TOWN — Justice Minister Dullah Omar confirmed yesterday that government was preparing anti-terrorism legislation, to be pushed through early this year, which would involve some limitation of constitutional rights.

This is the first clear indication that the authorities have decided on a legislative response to urban terrorism, in particular the bombings in the Western Cape.

Sources say there are still divisions in government over how tough the legislation should be. It is understood that the safety and security secretariat wants the mildest measures possible, while the justice department is more hawkish.

Omar said he supported the idea of separate legislation to fight terrorism, a term not defined in statute. The same approach was needed for gang-related and organised crime.

He said the safety and security ministry was driving the legislation. However, a committee of ministers had been formed to discuss what the law should contain. The aim was to enable police to investigate those arrested in connection with acts of terror, one possibility being "a period of detention longer than the 48 hours now permitted) controlled and monitored by the judiciary".

Omar said there had been no discussion in government about amending the constitution to pave the way for anti-terrorism law. "We would be most reluctant to do this," he said.

The limitations clause in the constitution provided an adequate framework for the limitation of rights, if it was "reasonable and justifiable in an open and democratic society". The Constitutional Court may have to rule on whether the proposed law meets this criterion.

Sapa reports that a bomb scare interrupted Omar's briefing. Police spokesman Daniel van Niekerk said a caller warned of an explosion in the parliamentary complex, but gave no details.
Omar admits 'urgent' need for anti-terror law

AS Justice Minister Dullah Omar spoke on the urgent need for laws to deal with urban terrorism, the building was the target of a bomb scare. ANDRE KOOPMAN reports.

ADDRESSING Parliament at an auditorium in Plein Street, the unflappable Omar, who has himself been the target of death threats, continued as streets around the building were cordoned off and the area swept by police using sniffer dogs.

Omar told his audience: "I have just been informed there has been a bomb scare. What do you want us to do — continue?"

He was emphatic about the need for laws to deal specifically with terrorism.

"We do have acts of terrorism in our country... and I support legislation to enable government to deal with it effectively," he said.

Omar said the Constitution provided "adequate measures" for a reasonable limitation of rights. Anti-terrorism legislation, a feature in many established democracies, was discussed at a Cabinet sub-committee on terrorism last week, he confirmed.

Possible provisions of such a law would include a period of "limited detention" subject to control and oversight by the judiciary.

Responding to questions about reducing firearm ownership in South Africa, he said the Ministry of Safety and Security was dealing with legislation to this effect.

Meanwhile, Safety and Security Minister Sydney Mufamadi said yesterday that police were building DNA profiles of suspects involved in urban terror in the Western Cape.

The first person arrested using DNA evidence was held in connection with the murder of Sedicka Hendricks, killed in an armed attack on an Athlone home in November last year.

He added that the police operation to counter urban terrorism in the Western Cape — Operation Good Hope — was beginning to overcome the problems caused by a "puddle of crime intelligence".

Mufamadi said that as of Monday, police were investigating 243 cases of urban terror in the province.

Seventy-five of these cases were before the courts and 67 people had been arrested.

Turning to another major crime problem, Mufamadi said a DNA database was being used to investigate cash-in-transit robberies, since many of the cases were linked.

This type of crime, which had occurred with frightening regularity, had shown a definite decline over the past few years, Mufamadi said. This was because many of the syndicate bosses who specialised in this type of crime had been convicted.

Forty-four murder and robbery units, comprising about 1,000 detectives, had been tasked with treating cash heists as an "intimate part of their mandate" and as a result many cases had been solved.

These include the R31 million heist near Pinetown in KwaZulu-Natal last year, of which R5.4 million had been recovered and 10 suspects arrested. Another R11 million had been successfully attached in a joint operation between police investigators and attorneys for Lloyds of London.

Fifteen men had been arrested in connection with the Bronkhorstspuit robbery, of whom some have other cases pending against them. Three are alleged to have been involved in the R4 million Grayston robbery and two are allegedly connected to the R1.7 million Bainsville robbery.

In the R10 million Siyabuswa robbery 16 people had been arrested, of whom one had escaped.

Most of the detectives investigating cash heists were among the 1,597 who had attended courses and workshops at the newly established detective academy.

Psychology courses had assisted detectives to achieve other "remarkable" results, particularly in arresting serial killers.

Speaking of KwaZulu-Natal, Mufamadi said that while it had been transformed into a zone of relative peace and stability, "Richmond remained a flashpoint of turbulence".

Efforts to secure the voter registration process in KwaZulu-Natal saw it go off without incident and he was confident that the same would apply to elections there and in the Western Cape.
Drive for stricter gun control

By Charity Bhengu

A campaign aimed at reducing the number of firearms and gun-related deaths in South Africa was launched by Gun Control Alliance in Johannesburg yesterday.

The launch was in reaction to a shocking report by the United Nations this year which states that South Africa has the highest gun-related deaths in the world, with an average of 30 people killed every day.

Most of these murders were committed with illegal firearms.

About 29 000 licensed guns were reported stolen between January 1997 and February 1998.

Police Central Firearms Register revealed that an average of 18 000 gun licences are granted in the country each month.

The Alliance said it recognised that pushing for a gun-free society was a far-off dream and that the first step was to discourage the culture of violence and love of guns. This would be complemented by lobbying for a ban of toy guns and movies with gun violence.

The Alliance said it was committed to enhancing public safety by introducing a charter for gun control. It will be used to mobilise public support and to push for the stricter gun controls.

The charter has been endorsed by 50 organisations including churches, schools and businesses.

Gun Free South Africa (GFSA) said strict laws should be enforced to control gun sales.

Ms Sheena Duncan of GFSA said: "It (gun sale) is a vicious circle involving a great deal of money and enormous profits, and needs to be addressed by many different thrusts of which this charter is just one."

Duncan said the Government was dragging its heels on this issue when firearms control was a priority of the National Crime Prevention Strategy.

Father Rabbi Harris from Southern African Catholic Bishops Conference said it was necessary to enforce a strict gun control law. "The solution is to go deep to the root causes of criminality such as unemployment, education and health."
Battle-lines drawn against crime – Mandela

BY JOVIAL RAMTGA
Political Correspondent

Cape Town – President Nelson Mandela delivered a message of hope to Parliament yesterday and assured South Africans that the Government was not about to throw its arms up in despair in the face of robbers and gangsters.

Mandela, in his last official speech to Parliament as head of state, reiterated that crime levels, especially those of violent crime, were still unacceptably high – but warned that the net was tightening.

"More than anyone else, these criminals know that the battle-lines are drawn. Their days are numbered," Mandela said.

He rejected charges by opposition parties that the Government's crime statistics were unreliable and that communities were perfectly right to complain that not enough was being done.

"If communities show impatience because the laws that are meant to narrow the space for criminals have not as yet made a visible impact, if they express disquiet because the criminal justice system is not yet as efficient as we want it to be, it behoves on us as leaders to demonstrate that there is hope," Mandela said.

Mandela defended charges of nepotism and cronyism laid on the Government by opposition parties but praised the media for vigilance on the deployment of individuals into positions of authority.

The Government was not superhuman and acknowledged that "temptation may creep in from time to time to select those we know, who are closest to us."

"What is even more astounding is that those whose policies targeted these individuals for persecution – quite often on the basis of such links – and those who quietly acquiesced in this persecution are today the first to glibly raise their voices on this matter," Mandela said.

Opposition parties that saw a "race-card" in every step to dismantle apartheid were lagging far behind those they claimed to lead, he added.

More from Parliament

Page 5
Charter seeks to cut number of guns

Jonny Steinberg

A CHARTER for gun control, demanding stringent legislative measures to restrict the allocation of gun licences, was launched in Johannesburg yesterday.

The charter, signed by 62 organisations and about 30 people, demands, among other things, that gun licences be issued only to those who can demonstrate "special need" to own a gun.

The charter suggests that "the local police take into account whether the applicant (for a gun licence) is a member of a household with a history of complaints of domestic abuse"; and that "there should be a total ban on the sale or possession of replica toy guns".

At the launch of the charter, chief rabbi of SA Cyril Harris, said: "Could anyone logically say that the proliferation of firearms is making SA safer? The myth that the gun is a friend that will help you is absolute nonsense.... Your gun is a danger to you. This is a cold, hard fact."

Gun Free SA national director Adelle Kirsten said her organisation was "disappointed with government's slow movement and wavering commitment on the question of gun laws."

"We are aware that government cannot make laws in isolation from social concerns," Kirsten said. "That is why a strong social movement must be built, a broad alliance like the signatories of the Charter for Gun Control. "We expect to see a passage of appropriate legislation by the year 2000."

Harris said the charter's signatories were aware that tightening access to firearms would entail curtailing individual rights. "There is the human right to self-protection," said Harris, "but there is also the public good. You have to draw a line somewhere; you have to think of society as a whole."
Heath unit’s ‘saved govt R501m in six months’

Proclamation process a ‘dismal failure’ due to long delays

David Greybe

CAPE TOWN — The Heath special investigating unit had recovered or saved the state R501m in the six months to end-September last year, the government anti-corruption unit said in an interim report tabled in Parliament this week.

The report said the unit had successfully completed and/or was granted orders by the special tribunal in 20 cases during this period.

The unit achieved its successes despite what it said was the “dismal failure” of the proclamation process, which had resulted in lengthy delays (more than a year in some cases) before the unit got the official go-ahead to begin an investigation.

The unit also criticised procedures contained in the Special Investigating Units and Special Tribunals Act of 1993, which it said allowed for tampering with evidence.

The unit’s job is to combat maladministration, corruption and fraud involving the administration of state institutions, and to protect state assets and public money.

Successes for the period ending last September included:

- The recovery of farms in the former Transkei valued at R20,645m which were previously leased to individuals and where lease contracts were “no longer lawful”. The unit obtained 117 eviction orders from the special tribunal;
- The recovery of state-owned vehicles in the KwaZulu-Natal transport department worth R33m;
- Corruption involving R1,3m which was linked to councillors in Butterworth — the case is “ready for trial”. Also in Butterworth, the unit is in the process of recovering R311m in “arrear service levies”;
- Lease agreements for office equipment between the Northern Cape government and “six banking institutions” worth R17m were found to be invalid because, inter alia, proper Tender Board procedures were not followed;
- The Sarafina II investigation in which Health Minister Nkosazana Dzama, among others, will appear before the special tribunal. The unit is seeking recovery R6m but has already managed to recover vehicles and equipment worth R4m.

Interdicts brought to stop land deals on the Transkei Coast worth R6m;

- The Mpumalanga Parks Board case, where the unit obtained information that Alan Gray, board CEO, issued three guarantees/promissory notes to the value of R50m (R340m) without the necessary government authorization.

The unit said government’s failure to act on the proclamation issue was in spite of a public undertaking it gave that it was looking into it, including possible amendments to the Special Investigating Units and Special Tribunals Act.

“Notwithstanding the views expressed by the president’s office and on behalf of the justice department as long ago as about 10 months, and notwithstanding the preparation by the unit of draft amendments which were welcomed by all parties concerned, the unit is not aware of any steps taken to implement the amendments,” states the report dated September 30, last year.

The justice department is responsible for the preparatory work, and only then does President Nelson Mandela sign a proclamation and it appears in the Government Gazette.

Proclamations requested by the unit in respect of Gauteng in November last year, the Northern Province in October and November 1997 and again in March last year, as well as the Western Cape in June last year “are still outstanding”.

The unit was also critical of Section 2 in the Act, where it stipulates that various role-players must be consulted prior to the publication of a proclamation.

“It has been the experience of the unit that the prescribed procedure not only results in enormous delays, which affect the functioning of the unit, but the mere fact that a role-player can refuse to give his approval for the referral of a matter to the unit can lead to even further delays,” the report states.

Very often investigations need to be conducted without disclosing the fact to the political head or to the senior management of the department concerned, the unit said.

“In terms of the present system the culprits may receive ample warning of an investigation...”
The government is to crack down on guns by banning fully automatic weapons, forcing the public to re-apply for licences for South Africa's 2.2 million legal firearms and banning the sale of toy guns that look like the real thing.

A task team appointed by Safety and Security Minister Sydney Mufamadi is to meet in Pretoria tomorrow to begin drafting legislation that will rewrite the rule book on gun ownership. RiC de Caris, the SA Police Service's legal services director, told the Sunday Times:

And police are expected to amend the Arms and Ammunition Act during this session of Parliament to severely restrict gunowners' ability to lend their firearms to others. The blanket ban proposed in the new legislation will outlaw fully automatic weapons such as AK-47s and R1s, R8s and R9s, all of which are commonly used in bank and cash-in-transit robberies and in acts of political violence.

It is expected to include a ban on bullets and handguns, such as the Russian-made Tokarev pistol, that are capable of piercing bullet-proof vests. The task team will be headed by Peter Gastrow, who last year drafted the tough new anti-gang crime act.

The tough measures they are expected to come up with include:
- Forcing all gunowners to re-apply for licences, and to re-apply every five years;
- More thorough screening of applications for firearm licences;
- Scrapping legislation that allows licence-holders to lend their firearms to another person for a period of 14 days;
- Increasing the R50000 firearms fee;
- A voluntary buy-back programme for people who have inherited weapons they no longer need;
- Banning ammunition capable of penetrating protective clothing such as bullet-proof vests;
- Mobilising the public in support of fewer guns, both legal and illegal;
- Excluding those convicted of violent crimes such as robbery and murder from having gun licences, and;
- Refusing licences to those who abuse alcohol and narcotics and those who have committed acts of domestic violence.

Mufamadi said in reply to a question in Parliament this week that 20000 South Africans with criminal records had firearm licences that had not been...
Crime capital
the world's
dearly to be
SA pays
Crime capital of the world's SA pays dearly to be
Attacks on township visitors threaten tours

Mamelodi incident brings warning that operators may cancel visits to avoid being sued by their clients

BY BUNTY WEST AND SAPA

A ttacks on township tourists could do immeasurable harm to South Africa's tourism business, tourism experts warned yesterday.

Tourism Johannesburg's executive director Keith Brebner warned that the robbing of a group of American tourists at Mamelodi, near Pretoria, last week might lead to tour operators pulling out of township tours to avoid being sued by their clients.

The Americans were watching a children's play at a creche when 10 men burst in and robbed the group of their jewellery, passports and money.

No one was injured.

Some 2,000 tourists visited Soweto each month, Brebner said. Each spent at least R700 on the tour itself, on buying mementoes and visiting a shebeen.

Every time a tourist was robbed, hijacked or mugged, it meant the loss of thousands of rand in revenue in the township, Brebner said.

Tourists with unhappy experiences take home the message that township tours are not safe and other potential visitors think twice about coming to South Africa.

"We are slowly educating residents through the Soweto Heritage Trust to look after their visitors," Brebner said.

Environmental Affairs and Tourism Minister Pallo Jordan also strongly condemned the "criminal actions of the youngsters".

He expressed sympathy on behalf of the Government with the victims and said he hoped the culprits would be caught and that justice would prevail.

Criminal acts of this nature were detrimental to the tourism industry and could stifle national opportunities regarding economic growth and job creation, Jordan said.

The guide leading the tourists warned that attacks of this kind could lead to other township tours being cancelled.

Anne van der Meulen said the tourists from the Rider Hostel group were all over 50 and were taking part in an adult education programme.

**The Star Foreign Service** reports that ongoing abuse of wildlife in South Africa and the fallout from the long-running legal battle over a group of baby elephants at Brits led to a call last week for new legislation and enforcement of an industry-wide code of practice.

South Africa's game ranching and hunting industry, which earned about R100 million last year, is putting the country's international reputation and booming tourist trade at risk, according to experts.
Gun smuggling keeps SA crime high - NIM

By Charity Bhengu

A GUN-SMUGGLING network operating between South Africa and Mozambique, established during the apartheid era, is still continuing and netting over a million rand a month, according to a recent study by the Network of Independent Monitors (NIM).

NIM researcher Ms Jenni Irish said: "Mozambique is currently the largest source of illegal weapons destined for this country's criminals in volatile areas like KwaZulu-Natal."

Many people in Africa who were involved in guerrilla warfare and who had access to guns "have been selling them to survive." They are focusing on areas where there is conflict and that provides a thriving market. Our country has become a dumping ground for military weapons," she said.

The study revealed that about 2.6 million guns were supplied to Mozambique by different countries, including South Africa, and due to poverty, they have become a means of survival. At an estimated cost of R6 000 for an AK-47, one consignment of 100 weapons could return a profit of R500 000 in one transaction, and usually a single smuggler can bring about 30 weapons across the border at one time.

The study said: "Many weapons are being smuggled by organised syndicates using a variety of ingenious methods to escape detention at the Mozambican border.

They are transported across the N4 highway from Nelspruit into Johannesburg's townships from where they are distributed to other parts of the country.

"Weapons are also transported into KwaZulu-Natal by sea to Umhlanga Rocks or Durban harbour from where they are loaded into minibus taxis or vehicles transporting goods like seafood or timber.

"Frequently weapons are transported by individuals on passenger trains from Mozambique into South Africa. They can also be thrown over the border fence or kept in a safe house near the border," said Irish.

"Also some weapons are coming from Namibia because when the war ended in 1990, there was no evidence that the military weapons used there were turned in." In the former Transkei and Ciskei, some 3 000 weapons including R4 rifles and handguns went missing and could not be traced after the 1994 democratic elections."

Border searches

Police spokesman Director Dave Bruce said searching at border posts by the border police unit "is done on an ongoing basis and roadblocks are put up frequently on the N4 highway. Identified firearms caches are destroyed."

"Weapon-smuggling is a serious problem because the weapons are being used in serious and violent crimes such as murder, taxi violence, heists and bank robberies."

"But at present the theft of legal firearms is of greater concern than firearms entering our country from other countries."

Gun Free South Africa said the increase in armed crime "has not only been fuelled by the importation of weapons from across the borders, but has also been the result of an increase in licensed weapons."

"An average of 18 000 gun licences are granted in the country each month and an average of 70 guns a day are stolen to commit crimes."
Arms law proposals under fire

Jonny Steinberg

Government’s planned tightening of SA’s gun laws would push gun ownership underground, rendering enforcement of any sort impossible, SA Gun-Owners Association spokesman Juan de Greeff said yesterday.

Responding to the weekend report, national crime prevention strategy head Bernie Fanaroff said yesterday the proposed amendments were the product of an informal working group, and were not yet department policy.

“A comprehensive policy document, which will form the basis of a new Arms and Ammunition Act, will go to the minister in March. He will have to approve it.

“We will then have to produce a draft of the new law, and open it up to a consultative process. We will take submissions from both the gun lobby and groups like Gunfree SA.

“So, we are still a long way from talking of specific legislative amendments. It is not a fait accompli that the specific amendments quoted at the weekend will all find their way into the new act.

“Its aim will not be to eliminate the legal ownership of weapons, but to curb the proliferation of weapons in society,” he said. “We hope to have completed the draft by June, and to have the new law on the statute books by the end of 1999.”
Meyer Kahn calls it quits

Johannesburg — Meyer Kahn, the chief executive officer of the SAPS, will not renew his contract when it expires at the end of July, the Citizen newspaper reported here.

The Johannesburg newspaper reported that Mr. Kahn announced in a radio interview yesterday that he had renewed his two-year contract with the SAPS. His responsibilities now are with the SAB and he would not be available to renew his contract with the SAPS.

Mr. Kahn was appointed by President Mandela in July 1997 to restructure the SAPS.

He said the SAPS was now a better-managed service than when he took over 17 months ago, but said that police needed diligence and a "bit of luck" to combat the crime scourge. — Sapa
Meeting to combat bribery is a step in the right direction.
City blasts: Net widens after arrests

JOHANNESBURG: Police investigations into the series of pipe-bomb attacks that have brought death and devastation to parts of Cape Town have been extended nationwide.

Gauteng and KwaZulu-Natal are new focal points in the investigations after police received information that the five Pagad members arrested at Prince Albert Road in the Karoo two weeks ago whilst en route to Cape Town had intended to carry a pipe-bomb with them, but left it at Katlehong on the East Rand instead.

Those arrested included Ayob Mungalee, Pagad’s Gauteng leader. Operation Good Hope spokesperson Anine de Beer said yesterday police had no definite information there is a pipe-bomb factory at Katlehong, but she confirmed that police have not found anywhere in the Western Cape where such bombs are being manufactured.—Own Correspondent
Tide turning in the fight

In his address to mark the opening of Parliament, President Mandela focused on several major themes, among which was the issue of crime. Some comments made after the speech confirmed that white crime has become the most talked about social problem in our country. It has received very little analytical attention.

This explains why some of our "experts" take issue with us when we predict, on current trends, that the future promises to be safe and secure. But also as far as suggesting that crime is remote from the heart of government's concern. Needless to say, this charge has no basis in fact and is not corroborated by the things we are doing every day.

President Mandela alluded to some crime categories which are receiving priority attention and made bold to say that: "The battle against crime has been joined, and we have no doubt at all about who the victors will be."

With regard to cash-in-transit robberies, we have tasked 44 murder and robbery units, comprising about 1000 detectives, to treat this as a vital part of their mandate. As a result there are today a number of cases before the courts.

Among these are:
- The Bronkhorstspruit robbery. Some of the 15 accused have other cases pending against them; three are alleged to have been involved in the Greystones robbery of R4 million, two are connected to the Baineville robbery of R1.7 million and escaping from custody, two escaped from Pretoria Central Prison and face charges of attempted murder and attempted robbery; three were allegedly involved in a robbery in Swaziland; one is connected to the R18 million Sunnyside robbery; one is linked to a fraud case concerning a BMW bought with false papers.
- The Pinetown Robbery. Ten suspects have been arrested to date. They remain in custody and are expected to be indicted in March. Of the original R21-million taken, R8.4 million in cash has been recovered and R11 million has been attached in a joint venture between SAPS and the Department of Finance.
- The Siyabuswa robbery. There are 18 accused in this R15-million robbery. One has escaped and the other 17 are awaiting trial.

The incidence of cash-in-transit robberies shows a definite decline over the past few years. This can be attributed to the fact that some of the major criminals who had carved out their own niche in cash-in-transit robberies have been neutralised.

I must point out that most of the detectives investigating cash-in-transit robberies are part of the 1397 detectives who have attended courses and workshops at our detective academy since its inception in October 1997.

I must say that in addition to empowering cash-in-transit investigators, the investigators' psychology courses at the academy have assisted detectives to achieve other remarkable results, among which are cases where serial killers were apprehended:
- The Stewart Wilken Case, Johannesburg, 1998, 10 victims.

A DNA database was also used to investigate crimes of cash-in-transit robberies, where many cases were linked to one another. The SAPS Forensic Science Laboratory is at the forefront of the application of DNA technology to criminal investigations. They handled about 60 000 cases in 1999. The lab has been decentralised to other provinces in order to broaden the provision of these services.

Exposure to modern investigative techniques will make it possible for detectives to achieve good results within a legal dispensation which does not allow them to rely on constellations. It would also provide a possible deterrent to repeat offenders, thus reducing crime.

With regard to the Western Cape, detectives have been charged with investigating offences which can be categorised as urban terrorism and others associated with vigilantism. For some time now, investigators acting in collaboration with experts from the forensic science laboratory have been building DNA profiles of suspects. This painstaking and patient avenue of investigation is achieving results and the first DNA match with an arrest was made.

You will recall a murderous attack which claimed the life of a four-year-old child in Athlone in November 1998. The person arrested was linked to the case by DNA.

Detectives in the case related to urban terrorism had 248 cases on hand, 75 of which are now before court. Sixty-seven people were arrested. During the three years of investigating vigilantism and related crimes, convictions have been obtained on charges of armed robbery, possession of unlicensed firearms, offences relating to public gatherings and intimidation.

**MINISTER SAYS THERE HAVE BEEN SUCCESSES IN**

> Urban Terrorism

**> Cash-in-transit Heists**

**> Serial K**

**> Political**

**> MINISTER SAYS THERE HAVE BEEN SUCCESSES IN**

With the measures that were introduced in terms of Operation Good Hope, we are beginning to overcome the problem derives from the paucity of crime intelligence. For instance, the arrest of five suspects near Prince Alfred in the Karoo was, to a large extent, made possible by the work of our crime intelligence section.

The FBI, at the request of the academy recently presented a one-day workshop to the detectives in the Western Cape. According to the 20 Institute of Race Relations, an estimated 21 414 political fatalities occurred in KwaZulu Natal between 1985 and 1995. Thus for a whole decade the perpetrators of that violence, with their reputation for bru...
The fight on crime?

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HAVE BEEN SUCCESSES IN TACKLING ...

> SERIAL KILLERS

MYKEL NICOUNOU

> POLITICAL VIOLENCE

PETER ANDREWS/REUTERS

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According to the SA Institute of Race Relations, an estimated 414 political fatalities occurred in 1989 and 1995. Thus for a whole decade the perpetrators of that violence, with their reputation for brutality, increased their ominous activities with little end in sight. From the beginning we resisted pressure to tackle this problem by adopting the permissive policy of introducing a state of emergency. Rather we chose the less dramatic route of establishing a Special Investigation Unit which, in its relatively short life investigated 1,400 cases and arrested 81 persons on charges ranging from assaulting a police officer to murder.

The profound mirroring of the reality of what President Mandela would call "the epoch-making progress that has been made".

While KZN has been transformed into a zone of relative peace and stability, Richmond remains an enduring flashpoint of turbulence and this makes it a lonely exception. It therefore continues to test the ingenuity and the fortitude of our law enforcement authorities.

From the point of view of effective law enforcement, ours has not been a chronic of under interventions. There have been problems in Richmond, some of which compelled us to close down the Richmond Police Station in August 1999.

We then sent a National Intervention Unit to take over all policing in the area. Shortly before we made these interventions, there had been ugly violent incidents including:

- The "Tavern Massacre" in which eight people were killed on the July 13, 1999.
- The "Sheik Massacre" in Sizakazi in which nine people were killed on July 9.

Even after our national intervention, five people were killed in what has come to be known as the "Jama Massacre" on August 30, 1999. On September 3, 1999, the late Sifiso Ngcobo reported that two UDM supporters were abducted in Ndumiso. Four days later the bodies of the two were found.

Since those attacks, increased law enforcement activity brought about a relatively quiet period, unfortunately interrupted by the assassination of Mr Nkabinde on January 23.

During this period of July 1999 to February 1999, there were notable successes:

- The arrest of 15 people who were charged for murder and attempted murder. This covers incidents in the "Tavern Massacre".
- When arresting two of the accused, namely Mbhazima and T Juma, an S 4 rifle was recovered and this rifle has been ballistically connected with six other murder scenes in which 35 people were killed. The incidents include the Sheik Massacre and the Jama Massacre. Both Juma and Mbhazima were also found in possession of a 22 revolver ballistically connected with another scene where two people were killed. The accused are members of the UDM.
- On September 11, 1998, three ANC supporters were arrested in connection with the murder of two people whose case was reported to the police by the late Mr Nkabinde.
- On January 24, 1999, five suspects were arrested and charged with attempted murder. These UDM members have appeared in court.

For us the operative material principle is to contain the problem in Richmond, not allow it to spread to other areas, and to strive to end it.

We have already made plans for 45 members of the Serious Violence Unit led by Director Briel Nkabinde to receive in service training by the end of this financial year.

We are convinced that the initiatives which we have taken, namely utilising our new detective academy to expose our investigators to modern techniques including the use of DNA database and the continual deployment of resources to where they are most needed, will correct the initial asymmetry which allowed the criminals to go about with impunity.

I repeat what I said after making a preliminary assessment of Operation Good Hope: "A number of indicators are ticking towards improvement."
US-SA commission tackles crime.
Spoornet launches campaign to reduce rail theft

Spoornet launched a campaign yesterday to raise awareness of crime on its rail network which had cost it more than R187m in the past two years.

The company's losses from the looting of goods trains, theft of copper cable and pilfering of scrap metal were "quite staggering", the head of Spoornet's asset protection services, David Moore, said.

Delays in train services, due to vandalism and theft, and the loss of the freight business, in turn, cost the company several millions more.

Moore said the campaign would complement Spoornet's R60m-a-year security programme.

"We can't tackle crime by ourselves — we need the support of the community." Posters warning scrap metal dealers against buying stolen cable had been distributed and a toll-free line had been set up so that people could report crimes.

Nationally there had been 813 cases of overhead and signal cable theft since last April. In the same period, there were 287 cases of goods in transit being stolen and 335 reports of general theft were received.

Johannesburg and Pretoria accounted for about half of the cable and goods theft in the country. Last year, 1714 of the 377916 containers moved by Spoornet had to be resealed after the seals were tampered with or broken, suggesting theft or attempted theft.

Moore said the police did not take theft from Spoornet, especially of cable, very seriously. — Sapa.
Five-year plan achievable!
Fight on crime update about ever 12 in
Loosely worded gun laws may leave owners up to grief.
Alliance to fight organised crime

By Shino Chyoe

[The text is not legible due to the quality of the image.]
Army adds weight to farm crime plan

Pretoria - The army recruited 2,900 reservists in the past three months to beef up rural safety, President Mandela said yesterday.

Launching an SA Agricultural Union project to combat attacks on farmers, Mr. Mandela said intelligence on crime had improved and had helped to curb attacks on rural communities.

The SAAU project, Agri-Securitas, is aimed at generating money to protect farming communities. It will help to finance policing, to safeguard farmsteads and to install a satellite communication system for farms.

Mr. Mandela said the project was a practical response to calls to provide resources to supplement government efforts to improve rural safety.

He urged local and foreign businesses to support the project.

SAAU president Chris du Toit said, “The apparent inability of the system to turn the situation around within a short space of time was a cause of irritation. People who preach peace so fervently are mostly doing so from a comfortable place, often after a good meal. It’s quite another thing when you face armed men in the night in a lonely place.” - Sapa
Crime is top concern of most citizens

Crime tops the priority list South Africans have set for the Government to tackle in the next 10 years, the Human Sciences Research Council’s December 1998 national survey of public attitudes showed.

The survey targeted a representative sample of 2,200 individuals, the council said yesterday.

"The HSRC's statistical analysis reveals that feelings of personal safety are the most important determinants of attitudes towards crime as a government policy," it said.

Of respondents across the racial and class spectrum, 41% believed crime fighting should be the top priority on the government's 10-year agenda.

This was followed by job creation, the improvement of local services and the education system (14%), and various considerations relating to the political processes (10%).

Crime fighting was top of the agenda among 64% of whites, while 57% of blacks put it before job creation. In eight provinces, crime prevention topped the agenda, North West being the only exception.

Of Northern Cape respondents, 48% named crime prevention as their top priority, Gauteng was second at 44% and the Western Cape came third with 43% - Sapa
Top civil servants face jail threat

Overpending could put negligent officials behind bars for five years
Says US report

The Finance department's crackdown is giving organised crime a free ride, police say.

WASHINGTON — The US police department

SOUTH AFRICA FOR INTERNATIONAL CRIMINALS,
SA wants crime-free country — survey

SOUTH Africans have sent a clear message to their African National Congress-led Government — rising crime will be a major factor when they vote in national elections in May.

A national opinion poll released yesterday by the Human Sciences Research Council (HSRC) shows that voters will opt for the party that they believe will be best at cracking down on crime and delivering more employment.

South Africa had a murder rate of 59 people in 100,000 of the population and 116 rapes in 100,000 in 1998, according to police figures.

Police say robbery, with aggravating circumstances, rose 24 percent last year to 208 cases in 100,000 population and residential burglary climbed four percent to 527 cases for every 100,000 people.

Leading priority

The HSRC survey shows that 41 percent of the respondents believe the fight against crime should be the Government's leading priority, followed by job creation policies at 32 percent.

Crime prevention tops the list of priorities that South Africans have set for the Government to tackle during the next 10 years, the HSRC says.

Opposition parties have already castigated the ANC for losing the battle against crime and tapped into popular sentiment for the reintroduction of the death penalty for serious crimes.

Deputy President Thabo Mbeki, who is expected to take over from President Nelson Mandela after the country's second democratic elections, spoke on Sunday of the need for a "process of healing" to repair the country's soul which was damaged by "terrible acts of crime". — Reuters.
**Banks act on gangs**

By Noxolo Nxusani

INVESTMENTS, fixed deposits and insurance policies of 10 policemen and three civilians arrested in connection with two Durban cash-in-transit heists last year have been attached in a bid to recover money stolen in the robberies.

About R35 million was stolen in both robberies.

Police spokesman Colonel Bala Naidoo said the attachment, which amounts to R11 million, was part of a joint operation between police and lawyers of Lloyds of London.

Lloyds of London insured the money transported by SBV.

Naidoo said two suspects were initially acquitted after a Durban High Court judge found that the evidence which linked them to the Pinetown robbery in which R31 million was stolen, had been obtained unconstitutionally.

However, several other suspects, including policemen based at Chatsworth and other police stations in Durban, were later arrested. They are still in police custody.

Meanwhile, SBV divisional manager Mr Gert Prinsloo said the company would consider options such as civil actions against alleged robbers such as Josiah "Fingers" Rabotapi for fraud and others once their cases had been concluded.

Prinsloo said: "When the Durban robbery case failed in court, we together with our insurers instituted civil cases against various people to recover the stolen funds. Depending on circumstances, we could follow similar lines of action in future."

Fidelity Guards Group legal adviser Mr Dietter van Es said Rabotapi owed them R700 000.

"We instituted action against Rabotapi while he was still alive to recover R850 000 he stole from us during his reign of terror," Van Es said.

He said an order was granted by a judge for the company to attach his assets.

As a result R150 000 was recovered from Rabotapi's bank account.

But before Fidelity Guards could trace Rabotapi's other assets, he was killed by police.

Van Es said summonses issued against Rabotapi were still pending and the company would attach any of his assets once they are located.

He said the company would follow the same procedure with other alleged bank robbers once it was proved that they stole money from Fidelity Guards. Another suspected bank robber, Jabu Louw, alias Ronnie Louw, Ronnie Ndaba, Sipho Dlamini, Phiri and Roy, has been arrested for a cash-in-transit heist involving between R30 million and R40 million.

Louw was arrested last Friday in Dawn Park, Boksburg.

He was being sought for his alleged involvement in the Bloemfontein, Stanger and A Irene heists.

He has since been charged with two counts of escaping from custody.
Billionaire gives R13-m to fight crime

ADRIAN HADLAND

Multi-billionaire American philanthropist George Soros has decided to help South Africa in its fight against violent crime with a gift of R13-million.

The money will be used to improve the criminal justice system, aid crime prevention, combat violence against women, assist the youth and beef up reporting on crime and the public’s access to information.

The project, called the Criminal Justice Initiative, will be run by the South African component of Mr Soros’s Open Society Fund (OSF).

"Mr Soros is very interested in the issue of crime as it destabilises democracy," Maya Wiley, an international adviser to the OSF, told the Saturday Argus.

"Society needs to be a safe place if the constitutional rights of everyone involved are to be protected."

Ms Wiley said that while the OSF had been involved in various anti-crime projects in South Africa for some time, this initiative marked the fund’s branching out into new areas.

The OSF is also collaborating with the National Office for Public Prosecutions on anti-hijacking initiatives in Gauteng.

Mr Soros was born in Budapest, Hungary, in 1930 before emigrating to Britain and then to the United States.

He accumulated a large fortune through an international investment fund, the Quantum Fund, which he founded and managed.

Though blamed in part for the recent global market crash, the fund is generally recognised as having the best performance record of any investment fund in the world in its 28-year history.

The executive director of the South African branch of the OSF, Professor Mike Savage, said the multi-pronged Criminal Justice Initiative would be based mainly in Gauteng and the Western Cape.

"The initiative has been launched in response to the identification by both civil society and the Government of the need to focus on crime prevention and the reform of the criminal justice system," said Professor Savage.
Corruption a hurdle to crime battle – Nhlanhla

Deputy minister fails to explain how Government plans to resolve tension between intelligence and police, say Nats

By Jovial Rantao
Cape Town

Efforts to combat crime have been hampered by corruption and collusion from some elements within the criminal justice system, in particular corrupt members of the security services, Deputy Intelligence Minister Joe Nhlanhla told Parliament yesterday.

In a special address to the National Assembly on the security situation in the Western Cape and the tension between the National Intelligence Agency and the police, Nhlanhla said the corrupt members undermined many SAPS and intelligence operations by exposing plans and leaking information to gangs before critical operations were undertaken.

"The situation is also compounded by remnants of the third force who continue to use their old networks, including people in the security forces, the fifth column. To be able to succeed, we need the security services to rid themselves of these elements through arrests that lead to their puppet-masters," Nhlanhla said.

He rejected claims that the National Intelligence Agency had been involved in a plot to bomb Parliament and destabilise the country.

He condemned attacks on police stations and police officers, as well as the murders of United Democratic Movement and ANC office-bearers in the Western Cape.

Opposition parties have accused Nhlanhla of wasting Parliament's time by not providing an explanation of how the Government plans to resolve the tension between the intelligence services and the police.

They said Nhlanhla had used the special time allocated to him by Parliament to say "nothing".

"The minister says nothing on how he is going to resolve the problem (between the NIA and SAPS)," said New National Party MP Andries Boers.

The Freedom Front's Pieter Groenewald said there were expectations that the Government would provide a good explanation for the tension so that there could be trust in the NIA. He said the problem was compounded by the Government's failure to appoint an inspector-general for intelligence.

The Democratic Party urged Nhlanhla to stop complaining and to "just do it".

Patricia de Lille, a Pan Africanist Congress MP said: "It's disgusting that the minister speaks of the third force, corruption, the fifth column ... We are in trouble. The NIA is destabilising the Western Cape.

We must rein in the NIA as soon as possible."

Inkatha Freedom Party MP Velaphi Ndlou said it was important for the intelligence services and the police to trust each other so that the public could also trust them. "They need to work hand-in-hand to ensure that we eliminate criminals. We must remove the politics out of this," he appealed.

Louis Green of the African Christian Democratic Party asked why it was necessary for the intelligence services to commit crime in order to collect information.

Nosiviwe Mapisa-Nqakula, chairperson of Parliament's joint standing committee on intelligence, said members of the committee had been properly briefed, albeit secretly, about facts surrounding NIA operations. She found it unacceptable that the same members debated the issue based on media reports.
SA a major transit point for drug trade

BY RICH MHOMO
Washington Bureau

South Africa is a significant transit point for cocaine from South America and heroin from the Far East for domestic or European markets, and contraband of all types—from stolen cars to precious metals—is being trafficked across the country's porous borders, a US government report said yesterday.

"South Africa continues to rank among the world's largest producers of cannabis (marijuana). Apparently most of the South African-produced cannabis is still primarily marketed and consumed domestically or within the southern African region," the US Department of State said in the International Narcotics Control Strategy Report, a survey of worldwide anti-drug efforts.

"Nevertheless, exports to the UK and Europe appear to be on the increase. We have no evidence that significant amounts of South African cannabis find their way to the US market, although some trafficking occurs. South Africa is perhaps the world's largest consumer of Mandrax," the report said.

The annual report praised South Africa's anti-narcotics measures, saying Parliament has passed laws targeting money-laundering. However, the US government said Pretoria has still not become a party to the 1988 UN Drug Convention.

The report said although South Africa's new National Crime Prevention Strategy had identified drug trafficking as a priority, the Government had been preoccupied with tackling criminal violence, leaving the scourge of drug-trafficking to the understaffed, under-funded and under-trained SA Narcotics Bureau (Sanab).

The US government said Deputy President Thabo Mbeki and US Vice-President Al Gore have signed to form a crime committee to operate under the aegis of the US/SA Binational Commission. The committee would help combat drug trafficking and money laundering.

"Although the US and South Africa do not have a bilateral counter-narcotics agreement, co-operation between Sanab and the US Drug Enforcement Agency has been excellent.

"Likewise, co-operation between US customs and their SA counterparts has been very productive. Current US government planning for 1999 foresees continued and increased assistance to the South African Government in international anti-crime efforts, including narcotics," the report said. - Star Foreign Service
Crime creates a living hell — Ngcuka

Life in South Africa was a living hell due to crime, National Director of Public Prosecutions Bulelani Ngcuka said yesterday.

Launching a new unit against car hijackings, he said: “Our people live in agony, tormented by criminals and thugs who have taken over our townships and suburbs.”

“Young children watch helplessly while their parents die at the hands of ruthless criminals. Indeed, life is a living hell.”

Ngcuka said the new unit, which started its work at the beginning of the month, would speed up prosecutions, strive for more convictions and improve communication between victims and the criminal justice system.

It would focus on car hijackings in Gauteng, which accounts for about 70% of all such crimes in the country. More than 9600 hijackings were reported in the province last year.

The unit has two components. The first, the core unit, investigates syndicate-related car hijackings, and comprises three senior public prosecutors, 16 investigating officers and 13 intelligence agents.

“The core unit will use the new search-and-seize powers of the National Prosecuting Authority Act to break down syndicates and other forms of organised crime,” Ngcuka said.

The second component, the task force unit, is based at the

We’ll put an end to scourge of hijacking

Johannesburg Magistrate’s Court. It comprises three senior public prosecutors and two investigating officers, and will focus on aggressively prosecuting hijacking cases.

The task force will be in constant contact with hijacking victims, arrange counselling, and brief them regularly on the progress of cases.

Ngcuka said the strategies and tactics of today’s criminals demanded a sophisticated and well-organised response.

To this end, the unit would aim to find out the destinations of the stolen cars and the identities of the syndicate leaders.

“It must be crystal clear that the unit will not bring an abrupt end to car hijacking,” he added.

“However, we want to assure the public that their cases will be properly investigated and competently prosecuted, and that we will slowly but surely begin to put an end to this scourge.”

Ngcuka said more than 30 dockets had been opened since the unit started its work 10 days ago, and four cases were currently before court.

Gauteng Premier Mathole Motshekga welcomed the initiative, saying it would improve communication between police investigating officers and prosecutors.

He also called on the public to assist the unit by providing the police with information and by testifying in court. — Sapa
LONDON — SA is way above average on the danger scale in terms of corruption in business dealings, according to a survey of multinational companies.

The survey, by Merchant International Group, a London-based risk assessment research group, found SA the 14th-riskiest country for business. This is not risk from a sovereign credit point of view, it covers “grey dynamics” — organised crime, counterfeiting, corruption, extreme political groups and other commercial hazards ranging from unfair competition to cultural and ethical differences.

The survey applied to 45 emerging nations. The ratings are calculated on a percentage basis; the more difficulties encountered, the higher the percentage.

Singapore was rated least corrupt with 19%. Pakistan, the worst nation, registered 91%; Indonesia rated 84%; Russia 83% and Colombia 81%. SA, with 68%, was criticised for high levels of organised crime, fraud, corruption, poor business ethics and extremism.

The survey was released as SA’s Chinese-speaking community delivered a letter of protest to President Nelson Mandela at the weekend against “government’s tolerance of high levels of crime”.

Last year Berlin-based anticorruption crusader Transparency International ranked SA 32nd in its corruption perception index, a survey covering 83 countries. That survey, which said SA government officials were less prone to corruption than their counterparts in Eastern Europe, was based on views of international businessmen and political analysts.

After China, SA is pin-pointed by Merchant International as an outstanding potential emerging market. But in general, multinationals are fed up with business practice in emerging countries, according to Merchant International. Merchant International reckons that losses of UK multinationals alone due to inability to cope with bad business practices, corruption and crime in emerging markets total £13bn a year — about 10% on expected returns on foreign investments.

The majority of multinational respondents complained that the main disadvantage was a different “cultural” and ethical outlook to business dealings. About two fifths said that they had to deal with organised crime syndicates.
Judge Heath offers finance minister olive branch

Taryn Lambert

HEATH special investigation unit head Judge Willem Heath and Finance Minister Trevor Manuel look set to settle their differences if Manuel accepts Heath's invitation to visit the unit in East London.

Heath's spokesman, Guy Rich, said the unit, which is named after the late Justice Michael Heath, would not comment on the visit until it was formalised.

Manuel's spokesman, Logan Wort, said the minister had received no reply to the invitation by yesterday.

Manuel's spokesman, Logan Wort, said the minister indicated he would "gladly" meet Heath if such a meeting was requested. He said he had learned from the media that Heath wanted to meet the minister, but no formal request had been received.

Relations between Heath and Manuel soured last week when in a parliamentary speech Manuel questioned the unit's claimed success rate. Heath had earlier expressed dissatisfaction with the nominal increase in its annual budget.

The unit received R16.894m compared with R16.978m for 2018/19.

After the budget was tabled in Parliament last month, Rich described the increase as "nominal, but thankfully our budget was not cut". He said that, as one of the "most successful" anti-corruption bodies in SA, the unit had expected a "more substantial increase".

Heath had requested a budget of R33m, because the unit was in "dire need" of extra resources and staff. It had recovered more than R800m between January and December last year, an indication of its capability, Rich said.

Meanwhile, the New National Party (NNP) said on Saturday that Manuel's and Justice Minister Dullah Omar's recent criticism of Heath was out of control, and the unit was the best investment government had made.

Omar was quoted on Friday as saying that Heath should stop acting "like a politician". Omar suggested that Heath's criticism of government was misplaced because the administration had created Heath's unit, the office of the public protector and anti-corruption structures in the police.

The NNP expressed support for Heath. "It is true that Heath has been frustrated by provisions in the law that requires his investigations to be promulgated by the president, and this causes delays," the party said.

\[\text{Date: 16/13/99} \quad \text{(34)}\]
Crime costs taxpayer R54-m a day

By Noxolo Nxusani

CRIME is costing the South African taxpayer around R54 million daily.

The director of the Institute for the Study of Crime Prevention Centre at Rhodes University, Dr Mark Welman, said this in Randburg at the weekend.

Welman said South African banks lost R144 million to crime during the first six months last year. He spoke at the launch of the crime prevention strategy and the unveiling of the serious crime apprehension project.

He said the annual cost of commercial crime was estimated to be in the region of R3 billion a year.

"From these figures we can gauge that crime is costing the nation around R20 billion a year," Welman said.

Serious crimes such as murder, rape and assault with intent to do grievous bodily harm made up to 15 to 20 percent of police dockets in South Africa, while they account for roughly three percent when compared with other developed countries.

"Crime prevention is not simply the task of police members. It is a collective responsibility and just as we all suffer when the strategies of crime prevention fail, so too do we all stand to gain when they succeed," Welman said.

Rhodes University vice-chancellor, Dr David Woods, pleaded with the business community to support the work of the centre, the aim of which was to play a meaningful role in the establishment of effective crime prevention strategies.
Anti-scam unit chief withdraws four cases at parliamentary justice committee briefing

Heath backtracks on corruption recoveries

CAPE ARGUS, WEDNESDAY, MARCH 17, 1999

News
Anti-corruption fight ‘still a priority’

CAPE TOWN — Combating corruption in the public service through the creation of a professional ethos remained a priority, Public Service and Administration Minister Zola Skweyiya said yesterday.

During debate on his budget vote Skweyiya said everyone was aware that corruption existed and the issue should not be underplayed. It engulfed the entire world and needed the efforts of all to be eradicated.

There were moves to establish an anti-corruption convention in Africa, but this so far had the support of only 12 countries, including SA.

The public service was now entering a new phase of transformation — one of consolidation. Departments now had to focus on their management and service delivery processes.

Government and organised labour were currently conducting joint audits of service delivery needs and staffing levels in various departments. “We expect the audits to be completed by June this year in all the departments and provincial administrations that require such audits,” Skweyiya said.

“Where a serious mismatch exists between service delivery needs and staffing levels, we will have to use the options of redeployment, retraining or retrenchment. Negotiations with organised labour ... must be completed by July this year; the government is resolute to bring this matter to closure.”

Turning to the performance agreements with senior managers, Skweyiya said it should be noted that failure by managers to meet targets could not in itself result in the termination of their services. However, information generated by performance agreements could be used in cases where termination was sought due to inefficiency.

The performance agreements for managers complemented the proposed performance management system, which would apply to all public servants once the regulations were introduced.

Salary negotiations for the coming year had already started and the R3bn received for improvement of conditions of service in the coming year should be “more or less” adequate to maintain real salaries at current levels, Skweyiya said. — Sapa.

PB 17/3/99
Four farm attacks a week since end of January

BY NORMAN CHANDLER
Pretoria Bureau

There has been a rapid rise in the number of attacks on farms and smallholdings since the end of January.

The latest figures indicate four a week, and this is causing great concern to organised agriculture.

A feature has been the number of attacks on smallholdings and plots closer to urban areas.

In the past six weeks there have been nine reported murders, with 30 farmers, their wives or workers injured in 23 attacks across the country. Over the past 15 months there have been 159 deaths and 938 injuries in 783 attacks.

The majority of those killed or injured have been elderly. In many cases, according to police reports, nothing apart from bakkies and guns have been stolen from victims.

"We are extremely concerned about the situation," Chris du Toit, president of the South African Agricultural Union, told The Star yesterday.

"The police keep telling us that crime is the motive. This is difficult to believe, and what we now require is a more detailed inquiry and investigation into the whole business.

"We have found in our own investigations that 95% of the people allegedly involved in the attacks were unknown in the areas where attacks have taken place."

Du Toit this week led an SAAU delegation at a meeting with Deputy President Thabo Mbeki, who stressed the need for continuation of food security.

A major concern of organised agriculture is that each time a farm murder takes place, it often results in job losses.
Heath gets slap on back from justice committee

Less than a week after a tongue-lashing from two Cabinet ministers, Judge Willem Heath and his special investigative unit were congratulated by Parliament’s justice portfolio committee.

“We really appreciate it, we think it’s great stuff,” said committee chairman Johnny de Lange of the African National Congress yesterday.

Last Thursday Finance Minister Trevor Manuel told Parliament that Judge Heath had decided to be the “Don Quixote of South Africa”, and wanted a licence to do what he pleased.

He also said there was a lot of “hype” over Judge Heath’s activities, and that he had not seen the billions of rands the unit had recovered. The same day, Justice Minister Dullah Omar said Judge Heath should stop acting “like a politician”.

Briefing the justice committee ahead of today’s justice budget vote debate in the Assembly, Judge Heath presented what he said was a hastily-compiled summary of “recoveries, savings and preventions” by the unit, with a total value of R61.36-million.

As he went through the list item by item, he indicated that several unfinished cases had been included erroneously, bringing the total down to R51-million.

The cases included renegotiated tenders, reclaimed double or fraudulent payments, the prevention of illegal payouts, and “recovered” farms in the Transkei which had vanished from government’s books.

Judge Heath said the unit had recovered a total of R41.36-million in cash to date, which rose to R51-million if court judgments were taken into account.

He said he had invited Mr Manuel to visit the unit’s East London office so he could be “briefed on its activities.”

Judge Heath also repeated his plea for a larger budget than the R16.8-million the unit has been granted for the coming year, saying that at present each of his 57 investigators had to deal with about 1000 cases.

The judge said none of the cases the unit had referred to the police had been prosecuted.

He said his unit, the Auditor General, the Public Protector and the Office for Serious Economic Offences had met in January to draw up a booklet on control measures, which would be handed to the Government. — Sapa
Graft probes: Heath speaks out

By Malcolm Ray

HEATH special investigation unit head Judge Willem Heath threw another spanner in the works yesterday by accusing premiers and the Department of Justice of delaying a substantial number of investigations.

Addressing a justice portfolio committee meeting in Cape Town, Heath said the delays have proved costly and may account for the recent turmoil in his unit.

He said although numerous cases did enjoy the attention of the special tribunal, "the majority of them have not gone to the tribunal and therefore the amount recovered during 1998 was not as high as anticipated".

The unit had recovered R848 million from 41 successful cases of fraud and corruption last year.

However, of this amount only R51 million was cash.

"At the moment we are waiting for a number of proclamations to be issued by the premiers, which includes proclamations for Gauteng where approximately 950 000 cases are pending investigation," Heath said.

When pressed to name the premiers causing the delays, he said the matter was "sensitive" and would be communicated in writing to the Department of Justice today.

He blamed the "cumbersome" procedure before the commencement of investigations for the delays, "which sometimes takes up to two years before a proclamation is signed by a premier".

"Currently we have to rely on trusted information from sources to prepare a draft proclamation which is referred to the Department of Justice," Heath said.

"If the department mandates the commission to go ahead, the draft proclamation has to go to the premier of the province in which the investigation will be conducted for consideration and approval. It must then go back to the department for final approval," he said.

He claimed that a "sizeable chunk of projected recoveries which have not translated to cash were unjustifiably laid at the unit's door" by Minister of Finance Trevor Manuel.

The Heath Commission, appointed by the Government to investigate corruption, has occupied centre stage in a political row with Manuel and Justice Minister Mr Dullah Omar over the Budget allocation to the unit for the 1999-2000 financial year.

Relations between Heath and Manuel reached fever pitch earlier this month, when the minister questioned the unit's success rate in response to Heath's dissatisfaction with the R16.8 million allocated to his unit.

The unit has asked for R34 million.

Heath strongly appealed to the Government to reconsider the unit's request for an increase in the Budget allocation for the current financial year.

"Taking into account the present number of actual investigators vis-a-vis the present number of cases amounting to 95 000, each investigator is given an average 1 666 cases. If the 950 000 pending cases in Gauteng are added to the work load, the number of cases per investigator will increase to 18 353," the judge said.

He was adamant that "any increase in the budget was an actual investment".

Guarded attack

"With more staff, we would be able to lighten the case load and multiply cash recoveries several times," he said.

In a guarded attack on Manuel, Heath added that the current budget forms 2.5 percent of what has been recovered.

"This is the lowest possible input in any enterprise that one could imagine. A mere five percent of what has been recovered so far would amount to R40 million, which is R7 million more than our requested Budget allocation," he said.

A special meeting between Heath, the Department of Justice and Manuel to thrash out problems in the unit is set to take place shortly.
Heath unit denies it slammed government's anti-graft fight

Cape Town – The Heath Special Investigating Unit said yesterday it had never claimed the Government was not interested in fighting corruption.

Its statement followed last week's criticisms of the unit by cabinet ministers, including a warning from Justice Minister Dullah Omar that unit head Judge Willem Heath should "stop acting like a politician".

The unit said there had been widespread press speculation of a threatened collision between the Government and the unit.

It had been suggested in the media that the unit's inadequate budget created the perception that the Government was not interested in curbing corruption.

However, the unit had never claimed that such a perception existed.

Heath and other members of the unit had said repeatedly in public that the Government should get credit for taking the "bold step" of appointing the unit.

In the debate on his department's budget vote yesterday, Omar made only one fleeting reference to the commission, saying it was complementary to other corruption fighting mechanisms.

Democratic Party justice spokesperson Douglas Gibson said Omar had damaged his own image by attacking the unit's work.

The IFP's Farouk Cassim said the unit and the public protector should be protected in the run-up to the June 2 general election from being used as an "electoral tool".

After Finance Minister Trevor Manuel told Parliament last Thursday that Heath had decided to be the "Don Quixote of South Africa", and that the judge wanted a licence to do what he pleased, Heath invited him to visit the unit's East London offices.

Manuel's spokesperson, Logan Wurt, said yesterday a meeting would take place at Manuel's Cape Town or Pretoria office. – Sapa
Strategies: PunjabOnce a year, begins the annual campaign to help the elderly. This year, the Punjab government is focusing on providing free groceries to the elderly. The campaign is being launched in collaboration with local community organizations and social groups. The government has allocated a significant amount of funds to support this initiative. The campaign aims to provide essential groceries to the elderly, ensuring they have access to basic necessities.

The campaign will be implemented in a phased manner, with the first phase covering the elderly in the rural areas. The government is also planning to extend the campaign to urban areas in the upcoming months. The initiative is expected to benefit thousands of elderly individuals across the state.

The minister is optimistic about the success of the campaign and believes it will go a long way in improving the quality of life for the elderly. He has urged all stakeholders to join hands in this noble cause and contribute to the welfare of the elderly.

Omar assigns side to help elderly after Clockwork Orange attack

Guardian

Sunday Times Metro March 2 1999
Farm attacks blamed on hatred for whites

Criminologist believes there is no evidence
of third force activity or organised terrorism

BY NORMAN CHANDLER
Pretoria Bureau

The cause of attacks on farmers is not necessarily crime related but rather due to a deep hatred by black people of apartheid and a desire to drive farmers from their land, says criminologist Professor Neels Moolman.

He told a farm attack symposium in Pretoria yesterday of an enormous anti-white prejudice, in particular a deep hatred of Afrikaners, and that "this will for still a very long time to come have an enormous destructive impact on South Africa".

White farmers were seen to be particularly biased against blacks.

Moolman added there was no evidence of third force activities or an organised terrorist movement carrying out the attacks but, if the process of land reform continued to progress too slowly, "the probability for the development of such an organisation is logical (and) the situation could result in civil war".

More than 150 farmers, their wives and workers have been killed and hundreds injured over the past 15 months as a result of attacks on farms and peri-urban smallholdings.

Moolman, of the University of the North, said perceptions which black people formed about Afrikaners, particularly farmers, had been "determined by their experience of this group of people during the political dispensation of the past - oppressive, aggressive, slave drivers (who) think themselves superior, and as exploiters".

Farmers, on the other hand, perceived blacks as hating whites; that they were inferior and had no ambition; that all blacks were thieves who committed more crime than did whites; and were barbaric, dirty, smelly, lazy and could not be trusted.

Moolman told the symposium that a recent study by the Helen Suzman Foundation had found, however, that almost 70% of farmworkers had a "fairly good" relationship with their employers.

"It can be accepted that racism is not the most important factor, as the Cosatu/ANC/SACP alliance government would like to believe," Moolman added.

There were, however, disturbing signs that attacks often followed verbal statements made by politicians and organisations involved with land reform.

Another perception was that theft of property was a motive for farm attacks, "but the loot is just the bonus", Moolman said.

The symposium continues today and tomorrow.
The freedom struggle resulted in violence and intolerance being sanctioned as part of popular culture, says academic.

Farm murders are not about robbery,

Louise Cook
Charter urges more gun control

ANDREA BOTHA
Staff Reporter

"What always stands out and still haunts me, is that the man who was shooting was laughing. After I was shot, he was still shooting and I looked straight at the gun, waiting, expecting another shot."

Shelley Barry was in a minibus taxi on her way to a job interview on that day three years ago, when she was injured in a drive-by shooting. She became a statistic, just another victim of taxi violence, yet the accident changed her life forever, paralysing her from the chest down.

Yesterday, Shelley pledged her support for the Gun Control Charter at the Western Cape launch at the Central Methodist Mission on Greenmarket Square.

The launch was attended by a panel comprising Laurie Nathan, director of the Centre for Conflict Resolution, Judge Dion van Zyl of the Cape High Court, Eugene Daniels of the safety and security directorate of the education department, David Bass, head of the Red Cross Children's Hospital trauma service and members of Trauma Centre for the Survivors of Violence and Torture, the Western Cape Anti-Crime Forum, the Muslim Judicial Council, Gun Free South Africa and Lihla Labantu.

More than 400 organisations and individuals from around the country have endorsed the charter, which calls for greater control of guns.

Chairman the Rev David Newby opened the launch by saying that gun violence was the fastest growing form of violence in South Africa.

He said the aim of the charter was to call on the Government to institute certain minimum demands in an entirely new Firearms Control Act.

The Government was in the process of drawing up a new Act and the charter alliance wanted to get as much support as possible to ensure its demands were included.

These included issuing gun licences only to those who demonstrate a "special need" as self-defence was not a good enough one.

The charter also demands that no licences be issued to anyone with a conviction for any crime involving violence or driving under the influence of drugs or alcohol.

The facts are:
- 50 people die from gunshots each day - many more are injured and disabled.
- Almost 30 000 licenced firearms were reported lost or stolen last year.
- 95% of crimes involving guns are committed with handguns (not automatic weapons).

Members of the panel delivered short addresses.
illegal activities. The country's borders have become a hotspot for criminal organizations, particularly drug cartels and criminal syndicates. The United Nations and international organizations have commended South Africa for its anti-drug efforts. The country has made significant progress in recent years, and the government has implemented strict measures to combat drug trafficking and other forms of crime.
SA well-placed to combat crime

Asset-seizing laws are our best chance, writes Jonny Steinberg

SA is better placed to break the back of organised crime than other developing countries, but only if government grasps the nettle now, the most senior United Nations (UN) crime fighter, Pino Arlacchi, said in Pretoria on Sunday.

Arlacchi, head of the UN office for drug control and crime prevention, is in SA to offer the expertise and training at his office's disposal.

"The only effective way to fight organised crime is to confiscate its illegal assets. That is its engine. You have to go for the engine," he said.

SA has made good progress on the legislative front, Arlacchi says. The recently promulgated Prevention of Organised Crime Act allows prosecutors to use the civil courts to seize illegal assets, while the impending Money Laundering Bill will partly abolish client confidentiality in the banking sector.

"The laws are good; the challenge is to develop the capacity to implement them. That is why I am here. To offer help in building capacity."

If anyone can offer such help it is Arlacchi. A veteran combatant of Italy's mafia-fighting campaign, he developed the strategy of seizing illegal assets. For his trouble, he was victim of an elaborate assassination attempt — a bomb planted in a toll booth on an Italian national highway.

Arlacchi's office has more than 2,000 consultants at its disposal, from financial intelligence experts to teams specialising in civil forfeiture.

But some argue that SA's criminal justice system lacks the sophistication to use Arlacchi's tools.

"The laws are wonderful but meaningless," a senior detective said at the weekend. "There are two prosecutors and perhaps four detectives in this country capable of using civil forfeiture to any effect. And as for money laundering, the sort of knowledge of complex commercial transactions required to make the law work simply does not exist anywhere in the public sector, let alone in the police."

Arlacchi brushes off this concern with a hint of irritation.

"The argument that SA does not have the funds or the human capacity to implement complex laws is nonsense. The beauty of seizing illegal assets is that it is self-funding. Put in $2m to start up, and you will get 10 times that through seizing assets. The Italian government has seized $10bn since 1982. But in 1980 it had no capacity. The more the law works, the more money you have to pay skilled people and give them the resources they need."

However, the Prevention of Organised Crime Act has neither been used in the civil courts nor tested in the Constitutional Court. Some argue that crucial parts of it may be struck down there. Under the law, a businessman can have millions of rands in assets confiscated without ever being convicted of a crime. Some argue that this is an abuse of civil law; police use the lower threshold of evidence in the civil courts to nail people they cannot touch under the sterner eye of the criminal law.

"The judiciary is often very conservative and reticent," Arlacchi says. "It must adapt... it must understand that traditional crime-fighting tools are no good when it comes to fighting organised crime. It must understand that if organised crime wins, the entire public sector is corrupted and the country simply cannot function. Everything is at stake."

SA has a unique opportunity to fight organised crime, Arlacchi says, but if it is not grasped, the consequences will be unthinkable.

"SA's new governors are global heroes," Arlacchi says. "They symbolise the struggle for human rights. Everybody wants to lend a hand. Everybody feels emotional about SA."

"But if crime and corruption take hold, the rest of the world will flee. You simply cannot invest in a country where the public sector is corrupt.... If SA fails, it will be cut off from the world economy."

Arlacchi wants to believe SA will succeed. "If SA's current leadership could destroy apartheid, it can destroy organised crime. But this fight is more difficult. It is not a stark black and white affair. You do not see money laundering and commercial fraud. It is an invisible enemy."
UN to aid fight against crime

PRISCILLA SINGH

THE United Nations will throw its weight behind South Africa’s war on drug trafficking, organised crime and criminal violence.

UN drugs expert Pino Arlacchi told a city media briefing yesterday that he would put all the necessary expertise and contacts at South Africa’s disposal.

“I have seen enormous commitment and clear ideas coming from all the departments concerned,” Arlacchi said.

It had not yet been decided exactly what the UN would do.

Arlacchi said he was impressed with the headway made in setting up the witness protection programme and a task force to confiscate illegal assets.

Also at the briefing were National Director of Public Prosecutions Bulelani Ngcuka, Operation Good Hope head Commissioner Daniel Daniels and Percy Sonn, who heads the Western Cape directorate investigating organised crime and public safety.

Arlacchi is director-general of the UN office in Vienna and executive director of the UN office for drug control and crime prevention.

He was in South Africa on a five-day visit to offer advice on combating crime.

This morning he will tour the Cape Flats with Daniels and other senior policemen and visit criminal hotspots in Manenberg and Bishop Lavis.

Arlacchi launched a 10-year plan to stamp out heroin and cocaine production when he took over the UN Drug Control programme in 1997.

Sonn says there is an “enormous” problem of drug trafficking and money laundering in South Africa that undermines “every nook and cranny of society”.

Statistics from the Medical Research Council indicate that cocaine use was up in Gauteng by 27% and Cape Town by 21%.

Seizures of cocaine nationally have showed a steady increase from 78kg in 1993 to 636kg last year.

In Cape Town last year, cocaine powder made up 28% of the value of all drugs seized.

In 1997, the research council found in a survey that pupils in Grade 11 spent R22 million that year on alcohol, cigarettes, dagga and Mandrax.

While working for the Italian government, Arlacchi was credited with crippling the Mafia. He also helped design a plan to confiscate the Mafia’s assets.

Arlacchi said South Africa had set up the right infrastructures for stamping out crime.

“We will help expand existing structures and supply resources such as manpower and financial aid. We need to establish a financial intelligence unit to get rid of money laundering,” Arlacchi said.
UN crime fighter backs SA efforts

Johan Schronen

A United Nations expert on drugs and organised crime, who helped inflict severe blows on the Mafia in America, is here to meet provincial leaders as part of his international drive against illegal drug manufacture.

Pino Arlacchi, who is also keen to slam the lid on inter-continental money-laundering, said the UN would help South Africa fight organised crime and would make all its expertise available.

Mr Arlacchi, UN under secretary-general, praised South Africa for its "enormous commitment" to fighting crime.

"I see very clear ideas on what to do against these enormous threats, organised crime and violence, drug abuse in this country," he said.

During his five-day, whistle-stop tour of South Africa, Mr Arlacchi has already exchanged ideas with South African experts on ways to stamp out money-laundering and drug traffic.

At a press conference at Parliament yesterday Mr Arlacchi met Bulelani Ngcuka, National Director of Public Prosecutions.

He promised his office would supply computer support to a proposed South African team trying to confiscate illegal assets, and would also share contacts and intelligence. He said his office would initially help finance some South African projects.
Crime is on the rise in SA, say statistics

By Max Marx

The Western Cape, Northern Cape and Gauteng are the crime provinces of South Africa while the Northern Province has the lowest incidence of crime.

The fact was revealed in the Ministry of Safety and Security's latest Monthly Crime Bulletin released on April 1.

The bulletin, which compared crimes committed between November and January from 1994/95 to 1999/2000 per 100 000 people, revealed that crime is generally on the increase in South Africa.

It showed that crimes such as robbery with aggravating circumstances, assault with intent to inflict grievous bodily harm, burglary, carjacking and hijackings of trucks were all on the increase.

Crimes such as murder, attempted murder, rape, common assault, car theft, fraud, arson, malicious damage to property, illegal possession of firearms, drunken driving, cash-in-transit heists and bank robberies have all remained stable.

The statistics revealed that robbery with aggravating circumstances had seen a marked increase in the 1998/99 period (56 incidences per 100 000 people) as opposed to the 1997/98 period when the figure was 44.5.

Incidence of assault also increased from 161.4 in 1997/98 to 165.6 per 100 000 people in 1998/99.

Burglaries of residential properties increased from 169.3 in 1997/98 to 170.6 per 100 000 people for 1998/99.

Carjacking in 1998/99 increased to 9.2 incidences per 100 000 people from 5.9 incidences per 100 000 in the 1997/98 three-month period.

The bulletin also compared crimes in the provinces committed between November 1998 and January 1999 per 100 000 people.

The statistics revealed that the Northern Province consistently had the lowest crime rate in the country while the Northern Cape, Western Cape and Gauteng had the most serious crime problems.

The Northern and Western Cape reported high incidences of rape, serious assault and common assault. The Northern Cape had the highest number of reported rapes - 54.8 per 100 000 people, the Western Cape the second highest number - 44.8, reported rapes, and Gauteng third with 41.6 reported rapes per 100 000 people.

The Northern Cape is also the province with the highest incidences of assault, burglary of businesses, and stock theft.

Auditor-general to investigate Heath’s claims

Kevin O’Grady and David Greybe

THE auditor-general will be asked to decide who is correct in the public dispute between Finance Minister Trevor Manuel and Judge Willem Heath over the success rate of Heath’s special investigating unit.

Manuel, flanked by finance officials, told Heath in Pretoria yesterday his claims that the anti-corruption unit had saved or recovered hundreds of millions of rands in state funds and assets were wrong.

Heath, Manuel and Justice Minister Dullah Omar met in a bid to iron out their differences, but failed to reach agreement on key issues.

After their two-hour meeting, Manuel again disputed Heath’s claims that the unit recovered or saved more than R890m in cash and state assets last year.

“There is a fundamental disagreement on how the numbers are arrived at. We agreed to pull in the services of another fiercely independent agency, the auditor-general, to verify the figures,” Manuel said.

He said that his “main grievance has been, and remains” that recovered money is not paid into the national or provincial revenue funds. Only R4,3m was paid into these funds during the period in question.

“If cash is repaid to a department (instead of the national revenue fund), in terms of the Exchequer Act the money is deemed to have been spent,” Manuel said.

Heath said legal opinion obtained by him was that recovered money need not be paid into these funds.

The parties agreed that Manuel would seek his own legal opinion and that further discussions on the matter would take place.

Manuel disputed other unit claims, some of which he said had a bearing on the size of the unit’s budget and would also be probed by the auditor-general.

“One of these is how many cases of housing fraud need to be investigated in Gauteng,” he said to the judge that there are not 950 000. If there are 950 000 he will need an army of people and the budget will have to be different,” Manuel said.

A source said afterwards: “Very little progress was made in resolving the differences between Manuel and Heath.”

The government delegation of “about 10” officials, including Manuel, “stuck to their point that they disputed the figures”.

For instance, Manuel dismissed the unit’s “saving” claim in the Mpumalanga Parks Board case where three guarantees or promissory notes to the value of R50m (R540m) were issued without the necessary government authorisation. As the notes were “invalid” the unit could claim no saving, Manuel said.
Judge's meeting with Government ends in deadlock

Watchdog set to check Heath's books

News
Corruption comes under the spotlight

Private sector complicity in state graft will be the focal point of this week's national meeting

David Greybe

CAPE TOWN — Widespread private sector complicity in state corruption will be a focal point at this week's national anticorruption meeting.

Meeting co-ordinator Stan Sangweni said yesterday attention would focus on tougher measures to protect whistleblowers and witnesses, blacklisted companies and individuals involved in fraud and corruption and clean up procurement and tender procedures. Agreement would also be sought on codes of conduct for individual sectors, said Sangweni, chairman of the Public Service Commission.

The government-hosted, two-day meeting will start in Parliament on Wednesday. Participants will attend a planning workshop tomorrow.

Judge Willem Heath, the head of the special investigating unit, will participate in the meeting. He said yesterday that the private sector was "not doing enough" to combat involvement by its members in government corruption. However, "if the private sector is prepared to listen (at the meeting) we will be able to achieve a lot."

Heath said "many" cases referred to his investigating unit involved the private sector's role in corruption. It covered a wide area, including tendering, housing projects, vehicle repairs and pensions.

It was time the private sector acted against such elements within the sector, Heath said. Nothing less than a "total commitment" from both the public and private sectors to work together to root out corruption in SA would prevent it from ending up a "talk shop."

The Heath unit would present delegates with a document detailing existing, but little-used anti-corruption control measures "we have come across in our investigations."

Sangweni said the meeting, part of a national anticorruption programme developed in terms of an October 1997 decision by the cabinet, would focus on the practicalities of the problems surrounding corruption in all spheres of society. Other areas under the spotlight would be improving investigation and prosecution of corruption, rationalisation of agencies combating corruption, review of legislation, improving management systems and discipline at all levels of government and a campaign based on pertinent issues.

Developing closer co-operation between the private and public sectors to fight corruption was very much in line with international trends, Sangweni said.

He had been encouraged by the private sector's response while the meeting was at the planning stage.

Participants would include religious and academic organisations.

Among the business associations and companies invited to attend are the SA Chamber of Commerce, the Black Managers' Forum, Business SA, Business Against Crime, the Institute of Directors, the Johannesburg Stock Exchange, the National African Chamber of Commerce, Erich & Young, AngloGold, the Banking Council of SA, New Africa Investments, Thebe Investments and Nedsor.

Nongovernmental organisations and professional bodies include the SA Medical and Dental Council, the SA Institute of Chartered Accountants, Idaa, the SA NGO Coalition, Transparency International SA, Engineering Council, Financial Intermediaries Federation of SA, National Association of Democratic Lawyers, Electoral Institute of SA, Insurance Institute of SA, Life Officers Association of SA and the General Bar Council.
Idasa criticises ANC method of dealing with corruption

Jonny Steinberg

THE African National Congress (ANC) should re-examine critically its practice of informally marginalising corrupt officials instead of dismissing them from public office, Idasa's Richard Calland said at a seminar in Midrand yesterday.

Calland said of Idasa's political information monitoring service, said there was a widespread perception that ANC officials found guilty of corruption were permitted to stay in office. "There is a sense at the moment that the ANC leadership uses the penalty of informally curbing an official's career instead of obliging him or her to resign from public office," Calland said.

Calland called on Parliament to oblige political parties to reveal their sources of election campaign finance. "People and institutions who pay parties large sums expect something in return," Calland said. "It is critical that private financing of parties be transparent, so that the public knows exactly who is paying for what."

Calland said SA's private sector had not yet developed strong parliamentary lobbies, but "a lot appears to be happening behind the scenes".

"SA's macroeconomic decisions were made without much parliamentary involvement," he said. "However, business played a big role, probably a bigger role than organised labour."

Calland said it appeared to be a continuing campaign by government to undermine the work of the Heath unit, the body charged with using the civil law to seize assets stolen by corrupt government officials. "Why is this happening?" he asked.

"The corruption summit, to be held later this week, must get to the bottom of this."

Calland criticised the media for failing to investigate corruption in the public sector. "Journalists should be taking lists of everyone on a particular parliamentary committee and examining their financial interests with a fine-tooth comb," Calland said.
President slates ‘freedom fighters’ for illegally enriching themselves

Heath did remarkable job, says Mandela

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LUKANYO MNYANDA

ECONOMICS EDITOR

Johannesburg – President Nelson Mandela yesterday praised Judge William Heath, the head of the investigating unit on government corruption, for doing a “remarkable job” and credited him with recovering more than R800 million in misappropriated state funds and assets.

The unit has been in the news recently for disputes with ANC politicians, including Trevor Manuel, the finance minister, who questioned its claim to have recovered R800 million stolen from the state. It has also attracted the wrath of Dullah Omar, the justice minister, who accused Heath of “acting like a politician” in his criticism of the government.

At a meeting last week, Heath and Manuel agreed to disagree on the issue and settled for a compromise arrangement by calling on Henry Klaever, the auditor-general, to check the unit’s books to determine the exact value of recovered assets.

Heath said over the weekend he was confident Klaever’s investigation would vindicate him.

In contrast to some of his ministers’ attitudes, Mandela gave Heath the presidential stamp of approval yesterday and instead launched an attack on some of “our own freedom fighters” who were abusing their positions to illegally enrich themselves at the expense of the poor.

Mandela was addressing the South African Association for Business and Cultural Relations with Russia – headed by Tokyo Sexwale, the former Gauteng premier – ahead of his impending state visits to Russia and China.

Mandela said he would thank the two countries for their support during the anti-apartheid struggle and highlight the need to boost economic relations, which fell “a long way short” of their full potential.

South Africa regarded China and Russia as important partners who could help reorientate international institutions that regulate the world’s systems and make them serve development and support the rebirth of Africa.
Practical ways sought to end corruption

Summit of delegates from various sectors to look at ways to wipe out the scourge at national level

BY ANDRE KOOPMAN
Cape Town

The National Anti-Corruption Summit in Parliament today and tomorrow is aimed at rooting out corruption in all sectors through finding practical solutions to the problem, John Ernstzen, chairperson of the pre-summit meeting held yesterday, said.

More than 250 delegates from business and labour organisations as well as non-governmental and religious organisations, the media and universities are to attend the summit, at which a national campaign against corruption will be launched.

Ernstzen said the summit, hosted by the Government, was aimed at developing an anti-corruption programme "that can be implemented".

"This is not just a talk-shop. We aim at bringing a coherent approach and interaction across and within sectors, and we will identify practical measures for combating the problem."

Cabinet ministers, including Justice Minister Dullah Omar and Welfare Minister Geraldine Fraser-Moleketi, and National Assembly Speaker Frere Gwala will also attend or chair some of the summit commissions. Deputy President Thabo Mbeki will deliver the keynote address today.

The summit follows the public sector anti-corruption summit last year and forms part of a comprehensive programme against corruption developed after a cabinet decision in 1997.

The public sector summit identified collusion between the business and government agencies as a major source of corruption, particularly in public sector procurement.

Summit convener Professor Stan Sangweni said the summit would focus on this issue and attempt to find tougher measures to combat corruption and for the blacklisting of those involved in fraud and corruption.

Ernstzen said the summit would also look at ways of protecting whistleblowers and blacklisting companies involved in fraud and corruption. An anti-corruption hotline would also be established.

The summit programme includes the improvement of investigation procedures, the prosecution of corruption, the rationalisation of agencies combating corruption, and steps to improve discipline at all levels of government.

The Government's increased commitment to fight corruption has been reflected in recent statements by both President Nelson Mandela and Mbeki.

Mandela said yesterday, while speaking to Russian and Chinese business people, that he was disappointed at the level of corruption among members of the ANC in government.

"Corruption is also unacceptably high, and what is even more demoralising is that we came into government with the intention of cleaning the civil service of corruption. But our own freedom fighters, some of them very top activists, when they get the opportunity, also steal taxpayers' money to enrich themselves," he said.

At the recent launch of the ANC's election manifesto, and also at an Interpol African regional conference, Mbeki lashed out at corruption in the police service and the Government, and vowed to root it out.
Banks want to be able to breach confidentiality

CAPE TOWN — The Banking Council of SA has called for the introduction of legislation to allow banks to breach client confidentiality where corruption is suspected.

Under current law, banks can only report their suspicions to the police when they have a court order.

Speaking after addressing government’s anticorruption meeting in Parliament yesterday, Bob Tucker, the council’s executive director, said banks were already obliged to breach confidentiality when they had strong evidence of tax evasion or money laundering.

He told the conference that in the context of widespread fraud and corruption, there was too much sensitivity about the private interest in confidentiality as opposed to the public interest in greater disclosure.

Shifting the balance, however, would require legislation so that the public understood the rules.

Regarding the investigation of criminal activities, Tucker said banks’ investigation staff should collaborate more with the justice department.

He also called for more information-sharing within the financial services sector.

It should be obligatory for all financial institutions to have a code of conduct setting out standards of behaviour, while whistleblowers needed to be protected and given incentives.

Tucker cited as an example First National Bank’s initiative to offer rewards of up to R1m to whistleblowers.

The conference divided into commissions, and the session on business emphasised the need to create an ethical culture through education campaigns and the adoption and enforcement of codes of ethics in businesses throughout SA.

It proposed that businesses be invited as soon as possible to sign a central register to demonstrate that they were implementing codes of ethics and had internal and external mechanisms to review their compliance with these codes.

Only signatories to the register would be entitled to tender for state and parastatal contracts.

Business should also financially support a special court for the private prosecution of corrupt individuals.

The SA Institute of Chartered Accountants (Saica) president Wiseman Nkuhlu urged that the generally accepted accounting practice be given legal backing as a matter of urgency.

The optional use of different methods of financial reporting created loopholes for corruption and undermined the credibility of financial statements. The manner of treating and disclosing transactions should be prescribed, Nkuhlu said.

Saica has instituted a programme in which the work of auditors is subjected to a review by a team chosen by the Saica board and secretariat.

If serious irregularities are uncovered, the auditor’s licence to practice is withdrawn.
Cape Town - Companies that did not adhere to a strict code of conduct on fraud and corruption should not be allowed to qualify for government or parastatal contracts, a special anticorruption commission recommended yesterday.

The commission, which was part of the two-day anticorruption summit held in parliament, said there should be zero tolerance of fraud and corruption but that would require educating all levels of society.

There was some debate about whether companies or individuals should be blacklisted, especially because individuals who ran shady operations could easily set up new companies. It was agreed that all unacceptable practices should be widely publicised to discourage further malpractices.

About 5 percent of the population was estimated to be corrupt, placing a heavy drain on society, several delegates said.

Codes of conduct should be incorporated into the contracts and conditions of service to discourage individuals from trying to buck the system.

The use of consultants should also be carefully monitored because they could deliver minimal value for maximum fees.

Frene Ginwala, the speaker of the national assembly, said the focus had to be on those who took bribes and those who paid them. White-collar crimes like fraud and corruption could do great damage to society.

Thabo Mbeki, the deputy president, said the heart of the problem lay in the conflict between society's material and spiritual aspirations. Many people looked only at material benefits, not ethical behaviour.
Alina cannot fight crime in isolation — she needs the community and money.
Corruption summit backs accountability

Lyndu Loxton
Parliamentary Correspondent

Cape Town — The anti-corruption summit called for the establishment of a national co-ordinating structure to monitor corruption, set up sectoral hotlines and develop blacklists.

The two-day summit ended with a comprehensive overview of corruption. It stressed that a great deal more had to be done to educate society about the effects of fraud and corruption.

The summit's business sector commission said all businesses should develop, publish and enforce codes of conduct based on the King Report on corporate governance. These should be binding to all employees. These codes should be regularly reviewed to ensure compliance.

"Harsh" disciplinary action should be taken against all those who transgressed the code of conduct. The commission said firms should be encouraged to undergo regular external audits.

Dullah Omar, the justice minister, said at the end of the summit yesterday that it would result in concrete steps to deal with corruption at all levels of society. The summit would be complemented by legislation to deal with money laundering, the prevention of corruption and safeguards to ensure an "open democracy."

Business groups attending the summit generally supported the drive against corruption but expressed concern about how some of the sanctions envisaged would be implemented.
Cabinet gets plans in war on corruption

Summit seeks special courts

New battle
Corruption court's to nab cheats!
The Government has taken steps to nip crime and corruption in the bud. It now needs people to join it in its nation building partnership, writes Sharon Chetty.

President Nelson Mandela was kept busy last week addressing various groups around the country.

of.
Again (but) you have lost political power and gained power again," he said.

The destruction of white supremacy had been the work of the liberation movements, supported by the international community, he said, adding: "but we could not succeed in bringing about the peaceful transition without everyone’s contribution: black and white, English and Afrikaners speaking."

Even before members of the audience of more than 400 supporters could start asking him questions, Mandela brought up the topics of crime and corruption, two subjects that will undoubtedly dominate in the weeks preceding the elections. Admitting that crime was "unacceptably high", he also lamented the perception that corruption levels were so high that "many good South Africans have decided to leave the country".

Although his Government had been in power for only five years, no good was served by blaming the past.

But, he said, the problems should not be seen in isolation "as if they dropped now from the sky". However, he acknowledged that some members of his Government were corrupt. "We came to government wanting to clean the apartheid civil service of corruption ... little did we know that our own freedom fighters would do the same thing and put their hands to taxpayer’s money."

But his Government was also the first in this country’s history to tackle the problems head on by retraining the police to become better crime fighters, he said, adding that the death penalty was no solution to the crime scourge.

And for the second time last week he praised the work of Judge Willem Heath, the head of the Government-appointed commission investigating corruption.

Heath was "doing a remarkable job and must clean government no matter who is involved", he said.

In Durban, Mandela again said that while there had been much progress (since the first elections of 1994) peace would only be achieved "when every citizen can feel safe in bed at night, in exercising the right to vote and in being able to express opinions freely."

Although political violence in the province had abated, there have been fears of renewed conflicts between ANC and Inkatha Freedom Party supporters in the wake of renewed tensions between their leaders.

A police raid on the home of the province’s safety and security MEC, Nyanga Nkubre, where firearms and machinery belonging to the Independent Electoral Commission were found, sparked off the latest war of words.

Without going into detail, he recalled his first visit to the province in 1990 soon after his release from 27 years in jail.

On that occasion he was booed loudly when he urged his party supporters to throw their weapons into the sea.

"There were many who believed that the call to throw weapons into the sea would never be answered."

But through the efforts of people across the political spectrum, "immense progress" had been made," he said.

"Although many of us take it for granted, the way in which political violence subsided and communal co-operation increased will be remembered as one of the success stories of our democracy," he said.
Pain will deter criminals, says PAC

The Pan Africanist Congress yesterday challenged the government to formulate a workable approach to combat crime or accept its president Bishop Stanley Mogoba's approach of inflicting the greatest pain on criminals.

Soweto school principal Gwendolene Jeje's murder, the double attack on a foreign diplomat and the killing of retired veterinary surgeon Dr Paul Bosman raised the question of how long the government was prepared to tolerate crime, PAC general secretary Mr Mike Muendane said.

Referring to Mogoba's controversial call to amputate the offending limbs of criminals as a way to deter crime, he said: "Only the PAC is prepared to discuss the matter of dealing harshly with criminals."

Muendane said the death penalty was not a deterrent as was proved during the apartheid years when capital punishment was legal.

"What criminals will respond to is massive pain. Reverend Mogoba's proposals to inflict massive pain on people who traumatise a whole nation seems to be the only way out."

This was because pain and pleasure motivated people, Muendane said. Imprisonment alone did not inflict the requisite pain.

Meanwhile, the New National Party said yesterday the crime wave that engulfed South Africa since 1994 had left an ever-increasing trail of victims in its wake.

"Something is wrong somewhere when our Constitution contains two-and-a-half pages on the rights of suspects and accused persons, but is silent on the rights of victims," NNP spokesman Mrs Sheila Camerer said.

The NNP had drawn up proposals for a victims' charter as well as amendments to the Criminal Procedure Act.

These had been forwarded to the Human Rights Commission, the Justice Department and the SA Law Commission.

"We understand that our proposals will be part of the agenda at the workshop on victims' rights to be held by the Human Rights Commission on May 7," Camerer said.

Sapa
No quick fixes for crime, says Mandela

Jonny Steinberg

DECLARING that crime can be solved overnight is an empty promise, President Nelson Mandela said yesterday.

"It will take several years," he said at the launch of a national crime prevention campaign in Midrand, Johannesburg. Mandela also called on opposition parties to stop complaining about crime and to do something about it instead.

"They seem to think that crime dropped from the heavens when SA's democratic government was elected," Mandela said.

"But before 1994 80% of police officers were stationed in white areas and crime was rife in black townships," he said.

"Not only do they (opposition parties) seem to be unaware of that situation, they do not acknowledge that, in their respective roles as government and opposition, they were partly responsible for it."

Mandela called on the criminal justice system to use the tighter laws and tougher bail conditions at its disposal to crack down on crime.

The campaign, launched by Eskom and Ithuteng Trust, a literacy nongovernmental organisation, aims to steer teenagers from crime towards tertiary education.

"The youth do not listen to Mandela or to someone like me," Ithuteng director Jacqueline Maorohanye said yesterday. "Their heroes are offenders."

"We take former prisoners who studied in prison, went to counselling on their release and are fully rehabilitated. And we take them to school kids and unemployed youth."

"The offender will say: 'I thought I was a hero, but my life has been ruined. I could have gone to university. I could have been in government,'" Maorohanye said.

SA needs resources for anti-crime arsenal

Official says asset seizure laws need support, writes Jonny Steinberg

SA's new arsenal of organised crime-fighting legislation must be backed by expensive, labour-intensive and highly skilled institutions, visiting US prosecutor Stefan Cassella said in Pretoria yesterday.

As assistant head of the US justice department's asset forfeiture division, Cassella is in charge of more than 100 prosecutors who specialise exclusively in asset forfeiture - using civil and criminal law to seize the proceeds of organised crime.

Cassella also works with hundreds of intelligence agents whose work is indispensable in identifying and targeting criminal syndicates to investigate, as well as with scores of detectives who lead criminal and civil investigations.

If that is not enough, his office also deploys personnel from city and state police departments around the country "to do the more labour-intensive stuff which we simply do not have the personnel to do: stake out places, round-the-clock telephone-tapping and so forth".

SA has a brand new, state-of-the-art asset forfeiture weapon in the form of the Prevention of Organised Crime Act, but the question arises, do we have the capacity to make use of it, or have we designed a space-aged vehicle to travel 19th-century dunkey paths?

"I do not know enough about your country to tell you how many prosecutors and investigators you will need to train in asset forfeiture to give your new law some substance," Cassella said.

"But I can tell you that if you are serious about fighting organised crime, asset forfeiture is the only way to go and it requires both skilled and labour-intensive work."

"Mafia bosses are in it for profit, so you have to target profit. That is the linchpin. If a drug boss knows that every cent he earns through illicit trade may be seized by the state, drugs will soon become a very unpopular line of business."

Some argue that SA's criminal justice budget is simply too stretched to make luxurious choices. Every cent spent on asset forfeiture could be spent elsewhere and SA needs to ask what it will be losing if it throws money at the new law.

"SA's major problem is not crime per se, but violent crime," a senior criminal justice official, who asked not to be named, said yesterday. "Organised crime does not produce that much violence. In the majority of murder, rape and assault cases, the victim and the offender know one another. We are talking here about social fabric crimes."

"So if you want to get rid of violence, train detectives to detect intelligence out of neighbourhoods, communities and families. If violence is the big issue and you have to choose between spending money on murder or contraband, go for murder."

Cassella is unperturbed by this line of argument.

"The dichotomy you draw is a false one," he said. "It is not an either/or issue. If the drug trade is flourishing, street crime will rise, young people will rob to get drug money. There is a close relationship between organised crime and neighbourhood violence."

Besides, as Pino Arlacchi, the United Nations' most senior crime fighter, said on a trip to SA this month, fighting organised crime is about fighting corruption.

If organised crime flourishes in SA, state institutions will be systematically corrupted. Money invested in SA will be money thrown down the drain and the world will forget about you," Arlacchi said.

And what about the constitutionality of asset forfeiture?

"From our experience you can expect a stream of litigation at the beginning. Then things settle after a while," said Cassella.

Referring to last week's Gavin Carolus case, in which the Cape High Court ordered the state to return confiscated assets to an alleged drug lord on the basis that the law did not apply to crimes committed before its promulgation, Cassella said: "One of the first challenges to our law was the question of retrospectivity. But we won that one. It would be a shame if SA does not: it is good to start with a victory."
LAW AND ORDER

LOOT LAW MAY BE TIGHTENED

Hofmeyr set to collect spoils

Is Gavin Carolus a druglord and gangster? The middle-aged Milnerton businessman, who has admitted to running an illegal shebeen and a taxi fleet for escort agencies, says he isn't. But the Cape-based organised crime unit, which falls within Bulelani Ngucka's National Prosecution Authority, believed it had enough evidence that Carolus is a felon — and last month seized certain of his assets as the first test case for the operation of the Prevention of Organised Crime Act.

Last week, appealing to the Cape Town High Court for the return of his properties, luxury cars, cellular phones, bank accounts and jewellery, the Athlone-born Carolus scored a hit. Judge Andre Bignault said the Act was not retrospective — and that there could be “no deduction that the property, cars or close corporations had been obtained or retained through illegal activities.”

At this stage, according to the ANC's Willie Hofmeyr — a kingpin in drawing up the Act and in the surrounding debate — the problem may be merely technical, and Ngucka has appealed against Bignault's judgment. Speaking to the FM early this week, he said: “This was not a judgment on the law's constitutionality — but rather a question of interpretation, that the law is not retrospective. But the judge applied the wrong rules, regarding this as a criminal matter. We've been careful to make clear that it's not a criminal issue; there can be no question of what the Americans call double jeopardy. Nobody is entitled to be in possession of the proceeds of crime; and the law merely creates a mechanism for the State to retrieve such assets.” Carolus’s assets remain impounded pending the outcome of the appeal.

The Act — brainchild of Justice Minister Dullah Omar, and based to some extent on US gangbusting legislation — came into effect in January. The intention was twofold. "It creates a new offence of participating in the affairs of any organisation through a pattern of illegal conduct, or to manage the affairs of such an enterprise. This will mean that the syndicate bosses can be convicted of running the organisation even if it is not possible to convict them of a specific offence," Omar says, and "it will allow the State to seize assets used to commit crime or which are the proceeds of crime through a civil action.

This means that evidence that may not be strong enough to secure a conviction can be used to seize such assets if the case is proved on a balance of probabilities.

Authorities said assets should ideally be returned to their rightful owners, the victims — or possibly in some other way benefit the crime-struck community. But whether by way of reparation or improved policing, the Act is designed to cut off the gangster's livelihood, his or her loot.

The issue of infringement on constitutional rights loomed large in the parliamentary portfolio committee on justice, where the final details were thrashed out. The Democratic Party's Douglas Gibson recalls that, at the end of deliberations, it was unanimously felt that the law was constitutional.

The Act sets out strict procedures for the forfeiture of a criminal's assets. The process, as Hofmeyr stresses, is separate from any criminal charges that may be brought. Carolus has four outstanding charges of dealing in drugs, but was able to tell the High Court that neither he nor his family had ever been convicted of dealing in drugs. The organised crime unit produced telephone transcripts which it said showed Carolus and his wife engaged precisely in such deals.

The transcripts certainly make for colourful reading. "Helicopters" are apparently a reference to Mandrax. A narcotics police witness gave evidence that the ingredients and lab equipment for the manufacture of Mandrax had been found in a search of Carolus's house. Carolus's legal team flirted with the argument that their client's human rights had been violated in the sense that his personal freedoms had been curtailed. At any rate, the case was won by Carolus.

"It's a setback," says Hofmeyr, "but we are confident we'll win on appeal. It's just a pity that this first test was decided on a technicality. If necessary, we will amend the legislation appropriately, as early as possible." Hofmeyr, who is Deputy President Thabo Mbeki's parliamentary adviser, looks set to play an ever-larger role in the attempt to stop organised crime through the forfeiture of its spoils. He has been working with Ngcuka's office for some time in preparing the casework that will arise from the new law. At this stage, Ngcuka is negotiating a position for Hofmeyr as head of what will be SA’s first criminal asset forfeiture unit within the National Prosecuting Authority.

This post, while not yet cut-and-dried could propel the amiable Hofmeyr into a powerful position to fight crime at its roots. He would help enforce the laws he helped create, assuming they can pass any constitutional challenge.

Peter Wilhelm
Azapo wants strict restrictions on gun ownership in SA

Nomavenda Mathiane

The Azanian People's Organisation, which is contesting elections for the first time this year, has adopted a broad anti-crime strategy which is tough on gun control.

Azapo's head of legal and constitutional affairs, Mokoditoa, said an Azapo government would revoke all gun licences and not grant bail to offenders charged with serious crimes such as murder, rape, hijacking, robbery and child molestation.

Mokoditoa said Azapo had studied the crime situation in the country and had come to the conclusion that the judicial system needed overhauling. Azapo would start by purging undesirables in the SA Police Service, the defence force and the judiciary.

He said Azapo would revoke all personal gun licences and would not allow the manufacture and sale of weapons.

"This means that only policemen and soldiers will be allowed to carry guns," he said.

Azapo would use sniffer dogs to unearth gun caches wherever they might be.

Mokoditoa said prisons would be run as private companies where prisoners would pay for their upkeep by working and being paid for their labour.

He said dangerous prisoners would work within jails and be paid — and the state would only support old and disabled prisoners.

Azapo which released its candidate list on Tuesday, has fielded a number of young activists, many of whom were involved in the 1976 student uprisings.

Although many were not students at the time of the Soweto upheaval, they were involved in community structures that supported the youth at the time.

Six candidates in the top 10 list were interned on Robben Island. They include the president Mangosuthu buthelezi, Police Minister Neliseng Sepe, Nkosazana Dlamini, and Thulile Luthuli.

There is also a sprinkling of students from the University of Venda on the list.
The murder rate in SA was on the rise after four years of decline, statistics released yesterday by the safety and security ministry showed.

The ministry figures for the three months to February, which showed that the murder rate had increased to 15.9 per 100,000 people, from 15.1 over the same period a year earlier.

SA caught the world’s attention last week when the British Broadcasting Corporation aired a documentary showing policemen beating suspected car hijackers. However, a wave of public support for the police action cemented opinion that the country was under siege from violent criminals.

The ministry’s monthly release showed that murder and violent crimes like car hijacking and armed robbery had increased. Car hijacking jumped almost 30% to 9.1 per 100,000 while housebreaking rose 8%.

Statistics that branded SA the rape capital of the world showed the incidence steady at 31.8 people in 100,000.

Statisticians involved in the survey cautioned that seasonal factors could explain part of the change, though they admitted that the data was cause for concern.

The safety and security department’s Mark Shaw said the December-January period was always been bad in terms of violent crime. The period was traditionally marked by fighting among migrant workers returning to their rural homes and higher levels of alcohol abuse, Shaw said.

“Everyone should treat these numbers with a degree of caution. But while they are stable, they are stable at high levels and there have been some worrying increases, like aggravated robbery,” he said. — Reuter.
SAPS IN SPOTLIGHT

Crime a hot topic for parties

INVITED TO a meeting on combating crime and violence, four parties highlighted what they considered to be the biggest obstacles. Azapo and the PAC called for guns to be limited to the security forces. YAZEED KAMALDIEN reports.

Only the United Democratic Party called for the reinstatement of the death penalty when representatives of four political parties met at the Mowbray Town Hall yesterday to discuss ways of tackling crime and violence.

The meeting, organised by the Western Cape Anti-Crime Forum, was attended by the ANC, UDM, PAC and Azapo. The NNIP, DP, IFF and ACDP were unable to attend.

Minister of Justice Dullah Omar, representing the ANC, said co-operation between government and community organisations was needed to reduce crime. The biggest problem was that police management and investigations had not been transformed. “Investigators are hopeless,” he said.

The ANC did not support the death penalty as it diverted “our attention from crime prevention and the causes of crime”.

Willie Adams, speaking for Azapo, said his party also rejected the death penalty. “Murderers should be given a mandatory minimum sentence of 25 years in prison.”

Adams also said bail should be limited. Only the police, defence force members and people who could prove they needed a gun should be licensed to carry arms.

Prisoners should earn money through income-generating programmes in jail so they were not a burden to taxpayers, Adams said.

Avril Harding, speaking for the PAC, said crime should be tackled holistically. The South African Police Service’s efforts were “hopeless” without the help of the community.

“The SAPS is the same as it was in the apartheid era,” he said.

“We need better training, equipment and remuneration. By paying policemen decent salaries we can end corruption.”

The PAC also supported a gun-free society.

“We support a zero-tolerance approach,” said Harding. “Mandatory sentences should be given to those who attack or kill people. Many of the rights that prisoners have should be removed.”

UDM spokesperson Johan Steenkamp said the death penalty should be reinstated.

“Violent criminals should be given severe work,” he said, adding that serious offenders should not be given parole.

He believed the inexperience of staff was one of the Department of Justice’s main problems.

Also, the government did not send “the right message” to criminals as some of its members were criminals, he said.

He called for journalists to have the right to report freely as they “should stand for investigative journalism and unearth corruption”.

“Honest people have nothing to fear from journalists,” he said.

There was also a need for a ministry of civil order that would enable joint decisions to be taken on effective budgeting and expenditure, focus on community involvement and draw up on a police plan to combat crime.
Zero tolerance to combat the scourge of society's fight corruption

The New National Party is not soft on crime. Says Sheila Camfer, who spearheaded the anti-corruption drive in the party's structure. She calls for a comprehensive approach to addressing corruption, education, and enforcement to combat the scourge of corruption in South Africa.

In her speech, Camfer highlighted the need for a strong and independent judiciary, as well as the importance of community engagement in the fight against corruption. She emphasized the role of transparency and accountability in government and the need for a culture of integrity.

"We cannot afford to be complacent," Camfer said. "Corruption is a threat to our democracy and our way of life. We must work together to ensure that our country is free from the scourge of corruption."
New-style figures on crime come under fire

BY GILL GIFFORD
Crime Reporter

While new crime statistics released yesterday present an overall stabilisation in crime, the picture may have been softened by the use of ratios rather than raw figures.

The Safety and Security Ministry's six-monthly report on the incidence of serious crime, dealing with reported crime last year and comparing it with annual statistics dating to 1994, presents the crime picture at national, provincial, area and station level.

The report, compiled by the Crime Information Analysis Centre (CIAC) of the SAPS crime intelligence division, claimed that seven of the 20 most serious crime tendencies had decreased, nine had stabilised and four - common robbery, residential burglary, other thefts and illegal possession of firearms - had increased last year.

But while the CIAC's analysis of murder showed a proportional decrease from 59.3 per 100,000 of the population in 1997 to 58.5 in 1996, the actual figure has increased. Actual cases reported in 1997 were 24,585, while last year's total was 287 higher at 24,875.

A total of 48,280 women were reported raped last year (49,623 in 1997), while 286,817 housebreakings were reported (248,375 in 1997). A total of 107,513 cars were reported stolen during the same period (100,637 in 1997), while 13,111 were hijacked (13,011).

The provincial breakdown of crime ratios shows that the Western Cape rated the highest in terms of crime overall, surpassing Gauteng, which previously ranked first.

Dr Chris de Kock of the CIAC said the difference between the decrease shown in the ratio and the increase in raw figures could be explained by a change in the population.

The report also indicated a strong upward pressure during 1996 of most crime categories - especially robbery with aggravated circumstances, including hijacking.

Researcher Antoinette Louw, from the Institute of Security Studies, described the new release policy relating to crime statistics as "disturbing", and said releasing crime ratios on a monthly basis rather than continuing to give raw figures on a quarterly basis was essentially "giving people less information more often".

The Department of Safety and Security this year did away with the quarterly reports, replacing them with two six-monthly reports and monthly bulletins.

The department's reasoning behind the decision was to release crime statistics regularly "to build public confidence in their reliability".

"Police giving people less information more often"

"But to build up legitimacy, the department should allow the public to make up their own mind.

"By giving ratios instead of raw figures, they are already presenting them with interpreted statistics which people cannot unpack for themselves," Louw said, describing crime ratios as representing a manipulation of crime for analytic purposes.

She said analysing crime types such as burglary and car theft per 100,000 of the population was "not useful", as ratios relating to property should be calculated according to the number of units owned or used in each case. "Indeed, using population figures can actually be misleading in a country as diverse as South Africa, and with such high levels of inequality"
similar made bondage against corruption
complains reased and has forged relationships with
the public, the project makes successful hostages of the

R-8-million more
analysis we require
according to needs,
Motor industry observers say information bank is crucial for crime prevention, writes Jonny Steinberg

"We went to every manufacturer in the country and checked the system. HPD is the only one that works," the police department's assistant chief of police said. "The system will not be as effective as it should be if we have a database on every vehicle. If a theft is reported and the particular vehicle is stolen, we can access the database and find out where it was last registered."
New Act Aims to curb misuse of state funds
Legal hawk ready to pounce on assets of organised crime

Willie Hofmeyr takes up a challenging post, writes Jonny Steinberg

FROM human rights lawyer under apartheid to organised crimebuster under democracy, Willie Hofmeyr's career has taken some unlikely twists and turns.

Widely regarded as a hawk and an uncompromising hardliner when he served on Parliament's justice committee, Hofmeyr says with a grin that his days as an activist gave him invaluable expertise as a drafter of crime-fighting legislation.

"I was better equipped to draft the new bail laws than many opposition MPs," Hofmeyr says. "In the late 1980s I once kept myself out of jail by finding loopholes in the bail law. So I knew how to fix it."

Hofmeyr has now moved on from Parliament and his position as Deputy President Thabo Mbeki's parliamentary adviser. Last week he moved into the office of the national directorate of public prosecutions as head of the asset forfeiture unit.

Hofmeyr will preside over implementing the most contentious section of SA's new Prevention of Organised Crime Act, which licenses the state to seize the proceeds of organised crime via the civil courts.

In international crime-fighting circles asset forfeiture is regarded as the cutting edge of the fight against organised crime.

"If you want to destroy large syndicates you can't just go for criminal prosecution," says Stefan Cassella, Hofmeyr's opposite number in the US justice department, which collects $900m a year in seized assets.

"When the leader goes to jail someone else just takes the reins. You must close down the organisation by taking its profits and infrastructure," says Cassella.

On paper the act is state-of-the-art, but the jury is out on whether it will work in SA. For a start the judiciary will have to give it its stamp of approval.

"Whether the Constitutional Court will give it the okay is a serious question," Hofmeyr says. "In the US there is a regular stream of litigation against civil forfeiture. The central attack there claimed the law resulted in 'double jeopardy' — offenders are punished twice, first by the civil law then by the criminal law.

"Litigants also had a problem with the fact that some offenders could be nailed again and again in the civil courts, but were found not guilty in the criminal courts."

"Were law enforcement agencies abusing the lower evidence threshold of the civil law when they failed to get criminal convictions? These were the sort of questions asked in the US. In the end the Supreme Court upheld the principle of civil forfeiture. I hope our Constitutional Court does the same."

Simple cases

Hofmeyr says his office will choose "simple, single-issue" cases to begin with. "You don't want to start with the sort of case that will throw a hundred controversies at a judge," Hofmeyr says. "Rather win each issue one by one."

Another serious question mark about the law is the state's capacity to implement it. "The law is complex and must be implemented by specialists," Hofmeyr says.

How many specialists does SA have? Hofmeyr's office employs three people. He sees his staff growing to 20, excluding a forfeiture expert in seven existing offices nationwide, ranging from organised crime units to the national directorate for serious economic offences.

"Is this enough? An asset forfeiture law depends on its deterrent effect. To deter it must show would-be criminals there is a good chance the state will shut down their business. Can 27 people across SA do this?"

"It is crucial that we encourage and empower other law enforcement agencies to use forfeiture," Hofmeyr says. "At the moment detective work is measured only in convictions. Yet it is crucial to seize the infrastructure of crime as well."

"Every day cars are pulled off the road containing R50 000 in cash. Don't just arrest the driver, seize the car as a matter of course. Make things as difficult as possible by seizing the instruments of crime."

"Does asset forfeiture crack organised crime, or does it just displace it? In the US, law enforcement agencies claim to have pushed organised crime out of the formal banking sector — but that does not stop drug transaction. Perhaps asset forfeiture is just an endless game of cat and mouse."

"Yes, our work does displace crime, but it displaces it to riskier areas. Large cash transactions are extremely dangerous. The more avenues we close the more organised criminals must take risks."

Hofmeyr is not claiming any easy victories. "It will take maybe eight or nine years before asset forfeiture makes a serious dent. And we are just talking about a dent. We are not going to eradicate organised crime completely. The goal is not to create a paradise, it is to stop SA turning into a Colombia, a Nigeria or a Russia — a path we must avoid at all costs."
Govt and opposition need to do homework urgently

Politicians calling for harsher measures to combat crime miss the point. As SA now has tough minimum sentences, the problem must lie elsewhere, says Martin Schönteich

The scourge of crime is on the mind of every South African, second only to joblessness as a concern to voters. As a result, opposition parties, the ruling party and other organs of civil society emphasise their tough stand on crime and criminals.

The African National Congress promises it will "introduce harsher sentences for serious crimes". The New National Party will "implement heavy mandatory minimum sentences for serious crimes", should it be elected, while the African Christian Democratic Party assures voters it will "make use of severe sentencing" if voted into power. After another murder of a police officer recently the SA Police Union and the Police and Prison Civil Rights Union called on the justice ministry to impose lengthy prison sentences on the killers of police officers.

Most political parties seem to be ignorant of the fact that harsh minimum sentencing legislation has been on the SA statute books for the past year. Anyone convicted of murdering a police officer after May 1 1998 must be sentenced to life imprisonment. A judicial officer may impose a lesser sentence only if he is satisfied that "substantial and compelling" circumstances exist to do so. Moreover, the judicial officer has to justify his decision by placing on record his reasons for imposing a lesser sentence than the prescribed minimum.

The legislation provides also for the imposition of a life sentence for anyone convicted of a premeditated murder. Rape, too, carries a life sentence provided the victim is raped more than once; is seriously assaulted, is under the age of 16 years, or the rapist knows that he has AIDS or is HIV-positive at the time.

Murder which is not premeditated, serious robbery, vehicle hijacking, the illegal possession of semi-automatic and automatic firearms, and theft and corruption involving amounts of half-a-million rand or more also carry heavy penalties. People found guilty of such offences must receive a prison sentence of 15 years for a first conviction, 20 years for a second and 25 years for a third or subsequent conviction.

Rape without aggravating circumstances, indecent assault on a child under the age of 16 involving the infliction of serious harm; or serious assault on a child under the age of 16 will lead to a prison sentence of 10 years for a first conviction. This increases to 20 years for a third conviction.

Even relatively minor offences such as theft and malicious damage to property carry a five-year prison sentence (10 years for a third conviction). If, at the time of the offence, the accused had a firearm with him with the intention of using it in the execution of the crime.

A number of high-profile cases would have ended in a tougher sentence had the offence been committed after May 1 last year. Allan Boesak, convicted of fraud and theft of R1.3m, would have received a prison sentence of 15 years in terms of the minimum sentencing legislation. In the event, he received six years.

People's poet Mzwakhe Mbullu, convicted of robbing a bank of R15 000 in 1997, received a 13-year prison sentence. The new law imposes a 15-year sentence. Winnie Madikizela Mandela, convicted by the trial court of assaulting and kidnapping Stompie Seipie in 1991, would have received a 10-year prison sentence on the assault conviction alone (she was acquitted on the assault charge in her appeal).

Others are not so fortunate. Cricket player Makaya Ntim, convicted of raping a woman in December 1998, must receive a 10-year prison sentence unless the court can find "substantial and compelling" circumstances to impose a lesser sentence.

The judiciary has reacted negatively to the mandatory minimum sentencing legislation. In terms of SA's common law, courts weigh up three factors to come to an appropriate sentencing decision. These are the nature and seriousness of the particular crime; the personal circumstances of the offender when he committed the crime; and the interests of society. The minimum sentencing legislation permits the courts to consider the first factor only — the nature and seriousness of the offence.

In one of the first reported decisions on the legislation, Judge MS Stegmann criticised the legislature for using the courts as rubber stamps that must apply the legislature's arbitrary sentences. Such legislation "is an unfortunate breach of the separation of powers which tends to undermine the independence of the courts", Stegmann held.

The minimum sentencing legislation is a good example of the government's well-intentioned yet flawed approach to addressing the crime problem. A number of laws have been passed since 1994 which hold the risk of being unconstitutional in their attempt to limit the rights of those accused of crime.

Most of these laws, such as stringent bail legislation and legislation restricting the early release of prisoners on parole, apply only to those arrested by the police. The main weakness of SA's criminal justice system is that few crimes lead to the arrest of a suspect and even fewer lead to successful prosecution.

Of the 1 569 murder cases reported to the police between January and June 1998 (the latest period for which figures are available) only 597 were sent to court and 1 885 (16% of those reported) ended in a conviction of the perpetrator. For rape the conviction rate was less than 8%, for hijacking a mere 2%.

The criminal justice system is poorly resourced and has a shortage of skilled personnel. As a result there is often a long delay in completion of trials. This is a reason the minimum sentencing legislation is not well known. Most people charged for committing serious crimes after May 1 1998 have not yet completed their journey through the courts.

The management and day-to-day operation of the criminal justice system needs to be improved as a matter of urgency. The government and opposition parties would be well advised to devote more time to finding solutions to the operational problems in the police and prosecution service.

Laws which interfere with judicial independence and infringe civil liberties are not the answer.

Schönteich is a senior researcher with the Institute for Security Studies.
Heath to probe

state finances

PRESIDENT Nelson Man
dela signed a proclama

tion this week, forming a

unit to investigate 20 alleged acts of

misuse of public funds.
Thief of private guns is big problem

By STEWART HENNON

(34)
Mbeki warns ‘thieves’ who join government

Farouk Chothia

African National Congress (ANC) president Thabo Mbeki made corruption the central theme of his two-day election campaign in Mpumalanga at the weekend, promising that anyone involved would be removed from the party and government.

Accompanied by ANC premier candidate Johannes Mahlangu, who is likely to take over from Mathews Phosa after the June 2 election, Mbeki addressed about 25 000 people at a rally in Witbank yesterday. Phosa lost his post as premier against the backdrop of a series of corruption scandals that racked Mpumalanga’s government for five years.

Mbeki said some people joined government as ANC members, but turned out to be “thieves”, only there to “fill their stomachs”. Neither he nor Mahlangu wanted such people in the ANC or government.

“Mahlangu said they must get out of government. We don’t want such people in the ANC,” Mbeki said.

Mahlangu also spoke about corruption and urged people to report corruption cases to him so that he could root it out.

He said he wanted to ensure that state resources were used to benefit people and not end up in the “pockets of people”.

Phosa did not accompany Mbeki and Mahlangu on the campaign trail in the Witbank region yesterday. However, he joined them on Saturday in the Nelspruit district, where he has a strong following. In a public display of unity, Phosa introduced Mahlangu to ANC supporters, and urged them to vote for him.

Mahlangu said he understood that there was concern among certain people in the Lowveld region that they would be overlooked for delivery because he came from the Highveld region. However, he wanted to give an assurance that he would not be biased, and would concentrate on bringing about delivery in the entire province.

Mbeki also met traditional leaders, calming their concerns that the advent of democracy at local government level would undermine their status. “We do not want to fight chiefs. The ANC was founded by chiefs,” Mbeki said.

Mbeki ridiculed opposition parties. They were refusing to heed his advice to unite because they all wanted to be the president. Even if the opposition united, it would get only “three-and-a-half” votes.
Special unit’s zero-tolerance approach begins to bear fruit

Madeleine van Niekerk

THE efforts of the Heath special investigating unit, which is charged with recovering misused or misappropriated state funds, are becoming more successful with its adoption of a zero-tolerance approach to fraud and corruption.

Recently, the unit’s investigations resulted in a conviction and a six- to eight-year jail sentence for a person involved in the theft of a justice department warrant voucher for R4.5m. The guilty party also forfeited all his illegal gains from the theft.

“This type of punishment sends out a clear signal that we have adopted a zero-tolerance approach,” said Judge Willem Heath, head the unit, in an address to the Insurance Institute of SA.

Heath said the unit had thousands of cases involving corruption and fraud relating to old age pensions for which 50 people had been arrested.

There were many cases arising from disability grants and nutritional schemes for underprivileged children having been defrauded.

The loss of state assets cost millions and hampered government efforts to provide housing, medical assistance and other services.

“Thief of government cheques is a major problem,” he said. “In Umzimtoti, 1,000 cheques were stolen and about 300 were cashed, amounting to a staggering amount of money.”

Import and export duty was not paid and tax was evaded.

He said that 200 farms and houses belonging to the department of land affairs had been recovered, and “can now be sold to generate funds for the state.”

In one case, we have uncovered allegations of massive misuse of drought relief schemes implemented before 1994.“In the Road Accident Fund cases, victims of accidents allegedly did not receive their full entitlement.

Heath said the unit had been encouraged by signs that communities were solidly behind efforts to root out corruption, fraud and maladministration.

“We see on a daily basis how individuals are coming forward with information because they are sick and tired of watching others get rich from corrupt schemes. It is time that we all adopt the same attitude, and introduce a zero-tolerance approach to such practices.”
Joblessness does not cause crime; crime costs jobs.
Victims’ Charter to be drawn up soon

By MAX MARX

THE Department of Justice, one of the key role players in the National Crime Prevention Strategy, is in the process of developing a Victims’ Charter.

One of the main aims of the Charter will be to ensure a victim-centred service by moving away from a justice system that takes a retributive approach to a more restorative approach to justice.

Willie van Vuuren, researcher at the South African Law Commission, told City Press the transition to a restorative approach will make victims part of the criminal justice process itself.

At present, the justice system over-emphasises the human rights of the accused and marginalises the victims’ human rights with victims often reduced to disposable witnesses in cases between the State and the accused.

The Justice Department’s Director of Liaison and Information Services, Simon Ngomane, told City Press it was the Department’s vision to deliver a service which is victim-centred and responsive to the needs of the South African population in a way that balances the human rights of victims with those of the accused.

He said the main objectives of the introduction of this charter were to ensure that service providers render the necessary support to victims and move the criminal justice system away from being an overly adversarial system which limits the rights of victims, to one which empowers victims of crime.

The Gender Directorate within the Department has started preliminary work on the Charter and it should be completed by the end of 1989 or early next year.

The charter has seven rights:

☐ The right to be treated with respect and dignity.

☐ The victim’s right to be heard and allowed to offer information as a contribution to the investigation and prosecution of the case.

☐ The right to receive information about the status of the case, whether or not the offender has been charged, granted bail, convicted or sentenced.

☐ The right to protection from intimidation, retaliation or any danger to themselves or their families.

☐ The right to restitution either from the State or the offender to reimburse them for expenses or restore their rights where possible.

☐ The right to compensation for losses resulting from victimisation, which may assume the form of material, medical, psychological, legal or social assistance.

One of the major challenges facing the justice department is to change the attitudes of magistrates and prosecutors to become more victim sensitive.

Various training programmes have already been put in place for this.

The SA Law Commission, various NGOs and the Human Rights Commission are also involved in the development of the Charter. It is too early to say whether the Charter will require any constitutional amendments but legislative amendments will be made where need be. For example, if a compensation fund for victims of crime were to be set up, this would require changes in legislation.
State moves to seize ‘crime cash’

Stephen Laufer

The state’s new asset forfeiture unit has for the first time moved to seize money believed to be the proceeds of crime from a Western Cape drug dealer and gang leader.

The unit, part of the National Directorate of Public Prosecutions, was granted a preservation order by the Cape High Court on Friday, an essential part of the legal process before the R145,700 found in the car of Ighaan Davids can be seized by the state.

The directorate has once before tried to seize assets, but a court ruling said the act governing seizures could not be used retrospectively. The case is on appeal.

Court documents in the new seizure case show that the police see Davids as “a well-known drug dealer” and “the leader of the Americans gang in Kensington.”

Cape Town. He is facing charges of dealing in mandrax and dagga, and has a criminal record including a 10-year sentence for murder, two convictions for assault with intent to do grievous bodily harm, and one for the possession of a dangerous weapon.

The Prevention of Organised Crime Act, which came into force in January, allows the state to seize assets believed to be the proceeds of criminal activity. The seizure is a civil action, lowering the evidence threshold to a balance of probabilities rather than the requirement in a criminal case that evidence leading to a conviction be beyond reasonable doubt.

The asset forfeiture legislation and unit follow similar models in other countries. These have proved successful in fighting drug kingpins and other crime masterminds who manage to keep themselves out of jail by avoiding direct involvement in readily provable criminal acts.

In the US, the forfeiture unit of the Department of Justice seizes assets worth $500m each year. In Italy, $12bn has been seized since 1982.

The court documents show that forensic tests found traces of methaqualone, used for making mandrax, on the money taken from Davids when police stopped his car in January.

Initially, Davids said he had received the money from his cousin to buy panels for his panel beating business in the area. Police say the cousin, Lloyd Hill, “is himself the subject of an investigation into possession of 15,000 mandrax tablets”, and cannot be found.

Associates of Davids, who later tried to claim the money from the police, changed the story about its ownership and purpose, saying it was to be used to buy canned pilchards for export to Ghana.
Court hears that Organised Crime Act is 'draconian'

MOTSHIDISI McKWENA
COURT REPORTER

THE defence team of Melwyn James Bathgate, whose assets were impounded by the state in terms of the Prevention of Organised Crime Act, argued in the Cape High Court yesterday that the act was draconian and unconstitutional and was infringing on Bathgate's right to property.

Like Gavin Carolus, whose assets were also confiscated but later returned by the state in April, the state alleges that Bathgate acquired his properties through illegal means.

Counsel for Bathgate, advocates Jan Heunis, SC, and William King, yesterday argued that not only has Bathgate's right to enjoy his property been violated, but the state has also infringed on his inherent right to privacy and dignity.

Heunis attacked Section 16 to 22 of the act which was promulgated on January 21 this year.

He called the act draconian because it gave the state the power to impound and attach someone's property before the person has been found guilty of the said crimes.

Besides the act being unconstitutional, Heunis argued that the state had to justify the invasion of someone's property.

The state had to show on a balance of probabilities that the act was constitutional and justified and that the justification "must be established clearly and convincingly", Heunis said.

Willie Hofmeyer, of Percy Sonn's Investigative Directorate on Organised Crime and Public Safety, which submitted an affidavit as justification for the act, was also attacked.

Heunis also argued that in the National Director of Public Prosecutions, Bulelani Ngcuka's case against Carolus, the court decided that provisions of chapter six of the act, which deals with the civil recovery of property, did not have retrospective effect rendering them applicable to offences committed before the commencement of the act and that the court should consider it a precedent.

He also submitted that sections 16 to 22 of the act were inconsistent with the constitution and should be declared invalid.

In response to the arguments, counsel for the director of public prosecutions, Billy Downer, said that the act sought to curb organised crime and drug-related activities.

Downer argued that all the state had to prove was that Bathgate acquired his properties through illegal means and added that the matter of retrospectivity was not relevant.

Judge Deon van Zyl pointed out that he was not convinced by Hofmeyer's affidavit and his reliance on "wide ranging legislation".

He said that if Hofmeyer was going to rely on legislation to justify the confiscation of property, he had to be specific and name his sources.

"Eventually I must be convinced on constitutional grounds that these intrusions are justified", Judge Van Zyl added.

Bathgate was arrested in July last year, allegedly with 2.7kg of cocaine with a street value of R1.5 million and R130,000 in cash.

He was released on bail.

In his opening arguments on Tuesday, Downer said that a person's first reaction to the act would be that it was draconian, but added that people should not be making money from crime in the first place.

Judgment was reserved.
Facing the

Of Crime

Very Reality

By William Smith
New anti-hijacking device ‘burns but cannot kill’ attackers

The Blaster may be as legal as a gas burner, but Jonny Steinberg has some more questions

"IT CANNOT kill anyone," says the cheerful voice at the other end of the phone. "All it can do is inflict first-degree burns."

"It is the Blaster, the new anti-hijacking device that "scars" the attacker by setting him on fire."

Asked who the device has been tested on to check that it does not kill, the cheerful voice replies: "Doctors in Germany tested it. I'm not sure where they are from. Some car manufacturer."

"In the event of an attack," reads the blurb on the Blaster's internet homepage, "the driver of the vehicle steps on a foot switch, instantaneously liquid gas exits nozzles over a spark, igniting the gas. A ball of flame on both sides of the vehicle incapacitates attackers."

"The aim of the system is not to kill people. It is to scare hijackers away."

"It asks whether "incapacitates" means it combusts or sets alight."

Michelle Wong, a spokesperson for Blaster Anti-Hijack Systems, the small company that produces the device, says: "Not necessarily. Only if the attacker is directly in the trajectory of the flame. Otherwise it just frightens him away."

Sheena Duncan, chairman of Gunfree SA, is indignant. "It is outrageous that any company will, for profit, market something designed to inflict first-degree burns. I trust the product will be outlawed without delay," she says.

So is it illegal? The Explosives Act says nothing about liquid gas and sparks, just detonators. The Arms and Ammunition Act talks of guns. "I have no idea whether it is legal," says a perplexed Martin Aylwood, police spokesperson for crime prevention and response. "I guess a court will have to decide."

It must be legal, offers a helpful safety and security department official. "I've seen it advertised at the post office."

"Under the Explosives Act it is not an explosive," says safety and security secretary Aqhar Cachalia. "It merely emits a flame. So it is as legal as a gas burner."

"That said though, anyone who uses it could face civil and criminal liability."

He says it would depend on how the courts saw any case that came before them.

"One may be convicted of assault with intent to do grievous bodily harm," he says. "The courts may decide you have used excessive and unreasonable force."

"I worry about how people will use it," Cachalia says. "Somebody is driving through a strange neighbourhood and feels nervous, will he or she press the button when somebody wanders past the car?"

"Will a driver use it when someone with a different colour skin stands next to the car?"

Wong tries to sell the device on its gentleness. "What is the alternative?" she asks. "A gun? A gun kills, the Blaster does not. So it is a step up."

Wong says more than 100 Blasters have been sold since the product came onto the market a few months ago.

She says the company is negotiating with an exhaust retailer and a national car dealership to sell the product from their premises.

The Blaster is an SA product, invented by Vereeneing marketing expert Charli Faurie.

Before we are just selling it in SA," Wong says, boasting that the device costs a mere R3 900, including VAT. "But we are looking to go international."

We are negotiating with the Mexicans. Mexico City's most talked about crime is not hijacking, but kidnapping. Businessmen disappear on their way home from work and are barred back for thousands of pesos.

There is a chat forum on The Blaster's website. Foreigners ask nervously whether the device is not a mite misanthropic.

"I do not understand the situation as fully as South Africans," says an impecably polite Briton. "But isn't this simply retribution? Whatever people are, do they deserve to be killed?"

A helpful fellow-Briton puts everything in context. He has never been to SA, but he has lived in Zambia, "Limey" says.

"He once had to drive down a street lined by police armed with tear-gas grenades, to protect us from a violent mob. All because my father sacked a hopeless worker," Limey says.
Farm murders decline in April

Rural communities may be warming to the safety plan, writes Jonny Steinberg

Farm attacks increased sharply during the first three months of this year and then declined in April, as SA Agricultural Union leaders battle to show their constituency that co-operation with government is working.

The latest statistics — which will be released next week — come at a difficult time in farming politics, just nine months after a rural crime summit at which government and farmers agreed to work together on a comprehensive rural security plan to tackle the farm-killing epidemic.

Union executive director Jack Raath said this week that while the latest provisional statistics on farm attacks were worrying, the rural security plan had by no means failed, as the ranks of army commandos and the police reserve had swollen since the summit. This suggested that rural communities were beginning to warm to the safety plan.

Asked for comment, the safety and security secretariat's Mark Shaw said the provisional statistics should be qualified and put in context.

"Much of the increase can be attributed to peri-urban small-holdings rather than commercial farms."

"Our capacity to gather statistics from small-holdings has improved dramatically during the last few months. The result is that some of the upsurge is simply the result of better information gathering."

While the number of attacks increased between January and March, the number of murders on farms and small-holdings had stabilised, Shaw stressed.

A source close to the union, who asked not to be named, said the success of the security plan rode on "the thinnest of political tightropes".

"The plan conceives that in sparsely populated rural areas security personnel cannot go it alone. Citizens must participate, through commandos, the police reserve and hi-tech district communications," the source said.

"The ... issue of citizen participation could evolve into a catch-22 situation. Many farmers are dubious about the capacity of the criminal justice system under an African National Congress (ANC) government and are loath to participate in it."

"If they fail to participate, criminal justice in the countryside will inevitably fail and farmers' scepticism will turn into a self-fulfilling prophecy."

"The union's constituency will turn round to the union and tell it that co-operation with government has failed, yet it is precisely the complainers who will have made it fail."

Raath concedes that the union is under pressure to show that its co-operation with government is reaping results.

"Detractors in the union say we are wasting our time talking to government. If by our next national conference in October it is clear that matters have deteriorated, there will be heavy criticism and a lot of impatience."

Raath says that rural communities are beginning to participate in army commandos and the police reserve, but that much work remains to be done.

"We do not have the situation we had in 1994, where people left the commando system in droves because they were not prepared to work in the structures of an ANC-controlled government. That is over. People are starting to come back."

Raath says many in white communities will stay away from commandos until they see greater government commitment to repairing the criminal justice system.

"Politicians sometimes make the right noises, but we need to see some sustained action," Raath says.

"The pipes of the criminal justice system are clogged up. Thirty thousand policemen in this country cannot write a docket or take a telephone message or drive a vehicle."

"When the population sees these problems being tackled, people will start to report crime, to come forward as witnesses and to unite in the fight against crime. But the initiative must come from government."

"Is there a danger that Raath's constituency will turn to vigilante action?"

"It is worrying that farmers in the Northern Province and Mpumalanga have hired the services of the vigilante group Mapogo-a-Mathamanga," Raath says.

"That is really no solution. It soon leads to a situation where four or five malas compete with each other and end up forcing protection money out of the population. That would be a disaster."
Legislators failed to deal with pitfalls of the rule of law

SA’s Proceeds of Crime Act, which empowers the state to confiscate assets that are the fruits of crime, has critical deficiencies, writes Bart Henderson

The national fraud figure under review this year is reported to be about R54bn and organised crime accounts for a significant portion of this figure.

It came as no surprise, therefore, that the beleaguered SA Police Service hailed the promulgation of the Proceeds of Crime Act, 1996 (Act No.76 of 1996) as a welcome and valuable tool to disenfranchise organised crime of the fruits of their labour. This act, inter alia, provided the procedures to confiscate the proceeds of crime.

However, the first tests of the act’s efficacy have highlighted critical deficiencies in its practical implementation. These deficiencies stem mainly from the general interpretation of constitutional and other jurisprudential implications. In the first instance, as a term of reference, one must bear in mind that the Proceeds of Crime Act was derived from US law.

The act does not make adequate provision for the implications that constitutional differences would have on a defendant’s right or does the act consider the difference in the basic laws of the two countries.

The US judicial system allows the state to confiscate assets they suspect were procured with the proceeds of crime, leaving it onus on a defendant to prove their assets were procured from legitimate proceeds. SA, however, this is in direct conflict with our constitution.

The blame, if any, for this lies squarely at the feet of the country’s legislators. Adopting international legal models which appear to have merit is one thing, adopting laws is another.

The rule of law in SA is the constitution. No other law can supersede this. It seems apparent that the makers of the Proceeds of Crime Act failed to observe the implication of their laws in the context of our bill of rights, mistakenly hoping their law would not be found wanting once tested.

The costs involved in introducing, digesting and amending laws are not insignificant. When laws are in conflict with entrenched constitutional rights, these matters become daunting, scrap the law or change the constitution.

The central issue is one of presumption and the defendants’ constitutional rights in this regard. The matter of presumption was dealt with in the Constitutional Court in the case of the State v Bhengu, State v Gwinde 1985 (12) BCLR 1579 (CC).

The central issue is one of presumption and the defendants’ constitutional rights in this regard. The matter of presumption was dealt with in the Constitutional Court in the case of the State v Bhengu, State v Gwinde 1985 (12) BCLR 1579 (CC).

In this instance the applicants were convicted of dealing in dagga in terms of s21(1)(a)(i) of the Drugs and Drugs Trafficking Act, 1992. The basis provided that where an accused is found in possession of dagga exceeding 115g, it shall be presumed, until the contrary is provided, that the accused dealt in such dagga.

The applicants challenged the constitutionality of the section on the basis that it violated the right to be presumed innocent and to remain silent, contained in s25(3) of the interim constitution.

The court decided that s22(1)(a)(i) of the Drugs and Drugs Trafficking Act is an unjustifiable violation of the accused’s right to a fair trial. Consequently, s22(1)(a)(i) was struck down.

One would be inclined to suggest the issue of presumption remains pivotal to the successful enforcement of the criminal procedure law and point out that the court in the matter of s21(1)(a)(i) found specifically that the state’s interests in the administration of justice were not sufficiently cogent to justify the infringement of the accused’s right to remain silent and to be presumed innocent until proven guilty.

One would, therefore, venture to say that the state must first prove proceeds were derived from a crime before attachment can take place, even if the intent is to simply hold these assets pending a criminal court ruling.

How can assets be attached if the law presumes a defendant’s innocence? If the defendant is presumed innocent then it must be presumed their assets were acquired legally, rendering the Proceeds of Crime Act redundant.

Recently, the Proceeds of Crime Act received another setback in the matter of State v Stanfield in the High Court where the court ruled the law could not be applied retrospectively.

In other words, the state had to prove which assets were procured before the inception of the act and which were procured after.

The state, it was found, could not attach assets of the defendant possessed before the inception of the act.

Although the state is appealing this ruling, the SAPS it appears, continues to fight organised crime and is attempting to uphold and apply the law while the law itself seems unenforceable and ambiguous at best. Cases of rapists and murderers being granted bail, returning to the streets and committing further crimes spring to mind and so does the constitutional law which allowed them.

Today the law has been amended to an extent that the granting of bail in particular, allows for the holding of a prisoner for seven days without bail in the interests of law and order, which is in itself a violation of the constitution and citizens’ basic rights to freedom again until proven guilty.

The fact is that the law is far from perfect, and so is our constitution.

What is apparent is that the SAPS may have grounds to complain that criminals have more rights than law enforcement agents.

In the interim, committing a crime might still see you in prison, but you can always look forward to serving your term and retiring to a life of luxury.

Henderson is a forensic auditor in private practice, lecturer and author of numerous articles on economic crime and ethics above.
Corruption hampers development in SA

By Mongwadi Madiseng

Bribery, fraud and white-collar crime deny South Africa the opportunity of developing its economic activity in order to create sustainable jobs and distribute wealth to disadvantaged communities.

The South Africa Association of Consulting Engineers (SAACE), whose members are involved in projects valued at more than R15 billion annually, has urged its member firms to join the country's anti-corruption campaigns.

With billions of rand being lost yearly, it is members being called on to report incidents of bribery to the relevant authorities and the association, even if contracts might be jeopardised.

At a function held in Midrand last week to launch the associations' 1999 directory of firms, SAACE president Peter Conradie said increased corruption in the construction industry was an international trend.

"Apart from the threat to the profession, member firms have a duty towards society to provide the authorities with any information about illegal practices," he said.

SAACE executive director Graham Pirie said member firms had been urged to report bribery and corruption, even though it may lead to loss of work.

"The association's code of conduct takes an extremely strong stand against bribery and corruption and requires firms to report such cases to proper law enforcement authorities," he said.

Meanwhile, the South African Chamber of Business has welcomed the new Cabinet announced by President Thabo Mbeki.

The organisation said the appointments were on merit in terms of political management skills, which would accommodate the Government's focus on policy implementation and speedy delivery.
Khulisa wants to break SA’s cycle of crime

Rehabilitated criminals give scant consideration to their victims, writes Nomavenda Mathiane

...THE five youths seated at the main table at the Inanda Club, dressed in khaki pants and black T-shirts, looked out of place.

The audience, too, did not know how to react to the smiling youths who seemed pleased to be at the club.

They were there on Tuesday to celebrate the launch of Cries without Tears, a book written by Leenukop prison inmates who are graduates of the Khulisa rehabilitation course.

Khulisa, started in September 1997, is a multifaceted life-skill teaching programme based on storytelling, art and career guidance to rehabilitate convicted criminals and break the cycle of crime.

Khulisa — a Zulu word for raise or bring up, with particular reference to children — was born from collaboration between researcher Lesley Ann Tintinger and storyteller and author Credo Mutwa.

Siphiwe Moretsele, the leader of the group whose members have been rehabilitated and released from prison, introduced his colleagues in an unassuming way, speaking in simple English.

He sketched their lives of crime before allowing them to tell their stories one by one. They read paragraphs from the book reflecting on their experiences.

“My parents were scared of me,” Simon Kunene of Thembisa said. He was involved in serious crime.

“People always think that if I was once a criminal, I will always be a criminal. I am going to prove them wrong by changing and becoming successful in my life, and I think I will be my own hero,” read Moretsele.

From what they said, they appeared to have genuinely changed their ways.

Moretsele said he was involved in a car theft racket, but since his release from prison had severed ties with his friends in the township. He now lives in the suburbs and is studying a marketing course.

Researcher and Khulisa course designer Prof Charl Cilliers of the University of SA’s psychology department said that unless the correctional services department and the state supported programmes such as Khulisa, the crime situation would worsen.

“Presently, there are 146 000 prisoners in SA jails, and 70% of the population in prison will be back if nothing is done about rehabilitation.”

Cilliers said programmes such as Khulisa would succeed because they focused on the individual.

He said he was part of the team of legal experts who had been working on a bill that would address reparation towards the victims of crime, to be debated in Parliament shortly. He believed in punishing criminal offenders. “But retribution and deterrents must be followed by rehabilitation.”

However, throughout the evening, very little was said about the victims of crime. The group members did not mince words about their need to be accepted in the community because they had paid their dues to society. The thread throughout their speeches was that they were the ones that society had to focus on.

It did not seem important that their actions, in some instances, may have resulted in children being orphaned, women widowed and people malnourished.

After all, they had sought pardon from their victims and asked for forgiveness since being released.
SA’s trade surplus soars

Samantha Enslin

SA’s May trade balance defied expectations by recording a R2.2bn surplus in May against an expected R800m.

Economists, who referred to the surplus as exceptional, said the rise in exports pointed to a recovery in Asian economies, with exports to that region up 20.7% year-on-year for the first five months of the year. The decline in imports underlined the weakness of the SA economy, economists said.

The figures were surprising in light of the weak gold price and the hike in the oil price, but certain economists believe the effects of a higher oil price on imports and a weaker gold price on exports have yet to filter through.

Exports rose 8.5% month-on-month to R13.1bn and imports declined 2.9% month-on-month to R10.9bn. The cumulative surplus for the first five months of the year is R7.71bn compared with a R3.65bn surplus for the same period last year. In dollar terms, however, SA’s export performance is unsparing. For the five months to end-May exports have declined 5.3% and imports have fallen 13.7% in dollar terms.

Standard Bank economist Leroy Smith said further declines in the export of precious metals could be expected as the lagged effect of the weak gold price kicked in.

Gold represents a substantial portion of the precious metal category and of total exports. In May the precious metals category declined 7.9% month-on-month.

Bank economist Karen Moolman said the effects of higher import demand could be compounded by lower export proceeds as the effects of the weaker gold price were seen. The decline in the gold price, which contributes about 17% to exports, will have other effects on the domestic economy through job losses that will affect consumer spending.

Economists expect the current account in the first quarter to be in a surplus after the release of yesterday’s data and think it is likely the current account in the second quarter will also show a surplus. The current account is the trade balance less net payments for invisible items such as interest, dividends and insurance. However, in the second half of the year the current account is expected to deteriorate.

Concern over a hike in US interest rates nudged the government’s R150 bond 7.5 basis points weaker to a 14.645% yield in thin trade, and the Johannesburg Stock Exchange’s all share index fell 26.3 points to 681.

Police mull team to target Nigerians

Jonny Steinberg

THE SA Police Service is considering forming a national investigative team to hunt in on the Nigerian underworld, which is believed to be behind the recent spate of kidnappings of business men, a senior detective said yesterday.

Police have arrested 10 people in connection with the kidnapping of foreign and local businessmen in the past four months.

The detective said the modus operandi of SA’s emerging kidnapping syndicates was less severe than in cities like Mumbai and Mexico City, where kidnapping is as feared as car hijacking in Johannesburg. “In Mexico City kidnappings are brazen and careless.”

A syndicate will usually choose a moderately successful professional, follow him for a few days, take him off the street and demand ransom. The syndicates are brazen because large areas of the city are no-go areas for security forces and the victim can be safely hoarded and exchanged in areas ruled by the underworld.

In SA syndicates were more afraid of the law and more cautious about who they targeted, the detective said. “In the vast majority of cases, the victim is a foreign businessman who is lured to SA to make a shaky deal. If he goes to the police, he could face criminal charges. The syndicates believe his family will quietly pay the ransom without getting the authorities involved.”

Given the level of caution involved, it is unlikely we will see a kidnapping epidemic in SA, in which ordinary people get pulled off the streets.

Regarding setting up a team to investigate the Nigerian underworld, the detective said: “We are learning in the detective service that it is not always wise to set up units which specialise in specific crimes. Sometimes it is more appropriate to home in on people and organisations. The Nigerian underworld is a large, interlocking network involved in several crimes. In these circumstances, a crime-specific task team would not be effective.”

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to hit crime and boost jobs
Mbeki unveils master plan

Abahlali baseMjondolo, the radical urban housing
organisation, has launched a campaign to compel
the police to address the high levels of crime in
the country. The campaign, which is called
"Abahlali in Action", aims to force the police to
take action against crime, especially in the
poorest areas of the country.

Abahlali baseMjondolo is a non-profit organisation
that works to improve the living conditions of
poor and marginalised communities in South
Africa. The organisation has been involved in a
number of campaigns aimed at improving the
socio-economic conditions of its members.

The campaign comes at a time when crime rates
are on the rise in South Africa. According to the
South African Police Service (SAPS), the number
of reported crimes in the country has increased by
more than 10% in the past year.

The campaign is supported by the National
Police Commissioner Police Commissioner Khehla
Magashula, who has pledged to work with
Abahlali baseMjondolo to address the issue of
crime in the country.

"Abahlali in Action" is just one of a number of
campaigns launched by Abahlali baseMjondolo in
recent years. The organisation has previously
launched campaigns to address issues such as
inequality and poverty.

Abahlali baseMjondolo has called on the
government to take action against crime, and to
provide more resources to the SAPS to help it
fight crime more effectively.

"We want to see a South Africa where
people are safe and their homes are
protected," said Abahlali baseMjondolo
spokesperson, Thembekile Makhubu.

The organisation has also called on
the public to support its campaign,
and to report any criminal activities
they witness.

"If you see something, say
something," Makhubu said.

The campaign has received
some support from the
government, but has also
been met with criticism
from some quarters.

"We need more
resources," said
Abahlali baseMjondolo
spokesperson, Thembekile
Makhubu.
Tshwete takes the gloves off

'Russless' crime blitz

CHARLES PHIRILANE
POLITICAL CORRESPONDENT

The game's up — that was the message from Safety and Security Minister Steve Tshwete to criminals today as he spelled out to Parliament a "ruthless" crackdown on crime.

The strategy hammered out includes roadblocks, cordoned-off areas and search operations. And there is a plan for an FBI-style agency to probe serious crime.

Mr Tshwete said the past five years had been spent formulating strategies against crime and amalgamating various police forces inherited from the apartheid past.

"What is required now is a ruthless implementation of that plan as a matter of urgency. We are ready, more than ever before, not just to send a message to criminals out there about our intentions, but more importantly to make them feel that 'die tyd vir speletjies in nou verby' (the time for play is over)," Tshwete said.

"In the process, ordinary law-abiding citizens might be inconvenienced and we would like to appeal to them to understand why we are stepping up this kind of action," he added.

He said the Government was adopting an inter-departmental approach to fighting crime.

The ministers of justice and constitutional development, safety and security, correctional services and home affairs would meet once a fortnight to draw up reports for the Cabinet on the progress of the battle and co-operate in investigating cases.

This committee will involve the national Directorate of Public Prosecutions in the investigation of a crime and its successful presentation to the courts.

Mr Tshwete said plans were under way...
Law to curb guns

By Charity Bhengu and Sapa

Opposition parties and non-governmental organisations have welcomed draft legislation to crack down on the menace of illegal firearms in the country.

Gun Free SA said yesterday that South Africa had one of the highest gun-related death rates in the world, with more than 30 people dying of gunshot wounds every day.

An average of more than 2 000 licensed firearms, reported lost or stolen every month, were sources of illegal firearms, crime and gun-related deaths.

But South African Police Service national spokesman Fazal Kader could neither deny nor confirm the figure. "We do not categorise murders according to method used," he said.

This follows Safety and Security Minister Steve Tshwete's announcement in Parliament that the new multi-approach would restore control over crime.

Tshwete's media briefing yesterday came after President Thabo Mbeki's promise last week that a new law would enable the state to deal "mercilessly" with all gun-related crimes.

The multidisciplinary move was described as positive by political parties and NGOs.

"Our Africafist Congress spokesman Mr Ngila Mvumane said: "If the old regime was able to collect arms, we can even do it better since we have the support of the public."

The action should be followed by the cleaning up of corruption in the departments of Justice and Safety and Security.

"The corruption in these departments would militate against such a good operation," he said.

United Democratic Party spokesman Ms Annelize van Wyk said: "This is a good move and we hope they achieve their goals."

Democratic Party spokesman Mr Peter Leon said he hoped that the move would be more of a crime prevention exercise than a once-off public relations stunt.

Mr Guni Govin of the Ceasefire Campaign said the Government should also look at the source of illegal firearms - the manufacturers, exporters and local dealers. "Perhaps there is not enough control on the flow or transfer of firearms."

A national multidisciplinary committee has been set up to support the operation. It involves key ministers and officials from the departments of Safety and Security, Justice, Intelligence, Home Affairs and Correctional Services and the National Defence Force.

Clean-up activities in a number of flashpoints would get under way soon. These included roadblocks and cordon-and-search operations, which would become routine police activities.

Tshwete has asked for the release of a senior SAPS official to activate and take control of all activities relating to illegal firearms.

He warned criminals who attacked police during the operation: "Once convicted, police murderers will be given life imprisonment."

Justice Minister Pelfundlile Maduna, Correctional Services Minister Ben Skosana, Defence Force chief General Sihle Niyanda and Intelligence Services Minister Joe Nhlanhla unanimously agreed that they would not create the desired effect if they worked in isolation.
When people are disconnected from the community, they feel no moral restraint. Where does this lead? Lack of morality is crime's root.
FBI-style unit set to deal 
‘ruthlessly’ with crime

A new high priority crimes investigation unit, similar to the United States Federal Bureau of Investigation, forms the cornerstone of the Government’s new ruthless and co-ordinated approach to fight crime.

As reported in later editions of yesterday’s Cape Argus, the Government blueprint includes:

* A new multi-disciplinary national unit to investigate priority crimes, improve police skills, tough measures to deal with police killers and a new law to control illegal firearms.

* Involving civil society and the SA National Defence Force, and using the army as back-up.

* Clean-up activities from Monday in a number of flashpoints. These will include roadblocks and cordon-and-search operations. These will not be one-off matters, but will become routine.

* A call by Director of Public Prosecutions Buks Bazooka for an urgent revamp of criminal justice legislation which will compel defence teams to disclose their strategy in criminal trials.

* Fortnightly meetings between Safety and Security Minister Steve Tshwete, Justice Minister Pravin Maduna and Correctional Services Minister Ben Skosana to co-ordinate the anti-crime fight.

Mr Tshwete said: “Plans are under way for the creation of a newly structured capacity (to investigate priority crime). This initiative will establish a type of capacity that is necessary to give organised crime, particularly ... elements committing violent and commercial crime, a severe blow.”
Manuel refutes Heath unit’s claim

Farouk Chothia

CAPE TOWN — The auditor-general’s office has found that the Heath special investigating unit recovered only R60,37m of state funds through its anti-corruption investigations, Finance Minister Trevor Manuel said yesterday.

The office was asked in April to assess the unit’s monetary success after a public spat between Manuel and unit head Judge Willem Heath over the unit’s success rate and budget.

Heath wanted a budget of about R14m but received only half that amount. Manuel said at the time the unit had inflated its success rate and he had not found the billions of rands that the unit claimed to have recovered.

Deputy auditor-general Shauket Fakie confirmed yesterday that only R60,37m was recovered.

The office was finalising its report before submitting it to Manuel and Heath for their comment. The final report would also be tabled in Parliament. Manuel had disclosed its contents prematurely, Fakie said.

Manuel made the disclosure during the debate on President Thabo Mbeki’s state of the nation address in the National Assembly.

Arrangements would be made with Heath to have the money transferred to relevant revenue funds, “as required by the constitution”, Manuel said.

The finance minister had also clashed with Heath over where the recovered money should go. The minister wanted it to be repaid to national or provincial revenue funds rather than departments.

Unit spokesman Guy Rich said the unit would comment only after studying the final report drafted by the auditor-general’s office.
Corruption throughout the world wears many masks.
FOOTNOTES with Louise Cook

Farmers consider options

The trend that has seen a fifth of SA’s farm co-operatives become companies has tapered off, but the question of what happens to membership funds remains contentious. More than 50 of the 250 co-operatives in SA have opted to convert to companies in the past few years, but in many cases farmers have been left pondering the pros and cons of membership versus shareholding.

The most common practice has been for farmers’ membership fees to be retained by the new company and added to its reserves at conversion. Farmers usually get shares in the company determined by a formula based on the amount of business done with the co-operative on a specified period. However, these arrangements have not suited all. Some farmers claim their membership contributions were their only form of retirement provision, and they would have preferred to have the funds returned to them.

Others complain that they have less influence on the decision-making process when their co-operatives become companies. This fear is evident in the Free State where Vrystaat Korporatie Beperk (VKB), acting on behalf of two co-operatives in the province, has been buying SOK shares in the past year in a bid to prevent it falling under the control of Mpumulanga-based OTK. VKB wants SOK to focus its activities in the Free State, rather than spreading itself across a wider clientele base.

Fluctuations in the market value of the shares are also a source of concern. The recent future over the value of the unlisted shares in Senwes, a former grain co-operative based in Klerksdorp, clearly shows farmers’ insecurity. Since the shares were issued two years ago at R4, the share has dropped to below R1,67 — which is the benchmark shareholding has been watching for since it is equal to the value of their shareholding in the former co-operative.

If the conversion had not taken place, co-operative members or their dependants would have been paid their full contributions plus interest on death or retirement.

Senwes management has appealed for time to build up the company, and unveiled plans to list on the Johannesburg Stock Exchange midway through next year. The company points out that as a shareholder of the transformed company, the farmer has the advantage of being able to sell shares at any time.

Agricultural economist Philip Theunissen points out that, when comparing membership to shareholding, the argument that shares can be sold instantly is valid only as long as the shares perform. “During the first years after the conversions, benefits to farmers have been limited to a few exceptional opportunities,” he says.

One such opportunity presented itself to SOK shareholders recently with the OTK and OVK offers, which pushed the share price of the unlisted company to 90c from 50c in six weeks.

However, being wooed by two parties simultaneously is the exception rather than the rule, and shareholders in other agricultural companies have not been as lucky.

The unissued farmers’ membership dues, which were previously not negotiable assets, have become highly liquid. “Many farmers sold their shares after their co-operatives became companies. This is not in their interest if maintained production rather than short-term investment is the more important consideration.”

He cites the proposed OTK deal as an example, saying that by law co-operatives, unlike companies, have to clear their plans for takeovers and mergers with the registrar of co-operatives. However, in the case of companies these can take place without statutory intervention.

The registrar acts as a watchdog over members’ interests.

More recent conversions have approached the situation differently. Recognising the sensitive nature of the matter, NTKV recently gave its members a range of options when it converted.

Members could either retain their existing rights regarding membership fees under a co-operative, or convert their contributions into debentures in the new company. The debentures were issued for 10 years and are fully tradable. At the end of the 10 years all debentures will be converted to company shares.

An economist from SOK, the Bethesda-based former grain co-operative, says farmers are unduly nervous about companies and have only themselves to blame for not adapting to the new farming environment in which added value, diversification and globalisation are key to economic survival and growth.

“They do not understand or want to find out how companies work. A co-operative and a company are very different. As a shareholder, you have to understand the new rules of the game.”

This means that company shares are available to the public, unlike co-operatives which have a restricted membership.

The striking difference between co-operatives and a company is the fact that members of a co-operative are also its clients and have some power to negotiate. Given the current sensitivity among farmers, it is likely that NTKV’s handling of the issue of membership fees will become the norm as more co-ops convert.
Advocate outlines costs of fraud probe

Madeleine van Niekerk

IT COSTS the state — in other words taxpayers — between R1m and R5m to investigate a large fraud case and it takes up to two years to conduct such an investigation.

Advocate Jan Swanepoel, of the investigating directorate of the National Directorate: Serious Economic Offences, said this yesterday in connection with the possibility that hundreds of people across SA might lose millions of rand in an alleged investment fraud case.

More than 600 people invested money after being promised about 100% profit a year.

Johannes Gerhardus Grobler, an Akasia businessman and director of Emma Property Investments, was taken into custody at his office in the Akasia Medical Centre this week. He was released on bail of R100 000 by the Pretoria District Court after being arrested for an alleged transgression of the Bank Act.

It is believed that almost R50m is involved.

Police say the alleged transgressions are regarded as the biggest case since the Albert Vernaas Investment fraud case of R130m in 1994.

Swanepoel said the investigating directorate had only two of its own auditors and to appoint auditors from outside to investigate these cases was very costly.

He said it costs R570 an hour to pay an outside auditor — about R5 700 a day per auditor to investigate such a case.

On top of that, the advocate, prosecutor and police have to be paid.
Funds dispute likely to continue

Sources see the finance ministry backtracking, several issues unresolved, which Kevin O'Grady
Minister backs British probe into cocaine trade from SA

Johannesburg - Justice Minister Penguile Maduna has approved a request by Britain to carry out investigations here in connection with drug trafficking offences committed in Britain.

The minister said that in terms of section 7 of the Internal Co-operation in Criminal Matter Act, he had approved the request as it was believed the perpetrators of the crime were resident in South Africa.

A spokesman Paul Setsetse said the investigation related to the importation of "very substantial" quantities of cocaine transported from South Africa to Britain via the Caribbean.

Sapa
Ministers pledge united front to fight crime

Zero tolerance only answer to lack of ethics
VIP security firms grow

Private protection agencies target foreigners, writes Jonny Steinberg

THE private protection industry is swelling as foreign businessmen seek a "one-stop security shop" - a batch of services ranging from personal protection to background intelligence on potential business partners.


He wants VIP protection until he is settled down. He may want to investigate the background of those he is doing business with. He will want to know where it is safe to live, what sort of home security to have, whether to carry a gun, how to lobby politicians or how to manage labour in SA.

OF&A is a member of an alliance of several businesses called The Clearing House which "settle foreign businessmen into the local environment".

Those in the field say that to the average American businessman Africa is one undifferentiated security zone and that what happens at the other end of the continent shapes the personal protection market in SA.

"Business took off after the shooting of a group of tourists in a Ugandan game park this year. Everyone wanted VIP protection," Power said.

"Uganda, SA, game parks, cities - our US clients do not differentiate."

Graeme Butcher, MD of the Security Academy, a company that trains VIP protection personnel, complains that amateurs have poured into the market as business has grown.

"People with martial arts training enter the market thinking that their background is sufficient training. They are wrong," he said.

Butcher, who was educated by the Executive Protection Institute in the US, trains his students in a host of skills such as profiling clients for threat analysis, reconnaissance, elite protocol and dress, medical assistance, hostage negotiations and post-traumatic stress management.

"The agent should blend into his environment like a chameleon," Butcher said. "The optimal situation is when the guy blends in so well he cannot be distinguished from the client."

Power said: "You don’t want a bald, thuggish-looking giant. He’ll stick out like a sore thumb and hardly radiates intelligence and sophistication."

The bulk of Butcher’s clients range from foreign executives to visiting celebrities. But a handful of local businessmen hire permanent protection.

"One client is big in the mining fraternity and moves around Africa regularly. He is somebody worth kidnapping. We protect him permanently."

Butcher said a new but fast-growing market was emerging in the tourist industry. "There is a growing number of people who feel they need a tourist guide who can also protect them. This seems to have emanated in the Western Cape, but appears to be growing in other areas of the country as well."

Another operator in the field said the bulk of his clients were local businessmen looking over their shoulders.

"One client is looking to expand and is going to step on a lot of toes in the process. He hired us after one or two competitors made threatening noises. He will keep us for up to a year, until he feels things have settled."

Do businesses like Power’s paint a frightening image of Africa in order to court clients?

"Absolutely not," Powers said. "We have a duty to cool things down. After all, the more afraid people are, the less they will invest here, and then the whole country loses."

But OF&A’s brochure paints a very different picture. "High-powered executives, dignitaries and foreign visitors are prime targets for car hijackings, kidnapings, muggings, terrorist groups and other criminal elements," the brochure declares.

"Business as usual has taken a rather different meaning and there is no indication that this situation will change soon ... Due to the poor law enforcement capability in the SA Police Services, international crime syndicates are targeting SA to launch new, better and more sophisticated criminal activities."

Cooling things down indeed.
The ugly truth behind SA crime

Zakes Mdla
A SECOND LOOK

S
omething has a tendency to turn the magenta section of the CNN and Miami into an amber current. The other day I overheard a group of people talking about eight events that were sprawled on the floor in front of them. They were talking about the lack of safety in their neighbourhoods. They spoke of how to get from one place to another without being bothered by crime. Their conversation was filled with expressions of concern and fear.

This tradition continues everywhere in South Africa, from the townships to the cities. Everyone is aware of the increasing levels of violence in the country. There has been an increase in crime rates in recent years, and this has had a profound impact on people's lives. The fear of crime is widespread, and it affects everyone, regardless of their social status or economic situation.

The fear of crime is not just a problem for individuals, but it also affects communities as a whole. Crime has a ripple effect, and it can often lead to a loss of trust within communities. People are becoming increasingly isolated and afraid to engage with their neighbours.

It's time to start taking action against crime. We need to work together to create safer communities. This can be achieved through a combination of strategies, including community policing, investment in infrastructure, and education. It's also important to address the underlying social and economic factors that contribute to crime.

We can achieve a safer South Africa if we work together. It's time to take action and create a brighter future for all.
Use the army to fight crime

Durban - Bheki Cele, Minister of Police, and Dali Mpahlwa, Minister of Safety and Security, will have enough police to combat crime in the country. The two ministers will meet with provincial police leaders, headed by provincial commissioners and provincial premiers, on Friday to discuss policing in the country.

The ministers said they will have enough police to handle the situation.

Mr Cele said the meeting will focus on the new police strategy that the department has implemented.

The meeting will also discuss the department's new strategy to deal with the high crime rate in the country.

The ministers said they will also discuss the department's new strategy to deal with the high crime rate in the country.

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Criminals will soon feel sting in Scorpions’ tail

PETA KROST

The Government is creating an independent supercop agency to stamp out crime - and will use money seized from known criminals to do so.

As Justice Minister Penuell Maduna announced a new Special Operations Directorate to investigate and prosecute top criminals yesterday, a special police unit was already working to track down hidden millions belonging to South Africa’s heist kingspins.

International insurance company Lloyds of London, which insures most of South Africa’s banks, estimates that at least “tens of millions” have been squirreled away by the gangs. Now, the Government has targeted these illegal caches to assist in funding the fight against crime.

The Scorpions, the nickname for the new FBI-type agency, will be a self-contained unit of 2000 special agents – the cream of police, financial, forensic, intelligence and legal experts.

“This agency is going to make all the difference in our

Scorpion crimebusters to attract SA’s top cops, says Tshwete

From page 1

The asset recovery unit is new, Mr Tshwete says, but will not leave a vacuum in the already poorly staffed police service.

“I am intent on upgrading the police, and many regular policemen will be going to academies in other countries for training so they will be on a par with the best police services in the world,” Mr Tshwete said.

It is understood that the agency wants to attract exceptional policemen who now work in the private sector.

Mr Tshwete explained that the Asset Forfeiture Unit (AFU), which is still in its infancy, will form part of the Scorpions when its core component becomes operational on September 1. The unit will be fully operational by December, according to Mr Maduna.

The AFU, which will also report to Mr Ngcuka, focuses on recovering the assets robbers gain through crime and then, through civil proceedings, confiscating them for state coffers.

Willie Hofmeyr, who heads the unit, is to work closely with “supercop” Phillip Carpenter, who is already uncovering the funds and assets of infamous criminals like Collin Chauke and the late Josias “Fingers” Npotlapi, who was killed by policemen last year. He has already had successes in locating assets from the Bronkhorstspruit cash-in-transit heist robbers, Mr Carpenter, at present the only policeman working on asset forfeiture, hopes he will have a team of 10.

Once the suspects are arrested, he works out a financial profile for them and, through banks and financial institutions, he ascertains what has happened to the proceeds of the crime. If the suspect bought cars or houses with “dirty money”, they can be seized by the police.

Mr Hofmeyr said he still had to meet Mr Carpenter to discuss how they would proceed.

“The police will probably explain the investigation and, once we have the facts, we will do the civil proceedings. We have chartered accountants and Lloyds of London have hired a top auditing company to work with us,” Mr Hofmeyr said.

“We don’t need a conviction to confiscate suspects’ assets. We simply need a balance of probability that the assets were the proceeds of crime to confiscate them.”
Young criminals are breeding ground for a new generation of crime, report Candice Jaburg. South Africa, wrecked by AIDS, unemployment and poverty, is becoming the
Our Vanishing Art Heritage

Thieves are plundering rare and valuable cultural pieces, and institutions are powerless to stop them.
Scorpions set to shine vibrant groups

How groups over gun law leak

The current state of gun control in the US is a complex issue with a history of controversy and debate. The Second Amendment to the US Constitution guarantees the right to keep and bear arms, but the way this is interpreted and applied varies widely. The debate over gun laws is often contentious, with proponents and opponents on both sides of the issue. Understanding the different groups and their positions is crucial to navigating this complex landscape.

The groups mentioned in the text include various organizations, associations, and political entities that play a role in the gun control debate. Each group has its own set of beliefs and strategies for influencing policy. Some groups are advocacy organizations that work to promote gun rights, while others are more focused on gun control and safety.

The text also mentions the need for greater education and understanding. The groups involved in the debate often have differing viewpoints, and it is important to consider a range of perspectives. By educating ourselves and others about the issues, we can contribute to more informed discussions and informed decision-making.

In summary, the text highlights the importance of understanding the different groups involved in the gun control debate and the need for continued education and dialogue. It underscores the complexity of the issue and the importance of considering multiple perspectives to find a balanced solution.
Govt will not back down on tighter gun law

FANAROFF

CAPE TOWN — Claims by the SA Gun Owners’ Association that a proposed bill to control firearms and ammunition will outlaw nine out of ten legally owned guns were dismissed as "nonsense" by government yesterday.

Safety and security deputy-director-general Bernie Fanaroff insisted government would not back down from tightening gun-control laws, although this would affect legal gun owners. Strict action, he said, was planned to limit the availability of guns to criminals.

The drafts of the bill meet interest groups in Cape Town this week to hear their representations. A tender is also being prepared for a study to determine whether the central firearm register — a unit of the SA Police Service — has the capacity to implement the bill's provisions and whether it needs to be expanded and upgraded.

Sagoa claims the law, among the world's toughest, will threaten the arms retail and manufacturing industries.

Fanaroff said: "Given the profile of gun-related crime and violence in South Africa, it is not possible to control illegal guns without at the same time increasing the controls on legal guns and their owners. As most illegal guns started life as legal guns, it is necessary to reduce the proliferation of both types."

The draft bill proposed strengthening policing and prosecution of illegal possession of guns.

Fanaroff said studies by the SA Police Service, the SA National Defence Force and the intelligence services showed that the majority of illegal guns were once privately owned and legal and were stolen or lost. State-owned guns which had been stolen, lost or corruptly sold represented the next largest source of illegal weaponry. Mozambique and other countries were a less important source.

He said the police were giving priority to policing of illegal firearms and were engaged in a major effort to recover more guns.

Government would not comment further on the bill until it had been approved by the cabinet.

A preliminary draft of the bill, which had not been approved by the department or the minister, was distributed to interest groups, including hunters, gun dealers and sports shooters, to determine whether it would unnecessarily prejudice their interests.

In terms of the draft bill, gun owners will have to reapply for their licenses, which will be restricted to one weapon a person and have to pay a licence fee of R500, instead of the current R50.

They will have to undergo a psychometric test to determine their suitability to own a gun. Those showing an inclination towards violence will be prohibited from owning one. Limits on the size of guns have also been proposed.

Fanaroff said the section on psychometric testing was discussed with experts from the United Kingdom and Canada and it might not be included in the final bill.

‘Bill won’t ban most legal guns’

Johannesburg — The Department of Safety and Security has rejected as “nonsense” a report that draft legislation would outlaw nine in 10 legally owned guns.

The Sunday Times report quoted the South African Gun Owners’ Association as saying the legislation could drive the arms retail and manufacturing industries to the wall.

According to the draft law, licensed gun-owners will have to reapply for their licenses.

Gun-Free South Africa, the anti-gun lobby group, welcomed the legislation. GFSA’s Sheena Duncan said she was convinced it would be effective in combating crime.

She said almost 31 people died of gunshot wounds every day.

If the number of available guns was reduced there would be fewer gun-related crimes in the country, she argued.

The department said: “Because most illegal guns start life as legal guns, it is necessary to reduce the proliferation of both.

“The draft bill also contains new sections to strengthen the policing and prosecution for illegal possession of guns.”

The draft law stipulates that a gun licence is limited to one person, according to the newspaper report. The licence fee is expected to increase from R50 to R60.

All future applicants may have to undergo psychometric tests to determine whether they have suitable traits to become a gun-owner.

The department said the tests had been discussed with experts from the United Kingdom and Canada, and their inclusion was not clear at this stage.

“The department has been reluctant to release any drafts before the bill has been approved by Cabinet, but decided to do so because it wished to ensure that the final bill represents the best possible controls while interfering as little as possible with bona fide activities,” it said.

SAPA
Significant success could soon replicate the violence of the Western Cape, were the Jonny Steinberg Vigilante Group unlikely to work in subsurbs.
Robert Brand and Gill Gifford

Johannesburg: The government yesterday defended its controversial draft gun control bill, saying restrictions on gun ownership were vital to cut down the number of stolen firearms in circulation.

The draft bill, which aims to introduce more stringent conditions for firearm licences and limit the number of guns in private hands, has drawn criticism from gun owners and sporting groups but praise from the gun-control lobby.

Some opposition parties yesterday joined the fray, saying legal rather than legally-owned firearms should be the aim of the government’s gun control policy. In separate statements, the Democratic Party and the New National Party said the government should eradicate illegal firearms before turning its sights on law-abiding gun owners.

Responding to the criticism, the Department of Safety and Security said most illegal guns were lost by or stolen from their legal owners.

"It is not possible to make a difference to the availability of illegal guns without strict controls on legal guns and their owners."

The department confirmed that a new Firearms and Ammunition Control Bill to replace the existing Arms and Ammunition Act was being drafted to beef up control over illegal as well as legal weapons.

The bill would reportedly compel all of South Africa’s 2.5 million legal gun-owners to re-apply for their licences, the cost of which was expected to rise from R50 to R300. It would also limit the amount of ammunition each licence holder could possess to 100 rounds.

DP safety and security spokesperson Graham McIntosh said although his party was in favour of gun control, the proposed legislation was putting the cart before the horse.

"The Department of Safety and Security spokesperson Boy Geldenhuys said submissions on the matter by those representing legal gun owners had clearly been ignored."

Geldenhuys said the laudable purpose of the legislation’s aim, to curb the spread of illegal weapons, was being overshadowed by its shortcomings. More attention should be given to submissions from the firearm industry.

But the Safety and Security department denied that the new bill was targeting legal gun-owners, and said police viewed recovery of illegal firearms as a priority.

Improved border controls formed part of this effort, and had already succeeded in cutting down the illegal trafficking of small arms across the country’s borders, he said.

"The department said gun-owner associations were being consulted in this process, and had been asked to comment on the bill. "The intention is to ensure that the legislation does not prejudice these interests,“ the department said.

"It is not the intention to impose unnecessary controls on groups which are not a problem."

Gun-holders have reacted with outrage to new legislation proposing stricter gun laws.

The South African Gun Owners’ Association pieced together a number of sections from the draft act which were distributed to specialist gun organisations for comment, and disagreed with many of the proposed rules.

Martin Hood, a practising attorney and national vice-chairman of the association, said they felt the proposed legislation was problematic on several counts.

These included proposals that currently licensed gun owners, who won’t be licensed under the new legislation, will have to hand over their firearms in to the police.

"Their guns will have little value, and it appears that the act circumvents the state’s obligation to compensate them for their firearms."

A conservative estimate of the amount of money needed for adequate compensation would be R5 billion, said Hood.

*See Page 15*
New gun Bill ‘will reduce crime’

By Mokgadi Pela

THE Ministry of Safety and Security has committed itself to recovering illegal guns—with its proposed new firearms and ammunition Bill.

The proposed legislation intends improving control over all firearms and to make it easier for the police to recover illegal guns.

It also intends making it easier to prosecute those illegally in possession of firearms.

In a statement released yesterday, minister spokesman Dr Bernie Patonoff said the easy availability of guns was a major contributor to violent crime in South Africa. "Half of all murders in South Africa are committed with firearms. Three-quarters of the murders in Soweto are committed with firearms. More than 70 percent of robberies in South Africa are committed with firearms. Many murders and serious assaults are committed in or around people’s homes and bars and shebeens, usually by people known to the victim. Violence is often perpetrated with legally owned firearms. Legally owned guns are often used, especially when people have been drinking,” he said.

It is critical that a culture of responsible gun ownership is developed in South Africa. "Although it is difficult to know exactly how many illegal guns there are in the country, studies by the illegal firearm investigation units of the South African Police Service indicate that most illegal guns are lost or stolen from private individuals or the state. "If we are to reduce the number of illegal guns in circulation, we must also reduce the number of legal guns and we must improve control over their use and storage. Otherwise police efforts to recover illegal guns will be fruitless,” Patonoff said.

Improved border control, together with joint operations with police in neighbouring states, had led to a reduction in the illegal trafficking of small arms across the borders.
Don’t shoot your mouth off in gun row

Anthony Minnaar

South Africa has become part of a worldwide trend towards the centralisation of firearms in the hands of licensed gun-owners or homemade "bush" factories. The sheer volume of licensed weapons in South Africa is a problem. There have been estimates that there are approximately 1.5 million licensed firearms in South Africa in the hands of about 1.5 million people. According to a report by the United Nations Commission on Crime Prevention and Criminal Justice, South Africa has a ratio of 8 firearms for every 1,000 people, which indicates that almost 20% of all households in South Africa posses at least one firearm. This ratio is further accentuated by the fact that almost 300,000 new licences are granted every year.

In 1996, the Ministry of Safety and Security appointed a special task team to investigate certain aspects of firearms, for example, the legislation regarding firearms, the registration of the central firearms registries, the police and the licensing of firearms. A joint investigation team was also established to look into the licensing of government-owned firearms.

In 1997, these investigations revealed that 12,082 individuals owned 10 or more firearms, while almost 20% of criminals convicted for serious crimes possessed gun licences.

Trigger-happy society: Local gunmen, like this member of a Cape gangster, parade their weapons openly on the street. There is also a high rate of confiscation and seizure of weapons by the police.

There can be no doubt that South Africa is a very violent country. Much has been written and said about the culture of violence and individual aggression, and that criminals have absolutely no respect for human life.

However, one level, this is symptomatic of the easy access to firearms - as illegal as well as legal. Currently there is no competency test to establish whether a person is suitable to own a weapon. Nor is there any training for the safe handling of a firearm - this could possibly be provided by the gun dealer himself - and finally some form of competency test, as well as a psychometric test, to establish the fitness of a prospective gun owner.

Other measures to control the abundance of firearms in our country are needed. These include stricter legislative regulations, requiring licensing procedures, an extensive framework of qualifications to obtain a licence, rigorous enforcement of anti-money laundering measures to prevent firearms, and finally some form of competency test, as well as a psychometric test, to establish the fitness of a prospective gun owner.

Anthony Minnaar is a senior researcher at the Institute for Human Rights and Criminal Justice Studies at Wits University.

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Please contact Sybil Otterstrom at (011) 727-7000
Tighter controls and licensing fees will hit us hardest.

Black gun owners take aim at new firearm laws.
Gun owners battle government

Proposed gun controls

By Welcome Skosna
Tough new legislation plans to outlaw the possession of toy firearms.
Detectives in pursuit of Cold War’s weaponry

Police say end of 15-year Angolan conflict could create problems for SA, writes Jonny Steinberg

SOME WOULD consider it odd that an SA police unit is spending its days thinking about the Cold War, a conflict that ended a decade ago.

But the illegal firearms investigation unit lives in the Cold War’s aftermath and has to trace the countless trails the war’s discarded weaponry weave across the continent.

“Africa was a dumping ground for literally millions of Eastern Bloc weaponry,” says Stan Joubert, a detective in the unit. “I wonder what those who put them there would have thought if they had known that they were creating one of the largest black markets in the continent’s history.”

In the past five years, the unit has made three large-scale sorties into Mozambique to find and destroy caches of automatic rifles, mortars and rocket launchers. Most of the unit’s day-to-day work is not at the source of the black market but at its end point, the streets of SA’s cities.

“We have lots of connections in shebeens, some in hostels,” says Theuns, another detective in the unit. “We put an agent on the streets, get him to buy a single automatic weapon. Then we get him to order a large batch, intercept the transaction and make an arrest.”

Is there a danger that the unit’s modus operandi only nets the runners, leaving the more important links in the black market chain intact?

“Yes, sometimes, we just get the runner and he is replaced the next day,” says Joubert. “But we interrogate the runner and try and use him to trace the network further. We also try to turn him into a state witness.”

Theuns chips in: “You have no idea how long and complicated the chain is. You are dealing with dozens of specialist organisations, each of which plays a small role at some point in the chain. Tracking and busting the whole thing is a massive task.”

Unit members agree that cross-border trade in the weapons left by the Cold War is not SA’s biggest problem.

“Seventy percent of illegal guns in SA are licensed firearms that have been stolen in SA,” Joubert says. “Automatic weapons and quality handguns that come across the border are for the big guys, the organised syndicates. Your average house robber or car hijacker uses whatever he can get hold of.

“Nine times out of 10 that is a stolen licensed firearm.”

Theuns says: “An AK-47 in an East Rand township has a market value of about R1 500. A Makarov pistol sells for about R1 000. Weapons like that are bought for particular ‘projects’, a cash-in-transit heist or a bank robbery. Everyday violent crime in SA does not use weapons that come from Mozambique.”

However, government’s proposed legislation to reduce the number of licensed weapons “is not a solution”, says Joubert.

“This country is stable and prosperous. As a result it draws illegal weapons like a magnet. If demand goes up as a result of the new law, a new supply will come from somewhere.”

Joubert also sees problems in closing the cross-border market. “Our border is massive,” he says.

A senior detective in another department, who asked not to be named, agrees. “It makes no sense to say that stolen licensed firearms will simply be replaced by guns from the cross-border trade. No gun is as easy to steal as a licensed firearm.”

The unit’s detectives, a solidly pessimistic bunch, say they dread the day the Angolan war ends.

“Fifteen years of war have left millions of weapons in Angola,” Joubert says. “When the war ends, there will be a lot of hungry people looking for income. The weapons will come flooding into SA. It will not be a happy day.”
Kluever fails to settle dispute

FINANCE Minister Trevor Manuel and Judge Willem Heath were still at odds yesterday over issues relating to Heath's special investigating unit, despite the release of a report by the auditor-general which was intended to bring the dispute to an end.

Manuel and Heath referred their dispute over the unit's success rate and procedures to Auditor-General Henri Kluever for verification in April after they "agreed to disagree" on a number of issues.

Chief among these was Heath's claim that his unit had saved or recovered more than R950m.

They also disagreed on whether recovered money should be paid into the national revenue fund or be given back to the departments from which they went missing.

Kluever's office said yesterday it had established that the unit saved or recovered R1,326bn. Included in this was an "actual cash recovery" of R60,37m, R885m from transparency in tender processes, R18m in reclaimed state land, R385m in prevented losses and R4m in collected debt.

Manuel said yesterday he had wanted clarity from the auditor-general on the amount of money Heath's unit had actually recovered.

"The auditor-general's report gives a figure of R60,37m, which is in stark contrast to the figure originally bandied about by Heath, which was closer to R1bn," Manuel said. However, responding to the auditor-general's findings, Heath pointed out that in a submission to the parliamentary justice committee earlier this year, the unit quoted a figure of R41,4m in cash recoveries.

Brushing the figures aside Manuel said the important issue was that the auditor-general had provided a "methodology" for the unit and other similar bodies to use in the future, which was in accordance with standard accounting practices.

The two men also continued to disagree on what should happen to recovered funds. Following the auditor-general's finding that money recovered after the end of a financial year should be paid to the national or provincial revenue funds, money recovered by the unit in the same year as appropriation should, however, be returned to the department concerned.

Manuel said this was "extremely important" as 99% of cases were finalised only at the end of a financial year, which meant the bulk of recovered funds would go to the revenue funds.

He said money recovered by Heath, which was being held in trust accounts, had to be "paid over as required by the constitution", and he would request a meeting with Heath to discuss the transfer of these funds.

However, Heath's spokesman, Guy Rich, said the issue of what should happen to recovered funds was still in dispute. There was also only about R5m in the unit's trust account from cases which were still pending. He said the unit had always paid recovered funds back to the departments concerned.

Rich said the unit would take into consideration recommendations made by the auditor-general over the running of the trust funds and accounting procedures that needed to be followed.

Accounting procedures were "never 100% in any business", especially considering the fact that the unit was set up only in March 1997 and had grown substantially with limited personnel and insufficient funds, he said.
The tragedy of too many
A SECOND LOOK
Donald McNeil

Doodle with Guns

Don't (Yankee)
Act gives judge a headache

Unable to confirm whether body saved Rabin in Eastern Cape

Health probe's claim on savings inverted

Linda Esner

Financial Express

Cape Town — "The dramatic savings inquiry report unable to confirm whether body saved Rabin in Eastern Cape, judge gives headache.

Health probe's claim on savings inverted"
Seizure laws: Landlords also at risk

Rented properties targeted

ADRIAN HADLAND
Pompey, Editor

Landlords of properties in which criminal or drug-related activities are taking place are not exempt from tough seizure laws being implemented by the Government.

So, the owner of a block of flats from which drugs are sold could theoretically lose his investment.

The head of the newly-formed asset forfeiture unit, Willie Hofmeyr, said the unit was "not distinguishing" between types of residence as long as they were being used for crime.

Mr Hofmeyr announced this week that his unit, which falls under the ambit of national Director of Public Prosecutions Bulelani Ngcuka, would shortly be ready to seize a number of Cape houses used to distribute drugs.

The planned seizures follow the unit's success earlier in the week, when more than R1-million in illegally-gained cash and assets were confiscated from two Durban businessmen.

"We act against properties and we are not distinguishing whether those properties are houses or flats," Mr Hofmeyr told the Cape Argus.

He added, though, that seizing sectional-title properties would be easier than confiscating whole blocks.

There were international precedents for this, he said.

"A 600-room hotel in New York which was full of drug lords and prostitutes was seized using similar legislation," Mr Hofmeyr said. "While it was an expensive business, it sent out a powerful message."

Mr Hofmeyr said that if notice was given that a property was to be seized, which would usually only be the case if there had been a documented history of criminal activities such as drug busts at the property, it was up to the owner to prove he or she had no knowledge of these activities and was not involved in them.

If the owners were genuinely innocent, they would be expected to remove their tenants.

Mr Hofmeyr conceded that seizing a whole block of flats was a complex process which would need to be considered carefully, particularly in the short-term while the unit was still relatively new and underresourced.

Proceeds from the forfeitures will go into a fund to pay for further action against drug lords, corrupt officials and organised criminals.

In Durban, meanwhile, the suspended head of KwaZulu Natal's organised crime unit, Pieter Meyer, has filed papers for a High Court civil action in an effort to reverse the recent attachment of his property, Sapa reports.

Director Meyer's plush house in Umkomaas, south of Durban, and the rest of his property, worth more than R600,000, was attached by the unit on June 30 in terms of a provision of the Organised Crime Act.

Director Meyer, who was arrested on July 16, faces 16 charges including theft, fraud and defeating the ends of justice.

The policeman has apparently been under investigation by the office of the provincial commissioner for more than two years.

Director Meyer's ex-wife blew the whistle on her husband and disclosed information about his alleged crimes after she found out he was having an affair with a policewoman.

He was granted bail of R10,000 on condition he did not contact several witnesses.
The heart rejoices, but the head says no

Many would gladly forfeit some basic rights to fight crime but who decides how many, asks Bart Henderson

T he Prevention of Organised Crime Act No 121 of 1998 is a daunting and contentious law. Although the act attempts to pursue an objective which is sufficiently important to justify limiting individual constitutional rights and appears to be rationally connected to the objective, it is almost certainly going to be challenged in the Constitutional Court.

Significantly, the terms of reference virtually acknowledge the provisions might be violating the Bill of Rights in the next constitution, simply by making direct reference to the recognition of those rights.

The act attempts to justify this by admitting that our common and statutory law fail effectively to deal with organised crime and to keep pace with international measures.

The specific potential constitutional issues the act is concerned with would include the right to privacy, the right to be free from searches and the right to be presumed innocent and to remain silent.

The act has managed to deal with the issue of the burden of proof by recognising an application for a confiscation order as a civil and not criminal procedure, although the act itself is a parallel process of both civil and criminal procedures depending on the discretion of the state.

Therefore the issue of presumption is no longer a factor, as the matter decided in the confiscation process relates to “legal ownership” and not criminal misconduct.

As a natural progression, the rules of evidence in respect of a confiscation application are decided on a balance of probabilities and not beyond reasonable doubt as in criminal proceedings, making it easier for the state to seek the confiscation order.

The law attempts a constitutional balancing act by holding in one instance that the bill of rights element of the constitution calls for generous and purposive interpretation, avoiding what has memorably been referred to as “the austerity of tabulated legalism” so as to give individuals the full measure of the fundamental rights and freedoms referred to. In another instance, it holds that while a purposive approach to the interpretation of the constitution may be required, that does not mean the rights of individuals in the constitution are absolute or that limitations to such rights are not acceptable.

The purpose of the act is to criminalise gang-related crime to allow for the civil forfeiture of criminal assets. This law means that should the state have reasonable grounds to suspect assets were procured as a direct or indirect result of a felony, the state may seek a confiscation order from the court.

The defendant has the right to appeal and prove that the assets held for safekeeping by a curator boni were acquired legitimately.

Should the defendant not be able to prove how their assets were acquired, the court has the power to order the liquidation of the assets and the proceeds to be held in a criminal assets recovery account.

These proceeds are then applied at the discretion of a committee to paying the curator boni and other related expenses and to fund further anti-crime efforts.

Although the presumed intentions of this law may seem admirable at first glance, undoubtedly constitutional rights are impugned by the constitution, simply by making direct reference to the recognition of those rights.

Under the provisions of the act, all citizens are guilty until they can prove their innocence; no citizen has the right to privacy or to refuse to be searched; and any citizen may be dispossessed of his or her property even if the government has not charged him or her with a crime.

This is certainly not a generous and purposive interpretation avoiding the austerity of tabulated legalism giving individuals the full measure of fundamental rights and freedoms, but the Constitutional Court referred to the Constitution. However, should the act triumph, this legislation means criminal activity can no longer hide behind the constitution.

The legislation will have far reaching effects for business and society bending under the strain of crime. For instance, traders caught selling fake leading brand labels are not only liable to lose their consignments, but the vehicles the consignments were transported in as well as the property the goods were found on and any other assets they might have, not excluding their homes and their businesses.

A thief travelling in his car with suspected stolen car radios stands to lose not only the radios, but his car and the garage he parks it in.

Similarly, employees or organised criminals plaguing retailers with the theft of billions of rands worth of goods for which the consumer pays, stand to see the confiscation of everything they own.

“Soft” muggers at automatic teller machines might also keep an eye open because they will not be able to explain their income away and will stand to lose everything.

The point is: if we go on impugning our constitutional rights, where do we stop? Who decides which rights may not be impugned and which rights may?

In fact, why bother having a constitution?

Henderson is a forensic auditor and lecturer in private practice.
Gun Free SA calls for schools weapons ban

Nomavenda Mathiane

The carrying of guns in schools by teachers and students should be outlawed by government, the director of Gun Free SA, Adiel Kirsten, said yesterday.

Reacting to the shooting and killing of three teachers at Anchor High School in Soweto yesterday, Kirsten called on government to act speedily and strongly to make schools gun-free zones.

Soweto police spokesman Capt Richard Luvhengo said the three teachers were Henry Lebiya, Antonia Lethiba, of Meadowlands in Soweto and Stella Lekgae of Lindhaven in Roodepoort.

One of the teachers who arrived at the scene of the shootings first, Gift Mngadi, said that after the teachers were shot, the alleged culprit went up the stairs to his office at the school.

"At that point, I did not know whether he was reloading his gun or planning to take his own life," Mngadi said in an interview.

The teacher who allegedly shot his three colleagues was yesterday described by his colleagues as a strange man who was known to threaten to shoot students and teachers.

They said he was recently divorced from his wife and often accused his colleagues of discussing him and his wife, "We should have seen it coming," said Mngadi. "I have never seen someone die before my eyes," he said. The suspect was arrested by police and was being held at the Meadowlands police station.

(34) 30 41 99
Will the proposed firearm control laws go far enough to reverse the gun culture? What about the proposed law on gun ownership? Will it kill our culture?
Gangs into Crime, Poverty, Forces
Justice system needs help in tackling white-collar crime

Patrick Wadula

WHITE-collar crime in SA has had a severe impact on the economy, resulting in the loss of millions of rand, which in turn has discouraged investments and further aggravated already high levels of unemployment.

Gauteng MEC for safety, security and liaison Nomvula Mokonyane said recently that particular attention had to be given to the improvement of the criminal justice system's capacity to fight such crimes.

With this in view, government established the position of national director of prosecutions.

Legislation relating to the prevention of organised crime became operational at the start of this year, covering 34 types of offences.

The maximum penalty under this act is R1bn or life imprisonment," Mokonyane said.

Banks and financial institutions are obliged to report any suspicious activities or transactions.

"The monies collected from forfeiture of criminals' assets is to be deposited in the criminal assets recovery accounts. The monies will be used to provide financial assistance to law enforcement agencies and assist victims of crime."

Between January and December last year there were 25 456 cases of reported commercial crimes involving more than R226bn.

Government alone would not be able to solve all crime related matters without the assistance of the business community, Mokonyane said.

Public Works tackles fraud

The Public Works Department is experiencing a 10 percent leakage of funds because of possible fraudulent activities, acting director-general Sivi Gounden said yesterday.

At a news conference in Durban after a meeting with provincial public works officials, Gounden said steps had been taken to rid the department of officials believed to be involved in fraud and corruption.

At least one official had been suspended and several were under investigation.

Public Works Minister Stella Sigcau said: "The fraud awareness and special investigating unit is working tirelessly to rid the department of crooked contractors and officials."

"Through networking with like-minded institutions such as the Office of the Public Protector, the Office of Serious Economic Offences and the Heath investigating unit, the fraud unit succeeded in intercepting possible fraudulent transactions."

She said companies suspected of fraudulent activities would be blacklisted and some contracts had already been suspended pending further investigation.

Sigcau said her department was committed to service delivery and warned that employees who regarded their employment as entitlement and who did not perform adequately would be severely dealt with.

The minister said she would also be visiting other provinces to assess the situation. - Sapa
was not present at the scene. Six of the police
and a town council officer were killed in the
attack.

The attack was one of a series of violent
incidents in the area, which has been
characterized by ethnic tensions.

The town is home to a large
population of refugees and internally
displaced people, who have fled from
conflict in neighboring countries.

The UN has called for an immediate
cessation of violence and for
all parties to the conflict to engage in
dialogue to find a peaceful solution.

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**DR. Death's assets of R44 million attached**

Ngcuka Naiks Basson

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By Gosiame Chimonyo

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State turns up the heat on 'Dr Death'

$4.5 million in cash and property seized
WE ARE A BANK ACCOUNT SECURED

Bassons Asset

State Assets

assets Attached

To Parker Doma, in the Matter of Jonathan P. Basson

9/14/1999

Bassons Pmn
Cabinet says yes to asset seizure law

PRETORIA — The cabinet approved amendments to the Prevention of Organised Crime Act yesterday which would enable the state to seize criminal assets even if the offence was committed before the act came into operation.

Justice Minister Mosiuoa Lekota said the Prevention of Organised Crime Amendment Bill would be introduced in Parliament when it reconvenes in two weeks. The amendment would also make possible the seizure of criminal proceeds which had changed ownership as a result of a fraudulent transaction.

Last week, the Durban High Court ordered the state to return the seized assets of suspended deputy head of the Durban organised crime unit, Potjie Dlamini. It ruled that the act could not be applied retrospectively.

In a similar ruling in April, the Cape High Court ordered the return of the impounded assets to alleged drug dealer Gavin Carthar.

Maduna said many judgsmen were worried about the two court rulings. "They are saying the rulings are doing quite a lot of damage to whatever confidence people have in the criminal justice system, and they don't want to exacerbate that." Regarding the attachment of assets worth R44 million from the apartheid government's chemical and biological warfare expert Wouter Basson, Maduna said it was appropriate.

He said the state would continue seizing the assets of criminals until the amendment was passed, despite the earlier court rulings. "Let me tell you — there are many people we are looking at!"

Meanwhile, the used car market is to be regulated to help police fight vehicle theft, following a cabinet decision yesterday. Regulations on the matter would soon be published in the Government Gazette, government spokesman Joel Netshitenzhe said.

Netshitenzhe said that used car dealers would, under the act, be obliged to ensure that they were not trading in stolen goods.

"The police will have the right to go into a chop shop to find out whether that person is operating according to the regulations," he said. — Sapa
Basson is still registered as medical doctor

Pat Sidney

WOUTER Basson, the architect of the apartheid government's chemical and biological warfare programme, remains registered as a medical practitioner with the Health Professions Council and is a member of the South African Medical Association (SAMA).

He continues to practise in the public health service while another arm of the state has started seizing his assets.

The national director of public prosecutions moved against Basson in terms of the Prevention of Organised Crime Act this week, obtaining a court order authorising the seizure of assets worth R44m.

Prof Joe Verlava, deputy dean of Wits University's health sciences department, said yesterday he was considering "taking action to ask the council to investigate as a matter of urgency the ethical issues involved in Basson's past conduct".

While SAMA, of which membership is voluntary, is investigating Basson's continued membership, the council has decided to wait until the outcome of his criminal trial. Basson is facing charges of murder, fraud and theft.

Council spokesman Louise Emerton said the council believed it would not get enough evidence to investigate adequately while Basson's trial was taking place and the witnesses regarded themselves bound by the sub judice rule.

There had been no complaints about Basson's conduct.

However, Verlava said the council could act on the ethical issues. The accusations of criminal conduct were separate, he said. "If there is a prima facie case of unethical conduct, then the council should investigate."

Emerton said the council did not take action during the apartheid era against registered health professionals for their political stance. This was contested by Verlava, who recalled the case of Dr Aubrey Mokoape who was forced into a hearing by the council for unprofessional conduct after he was convicted of terrorism and sentenced to several years in jail.

Verlava played a leading part opposing the role of the council's predecessor, the Medical and Dental Council, in activist Steve Biko's death. He is now considering requesting the Health Professions Council to investigate the Basson case.
Restrict advertising — Poll

Which advertising should be banned?

Majority of South Africans want tobacco advertising curbed, writes Jethro Goko

Advertisement

Corruption

Leves in SAGE

HRI 06/08/99

(183) (4) (17)
South African crimes
of passion on the rise

BY MALOSE MONAMA

THERE has been a marked increase in the number of the crimes of passion in recent weeks.

Headlines such as "Thohoyandou attorney shot and killed in love triangle" and screaming banners like, "Father wipes our family before blowing out his own brains" have dominated the news.

Last week, 61-year-old Peter Ramala of Soshanguve allegedly emptied his pistol into the body of his "cheating" wife and that of his lover before handing himself over to the police at the Soshanguve police station.

A fortnight ago City Press reported of a case of a Soweto mother who shot and killed her son before turning the gun on herself, allegedly because she was upset that her husband was having an extramarital affair.

A Kokstad policeman blew out his brains but not before taking the life of his wife, child and girlfriend whose bullet-riddled and bloodied bodies made for a sorry sight.

While the others were killed, Ramala's wife, Dorcas (40) and her alleged lover survived. Both were said to be recuperating in hospital.

These are just some of the many incidents reported in recent times.

There is also the Nelspruit man who bludgeoned his wife to death.

A month ago an upset father of three in Zola, Soweto went on a shooting spree.

He allegedly killed his mother-in-law and sister-in-law during a squabble.

He also shot his 10-year-old son critically twice in the groin before he could be arrested.

In March a Soshanguve policewoman, north of Pretoria, was killed and her daughter was injured in a family horror.

The dismembered body of Inspector Khensani Matjeka was found in her home at Block BB after her ex-husband, Sany Maluleka, allegedly butchered her and turned the gun on himself.

Their six-year-old daughter, Xiombiso suffered a head injury.

In February, a love dispute might have led to the deaths of a prominent Pretoria teacher, Kate Khuzwayo (52) and her social worker daughter, Refunu (30), who died after being stabbed and shot at their Soshanguve home.

The suspect is still at large.
Assets law is deeply flawed, says judge

DURBAN — The Prevention of Organised Crime Act would provide fertile ground for litigious disputes on almost all of its provisions, Durban High Court Judge Noel Hurt said yesterday.

Delivering reasons for the order he granted two weeks ago that the state return assets worth R600 000 seized from KwaZulu-Natal policeman Piet Meyer, Hurt said provisions of the act should not be construed as applying retrospectively.

Meyer, the suspended head of KwaZulu-Natal’s organised crime unit, had his assets seized by the asset forfeiture unit in the office of the national director of public prosecutions on the basis that they were the proceeds of a protection racket.

However, Hurt said yesterday that clarity on the drafting of the act fell short of its predecessor, the Proceeds of Crime Act, which he described as an "elegantly" drafted piece of legislation.

He said many of the provisions in the Prevention of Organised Crime Act were novel to SA’s legal system but were similar to certain provisions which had been in effect for some years in other countries, notably the USA.

He criticised the drafter of the act, saying the wording of some of its definitions was "confused", "obscure" and "one of them unintelligible".

"There are what I can describe only as ominous provisions relating to conflict between insolvency and winding up laws on the one hand and confiscation orders on the other," Hurt said.

The drafter of the legislation had in most instances tried to spread his net so wide that it would prove difficult, and sometimes impossible, for the court to apply the literal meaning to the words. There was serious doubt about whether the drafter’s zeal would not have put paid to the constitutionality of the statute, or at least large parts of it.

Hurt also criticised the legislation for not defining a class of defences available to people who had not been engaged in unlawful activities.

One of the drafter of the law, who asked not to be identified, said Hurt’s decision would be one of many judgments that would “fine-tune” and “clarify” the novel aspects of the legislation. This was only the beginning of a long process of shaping the legislation.
The Face of Crime in South Africa
Government gun law proposals shot down

CR 1948 119

(NOT)
Angry marchers take gun-law protest to Parliament

Amendment bill to close crime act loopholes tabled today
Hofmeyr

a man with a mission

He says the unit is looking for assistance from the private sector, particularly in the areas of counterfeiting, income tax, and fraud.

"One of the advantages of the unit is that it can be used by other organizations on a cost-sharing basis," says Hofmeyr.

In fact, asset forfeiture units in South Africa operate on a cost-sharing basis with the private sector on a cost-sharing basis with the private sector.

"Our mission is to stop the flow of money to criminals," Hofmeyr says. "And we are doing this very effectively."

Last week, the unit traced assets in the value of R2.8 million belonging to a drug dealer. The assets included a luxury car, a house, and a jet.

"This is just one example of the work we do," Hofmeyr says. "We are constantly expanding our capabilities to take on more cases."
Woods promises hard line on government corruption

Linda Ensor

CAPE TOWN — Parliament’s standing committee on public accounts would adopt a tougher stance against financial mismanagement and the misappropriation of public money, newly-appointed chairman Gavin Woods said yesterday.

Woods, of the Inkatha Freedom Party (IFP), was proposed as chairman by the African National Congress (ANC) and elected by 12 votes to three amid controversy yesterday. Federal Alliance leader Louis Luyt supported Woods, but the Democratic Party (DP) and the New National Party (NNP) voted against him and instead proposed DP MP Ian Davidson.

Woods said committee members wanted to see the public profile of the committee as a watchdog on government expenditure significantly enhanced.

The government was in a stage of transition and there had been a few “wobbles” in the use of taxpayer’s money. The committee had to respond decisively to any weaknesses in financial management in the government.

The DP and the NNP opposed the election of an IFP candidate to the committee on the grounds that the IFP was part of government and not an opposition party.

The ANC established the precedent in 1994 that the chairmanship of the committee be assigned to an opposition party. In the past five years the post was held by DP finance spokesman Ken Andrew.

The ANC said the IFP was an opposition party even though it was represented in cabinet.

Woods said the IFP regarded itself as an opposition party and had clearly expressed its differences with the ANC, particularly on issues revolving around strategy.

Woods said it was regrettable that DP leader Tony Leon had suggested there would be less integrity with him as committee chairman.

“We will demonstrate by the results and achievements of this committee that what is right is right and what is wrong is wrong. I am confident that all parties on the committee and in particular the ANC will, as they did in the last committee, inform government officials where they mess up and will pass resolutions to ensure that corrective action is taken,” he said.

The chairman of the other committees are as follows: Sakhnow Bolet (public enterprises), Ruth Bhengu (sport and recreation), Yusuf Carrim (provincial and local government), Jeremy Cronin (transport), Rob Davies (trade and industry), Johnny de Lange (justice and constitutional development), Ebrahim Ebrahim (foreign affairs), Mxolisi George (safety and security), Nomzamo Manyama (housing), Peter Hendriks (intelligence), Solly Manie (labour), Nkosazana Dlamini (transport), Noxolo Grootboom (environmental affairs and tourism), Abe Mokoena (health), Rosemary Zoleka Capa (home affairs), Pregs Gouw (women and children’s affairs), and Bheki Cele (public service and administration).

Anti-crime Act under review

CRUCIAL amendments to legislation providing for the seizure of assets believed to have been obtained through criminal activity could be passed by the National Assembly by next Wednesday.

Re-elected chairman of the justice portfolio committee Mr Johnny de Lange told his committee at its first meeting yesterday that a special ad hoc committee was to receive a departmental briefing on the Prevention of Organised Crime Amendment Bill yesterday afternoon.

This committee would then disband and the justice committees of the National Assembly and the National Council of Provinces would take over the deliberations on the measure from this afternoon.

“Parties would be able to discuss the proposed amendments internally this morning,” he said.

De Lange said he had told the executive the Bill should be ready for passage by the National Assembly next Wednesday.

Following the overturning by the courts of two cases of the seizure of assets of high-profile alleged criminals, the legislation is to be amended to make it retrospective to before January 21 this year when the original Act came into force. — Sapa

Van Schalkwyk says UK &I helping moves to limit legal firearms

In debate, claims NNP

Gun owners sidelined
Tourist dies in Mouille Point attack
Hitting the supercrooks where it hurts most

South Africa's new civilian law enforcers are more interested in bank statements than bashing down doors, RAY HARTLEY writes.

WILLIE Hofmeyr, the head of the Justice Department's new Asset Forfeiture Unit, is typical of the government's new-generation crime fighter.

Out of fashion is the brawny, threatening, brandy-and-Coke-powered model, which used to knock down doors in pre-dawn raids and then torture confessions out of the usual suspects.

Hofmeyr is far more likely to wind his way through the rush-hour traffic in a Volvo to act on a court order entitled him to seize the possessions of a suspected criminal.

Thin, bespectacled and with a voice that has a reedy but persistent tone, he has begun supervising the removal of the garish interior decorations that he believes the criminal classes have been purchasing with the proceeds of their crimes.

Hofmeyr's main weapon has been the Organised Crime Act, which has entitled his unit (with the permission of the courts) to seize any goods he believes to have been obtained with dirty money.

Hofmeyr's unit falls under the office of National Director of Public Prosecutions head Bulelani Ngcuka, the top civilian in the new policing order. Ngcuka's other weapon will be the soon-to-be operational "Scorpions", an "FB-style" unit of prosecution-driven crime fighters who will use intelligence and investigation to tag the big fish at the top of the crime food chain.

The new crime-fighting structure, which has taken off since President Thabo Mbeki took office in June, is a response to two challenges - one from the criminal underworld, and the other from within the police force - that have emerged since democracy took root in 1994.

The first challenge arose with the tumbling of apartheid-era isolation. South Africa suddenly found itself naive and exposed in a world where international criminal syndicates operated more or less like big businesses, moving money and resources to places where the best takings were to be found.

Post-apartheid South Africa, isolated for decades from global crime-fighting trends, became a destination of choice. It had none of the legal fire walls against money laundering, and it was desperate to accept international investments.

The second challenge came from within the police force, which was underpaid and susceptible to petty bribes. More alarmingly, it emerged that the senior ranks of the police included several people who were themselves involved in serious crimes.

The government is now creating a new, high-powered parallel police force that will take over the detective and intelligence functions of the old order. The leaders of this force are mostly civilian, or, as in the case of Frank Dutton, the head of the Scorpions, senior policemen who have proven themselves to be trustworthy. Taken to its logical conclusion, the present restructuring will see the uniformed police reduced to hobbies on the beat, involved in visible policing, public-control order and combating petty crime.

The best of the old order's detectives will be cherry-picked for integrity and honesty and assigned to the new civilian-controlled structure, where they will operate alongside prosecutors to improve their investigation-to-conviction ratio.

The philosophy of the new civilian-controlled police will be much changed from the present ambulance-chasing style. Instead of deploying massive resources to convict criminals, the force will seek to make it too risky and complicated for crime syndicates to operate by closing down their capacity to launder their money or to benefit from their crimes by purchasing life's little luxuries - 4x4s, impressive houses and wads of foreign currency.

As Hofmeyr puts it: "Over the past five years there has been a greater realisation that you have to get at the money. The major way to get at the syndicates is to disrupt the money flow."

Ultimately, should planned money-laundering legislation be passed, Ngcuka, Hofmeyr, Dutton and Percy Sohn, who heads up the investigating Directorate Organised Crime, will have access to every transaction with a South African bank involving more than R50,000, with a stiff penalty for those who break deposits into smaller amounts to conceal their criminal origins.

The million or so bank transactions that take place each day will be recorded by a new Financial Intelligence Centre, which will be funded by part of the money recovered.

Those who are able to tell the courts how they came by their windfalls will face prosecution for tax evasion if a check with the South African Revenue Service reveals that they have not shared their good fortune with the tax man.

Like businessmen, says Hofmeyr drily, the crime bosses will have to deal with "increasing costs and increasing risks". The theory goes that they will get stressed out and leave for greener pastures.

With his trademark nervous chuckle at the end of the sentence, Hofmeyr adds, almost as an afterthought: "We are out there. We are going to get you." The message is simple: don't steal it, and, if you do steal it, don't spend it - the money police are watching.
Good intentions not substitute for good laws

Opponents believe fresh talks on bill ordered – but Tsitsirine denies measure now on back burner

Strict new gun law may go on scrap heap
Charging windmills will not deter theft

Lesotho Highlands Project officials are fighting corruption, says Ronnie Ratlisol.
Proposed gun law draws fire again

By Claire Keeton

T

he controversy around new gun control legislation flared again yesterday with conflicting reports about the role played by Safety and Security Minister Steve Tshwete in the policy-drafting process.

The Minister's spokesman, Mr Andries Martin, has denied press reports that Mr Tshwete had intervened to stop the drafting process. Instead, he said the process was ongoing and that the Minister had been kept informed of the latest developments.

"Once he approves it, it will go to Cabinet," Mr Martin said. "We will release it for public comment." Mr Martin explained that he was responding to press reports that the Minister had approved the draft policy without consulting all stakeholder groups, that the legislation had been finalised, and that the new legislation would legalise gun ownership.

The Minister, when questioned, would not confirm whether the new legislation was a draft or whether it had been finalised. He said he was not aware of the reports.

"There is a draft document known as the eight draft of the Firearms Control Bill that has been circulated on the Internet and by the Government's departments," Mr Martin said.

The new legislation would legalise the ownership of firearms for the first time in South Africa. The Firearms Control Bill, which has been finalised, would legalise the ownership of firearms for the first time in South Africa.

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"The proposal to legalise the ownership of firearms was a draft," Mr Martin said. "We have not yet finalised the legislation." Mr Martin added that the new legislation would be finalised in the next few weeks, and that it would be submitted to Cabinet for approval.

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Large-scale theft cost Shoprite R103m

Investigators found stock such as food, razors and batteries had ended up with street traders and franchise operators

Moses Mliyane

SHOOPRITE MD Wimie Basson disclosed yesterday that his group's R103m in stock losses arose from large-scale theft for which it was not insured and not from computer errors.

The retailer said internal controls suffered after it was forced to maintain old OK Bassa stores systems from late March until March this year.

"Ultimate amounts of data had to be processed in the months before and after March to enable the group to change over to Shoprite systems. This process was not without difficulties."

Announcing year-end results yesterday, Shoprite said: "We closed 29 stores, opened 28 new ones and converted another remaining 79 OK Bassa stores into Shoprite stores - all in just 60 months.

Implementation of Shoprite's computer systems throughout OK operations took place while the stores were being restructured. The conversions started at branch level, which means there was an inevitable period during which the Shoprite, Checkers and OK systems were used in tandem."

Bassoon said the extraordinary stock losses were discovered with the year-end stocktaking at 26 of the 156 OK and Shoprite stores in Gauteng after the changeover in the distribution centres to the Shoprite stock control system.

Bassoon said forensic investigations found missing stock at street traders and franchisee operations.

He said the stock losses occurred when management was preoccupied with streamlining OK Bassa's operating losses of more than R500m a year.

"The investigation has shown that big quantities of food, razors, batteries and similar items were stolen from Shoprite, Checkers and OK Bassa stores in Johannesburg, Pretoria and Bloemfontein."

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"We are now in a position to make arrests or lay charges. Because this is an organized crime we want to bust the entire ring," Shoprite managing director Brian Wepener said.

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Bassoon said management and forensic investigations teams were determining the extent and capability of recovering losses from third parties.

"The maximum effect of the stock losses on profit, the R719m refurbishment programme for 79 OK stores and the amount of the interest outstanding in the group's dispute with SA Insurance for which provision had not been made, reduced interest income 64.6% to R13.8m. In addition to this, stock to the value of R20m was written off, bringing the total written off since the takeover of the OK Bassa stores to more than R70m.

"Getting rid of old stock cost more than originally forecasted and was a direct result of the need to reduce the size of the OK stores' trading area as well as excess stock holding," Shoprite said.

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"Getting rid of old stock cost more than originally forecasted and was a direct result of the need to reduce the size of the OK stores' trading area as well as excess stock holding," Shoprite said.

The decline in operating profit occurred despite an increase of 20.3% in turnover to R17.8bn. "This strong increase in turnover can be partially attributed to the fact that OK Bassa's results were incorporated with those of Shoprite for the first 12 months of the financial year."

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Heath tries to fast-track investigation process

Linda Ensor

CAPE TOWN — Judge Willem Heath, who heads government's anticorruption unit, is engaged in talks with Justice Minister Penuell Maduna to fast-track his investigations by abolishing the requirement for presidential proclamations.

Heath said yesterday that he had submitted a memorandum on the subject after discussing it with the minister.

He said the lengthy proclamation process — which could take up to 18 months — was impeding investigations and the speedy recovery of state assets, and could lead to the destruction of vital evidence.

To launch an investigation, the unit had to submit a motivation to the justice department. For provincial cases the motivation had to be sent to the premier for signature, returned to the justice department and then forwarded to the president's office. For national matters, the approval of the department under investigation was required. It was not possible to issue an interdict pending a proclamation.

The judge highlighted the unit's financial plight before Parliament's finance committee.

It faced a R2m shortfall on its allocated R18m budget this year, but had decided not to place a moratorium on the acceptance of new cases. There were between 90 000 and 100 000 cases on the books.

Heath proposed that the unit be funded by way of a trust or section 21 nonprofit company, which would receive donations from abroad and from the private sector.

However, Deputy Auditor-General Shauket Fakle said legislation would not allow for outside funding and stipulated that all surpluses of statutory bodies had to be surrendered to the state at the end of each financial year.

Other proposals were that the unit retain a percentage of the value of assets recovered, with a maximum, or that it contract out work in the same way as the state attorney's office.

The committee resolved that Heath discuss his proposals with the justice department, which undertook to present a preliminary progress report to the committee by the end of October.

The unit's financial manager, Herman Coetzee, highlighted the difficulties of keeping within an allocated budget, saying it was impossible to predetermine expenses.

The unit could not anticipate all the cases it would receive and all the costs involved in its investigations. Often the probes extended beyond the end of a financial year. This made zero-based budgeting inappropriate.

For the unit to do its work, it should be allowed to generate its own resources and to roll over its funds from one year to the next. Between January last year and March this year, the unit had saved, recovered or prevented losses amounting to R1,32bn on a budget of R16,8m, representing "magnificent profit" of R82 for every rand spent.
Court sets aside Basson asset order

Stephané Bothma

PRETORIA — The Pretoria High Court accussed the office of the national director of public prosecutions yesterday of being "less than frank" and of withholding evidence in an application for the seizure of property belonging to Wouter Basson.

The court set aside an order for the seizure of property allegedly obtained with money stolen by Basson, SA's germ warfare mastermind.

Judge Pierre Roux made a punitive cost order against national director of public prosecutions Bulelani Ngcula as a "form of judicial disapproval" for bringing a "hopeless application" before the court.

Less than two hours later Ngcula strongly criticised the ruling and said he had already given instructions for an urgent appeal. "I want that property and will get it even if it means going to Parliament to amend the constitution," Ngcula said. He did not elaborate.

An interim order seizing Basson's alleged assets was granted in terms of the Prevention of Organised Crime Act by acting judge Nellie Cassim on August 3. According to Roux, no admissible evidence was produced to support it.

The urgent application to seize Basson's assets was brought after he was charged with 67 counts of fraud involving at least R45m relating to the period when he was in charge of SA's top-secret chemical and biological warfare programme code-named Project Coast.

The assets seized included his home in an upmarket Pretoria suburb, a Cape farm, loan and bank accounts in the US and the UK, a R3m holiday cottage in the UK and a Swiss bank account.

Roux said Ngcula and some of his staff failed to inform the court that Basson had offered to cede his rights to some of the property.

"It would appear that the applicant (Ngcula) was less than frank in his affidavit and that there was an attempt to bolster his case on the merits," Roux said. He had relied on double-hearsay and opinions of others to craft his affidavit in support of the application.

"His affidavit is quite inadmissible."

Roux said Ngcula's staff had a clear duty to disclose Basson's offer to the court.

He also criticised the act, saying it was so convoluted that it created an untenable situation. He found the act came into operation only on January 21 this year, while Basson's alleged crimes were committed many years before.

"I find nothing in the act that proves that a crime committed before January 1999 can be visited with an added penalty," Cassim had erred in granting the interim order, he said.

Ngcula said although there were areas in which the act could be clarified and improved, he believed the court misdirected itself by finding that the criminal forfeiture provisions in chapter 5 of the act were not retrospective.

He denied that Basson made any offer to his office.
SA can set anticorruption example
Lack of prosecutions highlighted

Heather Hogan

Less than half of all crimes reported result in prosecution, while three-quarters of crimes prosecuted result in a conviction.

According to the Robson Institute for Security Studies Crime Index update, there are two factors by which the performance of the criminal justice system can be judged.

One is the number of cases solved sufficiently by police for prosecutors to consider, and the other is the number of cases which go to court and result in successful prosecutions. The report found that the justice system was falling miserably in the first instance, but doing "surprisingly well" in the second.

Only 51% of murders, 17% of rapes, 72% of assault with intent to do grievous bodily harm, 6.6% of housebreakings, 4.3% of robberies, 2.1% of car thefts and 3.6% of carjackings handed over for a decision to prosecute by 1200 were prosecuted.

According to the report, the number of prosecuted cases resulting in convictions was "horribly low": Only two out of every 13 murders, one out of every 11 rapes and one out of every 55 cases of assault with intent to do grievous bodily harm and 28% of rape cases were withdrawn.

In cases where police were the main witnesses, a high number of cases ended up in court, including 96% of drug offences and 88% of drunk-driving offences. More than half of those cases resulted in a conviction.

Prosecutions only take on cases where "there is a reasonable prospect of obtaining a conviction". The report quotes the three-quarter conviction rate after prosecution in this force. About 90% of drug-related crimes, 90% of housebreakings, 75% of car thefts, 97.5% of carjackings, 65% of muggings and 60% of rapes resulted in convictions.

"It is at the pre-prosecution stage where one of the criminal justice system's main weaknesses lies," states the report. "There is an above-average chance that accused persons will be punished for their crimes once the courts decide to prosecute them. However, far too many cases end up with accused persons being never caught or prosecuted."
Prosecutions director says deal in court is not the end of asset forfeiture law

Less criticism
Technology is shaping the future of business and commerce in a way that was unimaginable just a few decades ago. The rise of digital technologies has transformed the way companies operate, interact with their customers, and conduct their affairs. From e-commerce to artificial intelligence, the integration of technology into the business world is leading to unprecedented growth and innovation.

One of the most significant impacts of technology on business is its role in streamlining operations. With the advent of cloud computing, companies can now access and manage data from anywhere, allowing for greater flexibility and efficiency. Automation technologies, such as robots and AI, are also being used to perform repetitive tasks, freeing up employees to focus on more strategic and creative work.

Another area where technology is making a difference is in customer engagement. Social media platforms have revolutionized the way businesses connect with their customers, enabling real-time interactions and personalized experiences. This has not only improved customer satisfaction but also created new opportunities for marketing and sales.

In the realm of e-commerce, technology has enabled businesses to reach a global audience with ease. Online marketplaces and platforms like Amazon, Alibaba, and Alibaba.com have democratized access to markets once reserved for large corporations, allowing small businesses to compete on a global stage.

As technology continues to evolve, businesses must remain adaptable and innovative to stay ahead of the curve. Investing in research and development, embracing new technologies, and fostering a culture of continuous learning are essential for long-term success. The future of business is bright, and those who can harness the power of technology will be well-positioned to thrive.

In summary, technology is not just transforming business, it is defining it. As the world becomes increasingly connected and digital, businesses that can effectively integrate these technologies into their operations will be the ones that succeed in the new economy.
Concerned citizens in the hood...
AIMING FOR ACTION: NP leader and gun enthusiast Marthinus van Schalkwyk tests a specialist handgun, at the Milnerton Shooting Range yesterday

Nats open fire on draft gun law

JANET HEARD

THE National Party has requested a special debate in Parliament to raise questions about the process which led to the "seriously flawed" draft firearm control legislation.

NP leader Marthinus van Schalkwyk warned competitive shooters at the Milnerton Shooting Range yesterday that specialist firearms would be outlawed under the proposed controversial legislation.

"From the outset, there has been confusion between targeting illegal owners with people who own guns legally," said Van Schalkwyk, who has thrown his weight behind the pro-gun lobbyists in their outrage over the proposed Firearms and Ammunition Control Bill.

The NP wished to debate the lack of consultation, the lack of transparency and the role of foreign government funding in the draft process. The draft was clearly not well thought through, and we need answers," he said.

Safety and Security Secretar Azhar Cachalia insisted this week that the controversial document in circulation was not draft legislation but a policy document.

He said all stakeholders would be consulted before the legislation was finalised.
Crime Prevention at all Ages Revised

Haye change to remove textually for this aspects to be retained.

Nguraka welcomes testing of new crime prevention act.
Department ‘to scrutinise crime proceeds law’

CAPE TOWN — The justice department will be asked to thoroughly review the law aimed at seizing the proceeds of crime, following scathing attacks on the legislation by three high court judges.

Parliament’s justice portfolio committee approved the Prevention of Organised Crime Amendment Bill yesterday with the aim of making the legislation retroactive, but the committee will meet again today to pass a resolution calling on the department to review the entire legislation.

Committee chairman Johnny de Lange said some judges had used adjectives like “convoluted” to describe the legislation but had not given many examples to substantiate this. The department now had to properly scrutinise the legislation.

Judges had interpreted it differently — three of them had ruled that the legislation applied retrospectively, while another three believed it did not.

The committee committed “overkill” yesterday, passing amendments aimed at ensuring judges would have no space to rule that the legislation did not apply retrospectively, he said.

These amendments were needed so the asset forfeiture unit, based in the office of National Director of Public Prosecutions Balela Mgcuka, could proceed with its work. The effect of the three anti-retrospectivity judgments was that there was an “amnesty” for stolen assets.

High court judges needed to follow the example of Constitutional Court judges who, in most “civilised” countries, interpreted the purpose of the legislation rather than settling for a literal meaning of words.

Democratic Party justice spokesman Tertius Deegoe said he was concerned that the amendments approved yesterday made “inroads into the discretion of the courts".
Scorpions set to sting crooks

Mike Launcey SARM's most powerful weapon against crime scourge

Aug 28 1979
Cort's anti-crime mechanisms begin to bear fruit

Pharmaceutical companies now using own security guards to prevent theft

Police sweep on stolen medicines

Crime in capsule
Straight to jail for 40 years for rapists

Definition of the crime is broadened in proposals

HENRY LUDBSKI

A crack-down on rape will include 40-year mandatory minimum sentences for rape in aggravated circumstances, a radically revised definition of rape and compulsory HIV testing of sexual offenders.

The new measures are aimed at putting thousands more sexual offenders behind bars. The SA Law Commission will hand proposals to Justice Minister Penuel Maduna on Wednesday.

The proposed changes confirm a strong international trend towards redefining rape.

Maduna will be presented with the legislative proposals for a new Sexual Offences Act to replace legislation that has been in existence since 1957. The new law will pave the way for a dramatic increase in convictions, tougher sentences for offenders and greater protection for victims.

It is expected to come into effect next year and is also aimed at setting stringent sentencing guidelines for presiding officers to follow.

This will address a controversial problem with sentencing at present, where presiding officers have wide discretionary powers. These have led to glaring and widely reported inconsistencies in sentencing.

This week, the SA Law Commission is also expected to propose an amendment to the Criminal Procedure Act which will make provision for compulsory HIV testing of people arrested for committing sexual offences.

The liberalised and vastly expanded definition for rape will make South Africa's sexual-offences legislation among the toughest in the world. Laws reformers are confident that it will cast the legislative net wide enough to catch a significantly larger group of offenders under the new definition of rape.

The proposed legislation is being driven by a powerful new force - women in ministerial positions who are using their clout to speed up change.

"It's an extraordinary proposal," said Cheryl Gillwald, the deputy Minister of Justice. "South Africa has been branded the rape capital of the world.

The statistics show that there is a rape every 26 seconds in South Africa and that one in three women will be raped.

The conviction rate in 1997 was less than eight percent.

"We can no longer sit on our hands because that makes us more culpable. We have to act," said Gillwald.

The South African reformers have looked to Namibia for guidance in coming up with a new definition for rape. Under existing law, rape is defined as unlawful penetrative sexual intercourse by a man with a woman without her consent.

If South Africa follows the Namibian example, as is expected, then the lack of consent by a woman will no longer be as central a factor as it is at present. Some offenders have been able to say victims had consented, when, in fact, they may have had no choice. The new proposals are expected to cover coercive circumstances which will include the use of force, or threats of violence, the abuse of a position of authority, and the use of drugs and liquor to induce a woman to sexual intercourse.

It is also expected that an act of sexual penetration will no longer be restricted to vaginal intercourse, but will include anal and oral intercourse as well as simulated sexual intercourse. An act of sexual intercourse will cover the insertion of objects into body orifices.

The proposed new law will attempt to draw all sexual offences into one single Act. It will take into account recent landmark Constitutional Court judgments. These include the recent National Coalition on Gay and Lesbian Equality ruling which repealed the common-law offence of sodomy, and the 1996 Case and Curtis judgment on the possession of adult pornography (the court found that what you do in the privacy of your home is your business and your business only).

The next stage of the law reform will be the release of another discussion on the process and procedural issues relating to sexual offences. This is expected later this year.
SUPER WEAPONS

New Crime Act 3

Health wants the corrupt abolished
Health unit to be dissolved, says Madura

Minister slams judge for fund-raising drive

once cases finished

Health unit to close
Tshwete wants gun-free zones in SA’s public areas

Farouk Chothia

SAFETY and Security Minister Steve Tshwete signalled yesterday that government intended to prohibit gun owners from carrying weapons in certain public places by declaring them "firearm-free zones".

Tshwete said in Parliament that he had presented an "excellent" gun control policy document to the safety and security interministerial committee.

The cabinet was expected to discuss it next week. All nine provincial safety and security MECs had already endorsed the document.

Tshwete said the policy recommended that he be given the power to declare certain areas or kinds of buildings "firearm-free". These included bars, shebeens, schools, hospitals and places of worship.

Only law-enforcement officers on duty would be able to carry weapons in the zones. The zones would be declared by Tshwete in consultation with safety and security secretary Azhar Cachalia and Police commissioner George Fivaz.

Tshwete said the policy recommended a limit on gun ownership for self-defence purposes, although he did not indicate whether he had accepted original proposals that each person be restricted to one firearm. The limitation would not apply to hunters, sports shooters and collectors.

Tshwete said there would be stricter control over licensing firearms to private persons and institutions. Applicants would have to be trained in the use of firearms, know their legal duties, be willing to undergo a fingerprint check, and have no record of drug or alcohol abuse. However, there would be no psychometric tests.

There would be a limit on the amount of ammunition that could be purchased, unless it was needed for hunting, target shooting or another special needs. Dealers would have to inform the police central firearms registrar of the identity of all purchasers within 48 hours, so that large-order buyers could be tracked.

It is understood the secretariat decided against forcing existing gun owners to reapply for licences. However, they would have to register their guns with the SA Police Service.

Tshwete said the policy recommended that the confiscation powers of police be increased. A person against whom a restraining order is granted for domestic violence could have his gun seized. Police would have more powers to carry out searches or fingerprint people in whose vicinity illegal firearms were found.
MORE CHALLENGES ON ASSET LAW

Issue of retrospection not the only pitfall in a rights-based State

The legislation to bust organised crime represents a massive exercise of State power, and the amendment passed by parliament is unlikely to ease its rough ride through the courts.

The legislation also promises further stand-offs between two arms of the law: the legislature and the judiciary. Last week, a parliamentary committee cautioned judges to take account of the intention of the framers of Organised Crime Act.

The intention is to keep rampant organised crime at bay. Its supporters argue that organised crime quickly spreads its tentacles into every organ of the State — as it has in Russia and Nigeria — and is particularly pervasive in new democracies like SA.

Thus, the Justice department has drafted a law that gives the State the right to seize assets without the need to prove guilt first. Because the legal action is civil, its rules of evidence are less onerous than criminal law. In civil cases, guilt must be proved only on a balance of probabilities, while in criminal cases, it must be established beyond reasonable doubt.

But tough legislation for a world order in which crime bosses have been first to take the gaps offered by open economies, are often not complemented with a rights-based State.

So, the most pressing question hanging over this legislation has yet to be answered. Is it constitutional or does it trample on the right to property, privacy and the presumption of innocence, among others.

Everybody’s spoiling for the test case to be put to the Constitutional Court because its verdict is likely to begin to strike the balance between a tough approach to crime and the rights inherent in the Constitution.

Meanwhile, judicial unease is not difficult to fathom. The term “organised crime” entered the criminal justice lexicon only in 1991 and civil forfeiture legislation goes against the grain of established legal tradition in SA. According to advocate Wim Trengove: “The new law does invade the rights of people quite dramatically. It introduces new notions that didn’t exist before.”

Its most drastic measure is the provision for the seizure of assets prior to prosecution and even without a prosecution.

Willie Hofmeyr, the head of the Asset Forfeiture Unit, is surprised by the level of judicial circumspection and did not expect that courts would challenge the assumption that the law is retrospective. This did not crop up in the US courts.

SA took much counsel from the US experience. But Trengove explains: “The courts normally assume that laws tend to govern future conduct and not past conduct, unless it’s made very clear.” That particular hurdle has been Cleared by the amendment to the legislation. Now lawyers are asking, what next?

Trengove says a crucial challenge lies in a clause in the Constitution that entitles citizens to the “least severe” punishment should the penalties for a crime be made more severe over time. He foresees “a series of Constitutional Court challenges.”

The Democratic Party says the legislation erodes judicial discretion and is subject to challenge on this ground. Hofmeyr says: “There is nothing unusual about a democracy structuring discretion.”

A legal challenge is likely on the so-called “double punishment” inherent in the Act because it provides for both civil and criminal litigation.

Another challenge might come when owners of a seized asset claim they did not know that their property was being used nefariously.

For the Organised Crime Act, the immediate future promises more disruption. Peter Gastrow, a director of the Institute for Security Studies, says the law requires “some creative shaping by police, prosecutors and the bench, in such a way that it is sharp, effective and constitutional.”

SA is perched on the thin end of the organised crime wedge. Nigerian cocaine cartels, Russian kidnapping rings, Chinese Triads and South American hard-drug syndicates already litter these shores. Last year, police disclosed that they knew of 400 criminal syndicates operating locally.

“Once you allow organised crime to carry on growing in a risk-free environment, it develops contacts and tentacles in all state structures at all levels,” says Gastrow. “Drastic steps are needed to prevent such penetration.”

The asset seizure legislation aims to get at the infrastructure of organised crime, so disrupting its cash flow. But that means getting the law right first. Says Hofmeyr: “We can’t be fighting the courts, we must fight the criminals.”

GETTING THERE

Cases won by the Asset Forfeiture Unit:
- Igshoan Davids. June 1999. R145 000 in cash seized from Davids, an alleged drug-dealer in the Western Cape; and
- Amanda van der Westhuizen. July 1999. Goods to the value of R1,8m seized from this Investment broker who faces fraud charges.

Cases lost:
- Gavin Corolis. March 1999. The Unit was forced to return the property it seized from the alleged drug-dealer in August;
- Piet Meyer. July 1999. Property valued at R530 000 was seized in June from this KwaZulu-Natal policeman who is facing corruption charges. His property was returned in August after a court order; and
- Wouter Bosman. This apartheid era scientist faces criminal charges for allegedly misappropriating R44m from the State. In August, the unit lost its attempt to seize his assets. (All three cases are being appealed)

Cases pending:
- An Umkomaas businessman had his property seized for the alleged kidnapping of yacoob John Pitsachi’s daughter for a R1,8m ransom in August 1999
‘Freedom breeds crime:’
grist for authoritarian mill

HY ARE transitions from dictatorship to democracy invariably accompanied by escalating crime? There is a depressingly straightforward answer to this question: crime soars under democratic regimes simply because it can. Democracy brings freedom, the capacity to author one's own life, and some people author nasty lives for themselves.

This is why reactionary responses to crime waves are so chillingly compelling: roll back freedom and you will roll back crime. Democrats are unsettled by this simple maxims precisely because it is true. Put the lid on the spaces in which ordinary people live their lives and the spaces in which crime fester s are certain to be among them.

One of the questions SA faces is how to fight the crime wave that has stained the fabric of our democratic transition without denying ourselves the sorts of lives democracy has made possible.

Ironically, we have much to learn in this regard from the experiences of a veteran communist bureaucrat.

For 17 years Steffen Riebe commanded a police precinct in Pankow, an East Berlin suburb just a kilometre from where the Berlin Wall stood. When the wall fell in 1989, so did Riebe's position in the police force; upon applying for a place in Germany's new integrated police, Riebe was stripped of his rank and sent back to police college.

He is now an ordinary uniformed patrol officer in the trendy western suburb of Schöneberg, where he will remain until he retires seven years from now.

Few people in the late 20th century have seen what Riebe has: the transformation of a single neighbourhood through a comprehensive transition from one form of society to another.

"Twelve years ago, Pankow was like another planet," Riebe remarks, gazing toward the street outside his Pankow home. "In nearly two decades I dealt with one murder; a mad woman stabbed a newspaper vendor with a pair of scissors in order to read the Berliner Zeitung free of charge.

"Nobody on that street had lived there less than 10 years and visitors to the area had to sign a guest register. So you did not have to be a genius to track down the culprit. We found her two hours later."

For most of Riebe's former professional life he dealt with a slow but perennial stream of petty crimes.

"As a police officer I was well-placed to observe which parts of the centrally planned economy were malfunctioning," Riebe jokes. "For a five-year period there was a dire shortage of spare bicycle parts and bicycle theft in Pankow soared. You could get a small fortune for a frame, a pedal or a bolt on the black market.

"Who sold spare parts on the black market? Were there career criminals, an elaborate network of people who earned a living off crime?"

"How could you possibly become a career criminal in East Germany?" Hessler laughs. "To be unemployed was a criminal offence. If you had no work you were reported to the authorities. They would find you a job and if you refused to take it you would be tried and sentenced to serve a prison term."

Riebe claims that the conviction rate for crimes committed in his precinct hovered between 80% and 90% throughout the 1980s.

"Population turnover in Pankow was about 0.5% a year. After 17 years in the precinct it was very rare for me to walk down a street and see a stranger. And when there are no strangers it is not difficult to catch a thief."

"If a bicycle was stolen I would simply ask people on the street: who have you seen in the last few hours riding a red bicycle with blue handlebars? Nine out of 10 times someone would phone later in the day and say: Mrs Schmidt from Schwedter Street rode down Behren Street this morning on a bicycle of that description."

"I would visit Mrs Schmidt — no search warrant, just a friendly greeting at the door — and ask to look inside. Lo and behold, she would have grease on her fingers and the front wheel of a bicycle in her bedroom."

"What does Pankow look like now? "Population turnover has been about 50% during the past decade," Riebe says. "I seldom recognise anyone on the street. Anonymity is a wonderful cover for crime. Russian and Hungarian organised criminals bred by the changes in eastern Europe can make regular sorties into Pankow through their networks and disappear. Freedom makes for invisibility; invisibility makes for easy crime."

"Stories like Riebe's are grist to the mill of authoritarian populism in SA. Nobody in SA is advocating the insti-
tution of a totalitarian state in which movement is restricted and people's daily lives are monitored by a ubiquitous network of state informers. But watch the actions of SA's burgeoning vigilante movements and they are all of a kind: violent and crazed reactions to the dark side of freedom."

Take Mapogo a Mathamago, which turns violently and often indiscriminately on the unemployed youth who spend their days on rural village streets; or the white men who roam in the white neighbour-
hoods of small rural towns, scanning the streets for black pedestrians.

To a former East German policeman SA's crime wave and the vigilante backlash it provoked are not difficult to comprehend. Rampant youth unemployment, broken family structures and declining parental authority — throw freedom into the cocktail and you have a lethal mix.

"The irony of freedom is that its boundaries must be carefully policed," Riebe says. "If the state does not police these boundaries then people do it themselves. And that is a great and sad irony: to see people who fought for freedom take it away on their own initiative."

Riebe believes that increased crime levels are a necessary price to pay for democracy. But he also believes that neighbourhoods in a constitutional democratic state can be well policed.

"I spend far too much time investigating crimes that have already happened and that I am powerless to solve. I would rather be assigned to a foot patrol in a small area of the neighbourhood and get to know it like the back of my hand. In Berlin there are officers who are in theory allocated to districts, but in practice few people know their faces or their names. When a crime is committed a policeman with intricate local knowledge must be present. When something bad happens, the face of the state must be a familiar and caring face. Otherwise freedom becomes intolerably lonely and dangerous."

Later I tell a colleague of Riebe's — another former East German policeman — that in Johannesburg there are large chunks of the city patrolled by two police cars and that there are sprawling informal settlements that still have no police station.

"But that is no way to treat so delicate and fragile an achievement as freedom," the policeman says. "No wonder you have vigilantes who are trying to take it away."
Foreign officials not immune to SA crime

Police, who monitor homes, cannot provide all diplomats with bodyguards, writes Simphiwe Xako

Last weekend's murder of Zimbabwean vice-consul M/s
era Melezi in Johannesburg once more brings the protection of foreign diplomats in SA under the spotlight.

Sgt Nasser Mohamed, head of the SA Police Service's International Affairs Section, says although foreign diplomats' homes are monitored on a 24-hour basis, it is impossible to provide every individual with a bodyguard.

Melezi was shot in the head while dropping off a colleague's car at Parktown where he was a hijacking. His 11-year-old son, Tawanda, escaped unharmed but had to be treated for shock.

Nasser said although there are around 12,000 diplomats, monitoring and a thorough security evaluation system, only the diplomats' homes are monitored on a constant basis. It would have been difficult, he said, to provide Melezi with security on a private visit.

Police found Melezi's BMW on the highway after the anti-hijacking device was activated, causing it to switch off.

Although Zimbabwean police high commissioner Danilo Muliwanda said he was impressed by the co-operation they had received from the SA department of International Relations and Cooperation, he admitted it would be difficult to ensure that each diplomat was given a bodyguard.

Melezi had been in the country for four years before being transferred to Johannesburg last year.

In April this year, a visiting senior United Nations official (whose name was not released) was stabbed to death.

In previous years, many heater officials had been targeted for attacks.

In January, the foreign affairs department launched an investigation following a complaint by the Liberian ambassador to SA, Isolely D. White, that he had been verbally abused by a centaur traffic officer at a roadblock.

The Liberian embassy released a statement saying the ambassador had been in great danger during the event.

In April, the Liberian ambassador Gerald Maglo's car was stolen at gunpoint from his residence in Pretoria.

A week before that attack, a South African police officer had been found dead in his guesthouse in Pretoria. The body was found in a room where the ambassador had been staying.

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Health Commission getting the job done

South Africa's Special Funeral and Special Provisioning Committee, 1999

Interminably says it will not investigate the matter and admit and included...
Government's fight against corruption "treadle"
SA gun laws lag way behind SADC nations

Ivor Powell

Four South Africans will be the victims of gun-related crime for
every single Zimbabwean victim.
And well more than 20 South Africans will be shot dead every time a Botswana
drawn from gunshot wounds.

These are among the chilling consequences of South Africa's existing gun laws, argues independent
researcher Katherine McKenzie after investigating gun-control measures in the
member states of the Southern African Development
Community (SADC).

McKenzie found that gun laws in South Africa—despite the country's image as the leader of the Southern
African community—lag way behind enforcement measures in other SADC
countries.

"South Africa allows people to own
more guns than any other country in the
region. But the law stands, firearm
licences never have to be renewed,"
McKenzie said. "You only have to be
16 in South Africa, not old enough yet
to vote or to drive, but old enough to
shoot... and if you pass the test, you
are to be used under adult supervision, firearms can
be licensed to even younger kids." McKenzie's report—commissioned by Gun Free South Africa—
comes amid growing frustration on the part of gun-owners' associations to
draft legislation aimed at controlling the proliferation of guns in South Africa. The proposed new laws aim
to compel all gun owners to register for
gun licences and to limit the number of
guns any person may own.

There are regional initiatives to clamp down on gun ownership, notably initiatives by SADC's
Southern African Regional Police Chiefs Co-
operation Organization.

According to McKenzie, SADC's
gun laws are being contradicted by South
African realities. "The situation in
South Africa is drawing criticism from
the police chiefs," she notes. "Not only are there more guns in
South Africa than anywhere else, but
South Africa is the only country that
manufactures arms—and, moreover,
the gun culture is much more
evolved here than anywhere else."

In Tanzania, for instance, there
are only two gun shops in the whole
country. In Mozambique, there are
more. The role of South Africa needs
to be looked into."

One of the cases studied highlight-
ed by McKenzie is that of Botswana,
where, with a population of just 1.8
million, 423 murders were reported in 1997. South Africa's national average stands at about 3,000
firearm-related murders per year.

Botswana has the longest gun con-
trol laws in the SADC region, with
18,000 firearms licensed to private cit-
enes and only a proportion of law en-
forcement and security personnel allowed to carry firearms in public. Each
year 400,000 police and military licences are
issued for hunting—a practice in which the

winners are given gun licences.

In Mozambique, only one gun is per-
mitted per licence. In addition to this,
only 80 firearms are licensed, the argument being that large-calibre weapons are weapons of war.

In South Africa, legislation dating
back to 1989 (though subsequently amended on various occasions) dis-
qualifies those with criminal and psychiatric records from licen-
sing firearms—and permits any one
to possess up to 15 guns.

The situation in South Africa re-
 mains alarmingly anarchic, with nearly
30,000 firearms being reported stolen
and around 8,000 being stolen from the police and the defence force,
year, according to the statistics for Security Studies. Only 1,164 firearms were

The countries surveyed by McKen-
tee were South Africa, Zimbabwe,
Zambia, Lesotho, Swaziland, Tanzania, Malawi, Mozambique, Botswana and Namibia.

Security firms 'weaken police'

Pascal Sabato

PRIVATE citizens using security
companies for protection from
escalating crime levels con-
tribute to undermining initia-
tives by government to curb the
proliferation of guns in SA, a
seminar on gun control in the
SA Development Community heard
in Johannesburg yesterday.

The seminar coincided with
yesterday's release of a study by
independent researcher Kath-
oline McKenzie which showed
SA's gun policies were out of
step with the rest of the south-
ern African region, which had
strong gun-control measures.

A National Economic Develop-
ment and Labour Council repre-
sentative said the use of security
firms was in direct competi-
tion with initiatives by the
state, and weakened the police.

The study, commissioned by Gun Free SA and the Ges.
irnity Campaign, equates strict gun
control with effective crime con-
trol, and says that countries with
strong controls experience low
crime levels.

According to the study, Botswana, which has a total
basis on the size of its population, has 23,000 licensed
firearms, experienced only 11
murders and 11 robberies last year.

SA, which in contrast allows for
everyone over the age of 18,
who is not disqualified, to own a
dao, with no limit on the number of
daoes one can own—had 4,818,000 licensed
firearms and a high crime rate.

The study statistics compiled by the Crime Information
Analysis Centre showed that last year an average of 33
murders were committed daily
using firearms. There were
59,093 reported cases of robbery
within 36 months being used.

McKenzie found that screening
of applicants for firearm li-
cences in SA was ineffective
compared to most countries in
the region, with fingerprinting
being done randomly and at
the discretion of the commissioners.

Nearly 100,000 firearms Regis-
ters were issued a year and about
20% of applicants got firearm
licences, she said.

Licences in SA were also is-
sued for an unlimited period,
while in Lesotho, Swaziland and
Malawi, firearms licences should be renewed every year. In Mozambique they are renewed biennially and in Zambia and
Zimbabwe they are renewed every
two years.
Needs Silver Bullet of Gun Control

Conferences in azimuth, Asia, and Australia. A\'s conduct has a big impact on what happens in other countries. We need a silver bullet of gun control.
Computer trap to slash serious crime by 30%

‘Behavioural fingerprint’ tracked

David Ball

Criminologists believe the launch of a new computerised network could slash crime in South Africa by as much as 30% in the next four years.

Launched by a cellphone company and Rhodes University, the serious crime and prevention project (Segap) is modelled on systems in America and Europe.

Mark Weisman, director of the university-based MTN Centre for Crime Prevention Studies, said innovative strategies were needed to fight crime. South Africa’s murder rate was nine times higher than the international average.

He said crime cost the country R300-million a day, excluding losses in foreign investment, trade and tourism.

Even though criminals could wipe away fingerprints and destroy DNA evidence, they could never avoid leaving behind a “behavioural fingerprint”.

Dr Weisman said Segap would research priority crimes, establish an online investigative support system and offer training in investigative techniques.

The project was introduced after links had been established with the FBI, Scotland Yard and the University of Liverpool’s crack investigative psychology unit.

The project would focus on violence against women and children.

“The simple fact is that violence against women and children is entirely out of control in this country, and represents nothing short of a human catastrophe,”

According to Dr Weisman, about one million women are raped in South Africa each year and roughly one in four children suffers from some form of violence.

Alcohol is a key factor in rape and domestic abuse cases and most rapes occur on weekends near beaches.

“The Grahamstown police have slashed rape and violent crime in the town by more than 30% by putting people who walk out of shebeens drunk into the cells for the night.”

The crime system will be based on a detailed, user-friendly form completed by police officers at crime scenes. Police will, for example, tick off what type of restraints the offender used on the victim. The information will be fed into a sophisticated offender profiling system (SOP), which “reads” information about a crime and automatically draws up a behavioural profile of the criminal.

The online investigative support system also includes a criminal identification database (CID) that identifies criminals according to the “behavioural signature” of perpetrators known to them.

Michael Nocella, director of the police investigative psychology unit, said it was difficult to determine when a serial criminal was at work.

“it happens that detectives from different areas do not work on their own case without knowing they were all looking for the same person.”

She said about 10 serial killers had operated in South Africa in the past five years and were responsible for the deaths of more than 20 women had been arrested. She said 10 serial killers were known to the police and still functioned on the run.

Dr Weisman explained that, if an advanced computer program could interpret crime data and give an indication of where a serial criminal lived.

He said the system had been successfully used in Britain and the United States and found to be 97% accurate.

“A trial run in South Africa resulted in the correct prediction of the suburb in which a serial killer was living within 10 minutes of data input,” he said.

The Grahamstown Express, in a post-graduate psychology student at Rhodes University who works at the MTN Centre for Crime Prevention Studies in Grahamstown.

He was writing his master’s thesis on South African serial killers and hopes the information can be fed back into serial killer investigations.

He said South Africa was one of the top three countries - the others are the USA and Russia - in terms of serial killers caught.

“The United States most serial killers are white, but in South Africa we don’t know how different the serial killer profile is yet,”

He said work was being carried out by the SAPS serious violent crime unit in Grahamstown.

“We had given him an insight into the problems facing the police, just as a lack of resources and low pay. He said one detective in Grahamstown had not had an official vehicle for over three months.

Dr Weisman said the investigative support system could reduce the police workload by about 40% and would make police “smarter” and more efficient. The project had already played a key role in solving a series of murders in the Eastern Cape and was hot on the trail of bank robbers somewhere in the country – he said.
Heath Sparked Cup on Anti-graff Drive

Madonna Denies Battle with...
SA to get stricter firearms legislation

The proposed new firearms law is a pragmatic approach to the realities of local gun ownership and crime.

It is the Government's first meaningful attempt at tightening up the uncontrolled gun culture of this country, which is most acutely felt in the inner city areas of the United States, where it is made up of urban areas with high crime rates. South Africa's national parks, including the Kruger National Park, are protected by the National Parks Management Act 33 of 1997.

The new law will take a tough line in this area. The Government has taken a tough line on this issue. It is the Government's first meaningful attempt at tightening up the uncontrolled gun culture of this country, which is most acutely felt in the inner city areas of the United States, where it is made up of urban areas with high crime rates. South Africa's national parks, including the Kruger National Park, are protected by the National Parks Management Act 33 of 1997.

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Providence Plans Umbrella Policing Body
 cops group to unite city
cut in crime
gets big
community
beginnings
From small
R4-million every hour to protect our citizens

'Get on top of crime and SA can save R10-bn a year'

August 21, 1999

Gweneth Wray

In Johannesburg

Trying to let his citizens sleep safely at night costs the South African government more than R4-million an hour for protection services like the police, justice, prisons and defence.

And it costs at least R96 600 a year to keep one prisoner behind bars.

Those and other shocking statistics formed the basis of Rhodes University taxation specialist Professor Matthew Lester's talk to an enthralled audience at the Stellenbosch Future Business Leaders Week held here.

In his talk entitled "How to Blow R23-billion in 365 days", Professor Lester said that if South Africa could get on top of crime and shave 50% off these costs, R10-billion could be saved for use in other departments where the money could be used better.

He said criminals needed to realise their crimes not only robbed their victims but also robbed their communities and forced resources that could be used to help social projects and to protect services.

Professor Lester said that only people who earned more than R2,000 a month put money into the state's coffers through taxes, but they too took out through their consumption of services.

This meant 30 million people were paying for the services that they didn't need.

According to the controversial debt canards, non-taxpayers included 2.5 million disabled people, 4.6 million unemployed and about four million who had no schooling and were part of the so-called lost generation.

He said interest on R14-billion a year was costing taxpayers R1.02 billion.

SA's debt burden had been financed by the apartheid government because its policies "created the ultimate disaster" as so many potential taxpayers had been untrammelled.

Despite these bleak facts, Professor Lester was confident that things were looking up for South Africans.

The country led the world in mineral reserves, could produce enough electricity to supply the whole African continent, had a good commercial infrastructure and had an excellent legal system with one of the world's most "liberal" constitutions.

He said that despite the trauma the country had gone through in the last century it had managed to produce "world class people".

These included politicians like Nelson Mandela and Grover Mbeki; business people like Cecil Rhodes and Anton Rupert; church leaders like Desmond Tutu; writers like Herman "Walter" Reissman, Sol Plaatje and many well-known sports stars.

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WORLD CLASS: Nelson Mandela and Desmond Tutu
State seizes ‘drug cash’ in landmark court victory

JOHANNESBURG (AP) — Mr. Abrahams, but the State feared it would have to be returned, because it had not been able to prove beyond all reasonable doubt that the money was the proceeds of drug dealing.

Willie Hofmeyr, head of the Department of Justice’s assets forfeiture unit, said the court order put the onus on Mr. Abrahams to prove, against a balance of probabilities, that the money’s origins was not crime-related.

The move marked the start of a new drive in the Western Cape to clamp down on crime bosses and drug lords.

"Now the State will meet the alleged or convicted criminals in court where they will have to prove where the money came from."

"The suspect will now have to argue in court why his cash cannot be forfeit to the State," he said.

The cash had already been impounded as evidence in the drug case against Mr. Abrahams, but the State feared it would have to be returned, because it had not been able to prove beyond all reasonable doubt that the money was the proceeds of drug dealing.

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Crime ‘is killing our tourism’

Rampant crime is threatening to kill tourism — the golden goose South Africa badly needs to boost the economy and generate jobs, the city’s chief tourist officer warns.

“We perceive in the market that South Africa is an unsafe tourism destination is the biggest single obstacle to the tourism industry,” Sheryl Ozinsky told the Cape Town Press Club.

“At the moment we are riding it out, but that could change.”

She said the bomb that killed two people at Planet Hollywood in August last year had cost R300 million in cancelled tourist bookings.

Ms Ozinsky said 230,000 tourists had visited Cape Town last year and the plan was to boost that number to 3 million by 2010. However, the boom that followed the 1994 election was fading, and fresh impetus was needed.

For that to happen, the airways had to be deregulated to allow charter flights to enter, conference centres had to be built, and crime reduced.

Ms Ozinsky made international headlines last month when she said Cape Town had to accept sex tourism as a fact of life and include the industry in promotions.

She said she often received e-mails asking if Cape Town was safe.

“My reply is: ‘Yes, as long as you take precautions’,” she said, noting that the only police patrolling the city centre were reservists paid for by businesses, who went home before dark.

— Reuters
Apartheid to blame for corruption

Pule Molebeleli

DURBAN — The existence for a long time of a political and social system that was "clearly morally and politically illegitimate" contributed to the spread and entrenchment of corruption in SA, President Thabo Mbeki said yesterday.

At the opening of the ninth international anti-corruption conference in Durban last night, he said that many of the beneficiaries of that system understood that it was morally illegitimate.

The result was that the legal system and institutions of governance lost the ability to produce a set of norms for society that would be legally enforceable and morally justifiable. "This ... constituted an invitation to every individual to set his or her own norms of social behaviour," he said. "And indeed, people did set their own norms."

The conference, attended by Nigerian President Olusegun Obasanjo, Botswana President Festus Mogae and World Bank president James Wolfensohn, ends on Thursday.

Other dignitaries expected to attend include the vice-president of Bolivia, Jorge Quiroga Ramirez, African Development Bank president Omar Kabbaj, International Chamber of Commerce secretary-general Marla Cattani, Interpol secretary-general Raymond Kendall and former Bangladeshi foreign minister Kamal Hossain.

Former Tanzanian president Julius Nyerere was also scheduled to attend but could not due to ill health.

Paul Setsetse, a spokesman for the justice ministry, said the conference was aimed at enabling the international exchange of experience between political leaders, the public and private sectors, nongovernmental organisations, the judiciary and the media on issues underlying common strategies for tackling corruption.

Mbeki said he hoped the conference would foster an understanding of the measures needed to boost the fight against corruption. "... All of us need to do everything in our power to give corruption in the public and private sectors no quarter whatsoever."

He said it seemed clear that, in many instances, material values had gained greater worth in the eyes of many people than spiritual values.

Success in the accumulation of material values had become accepted within the social value system as a pre-eminent goal to pursue, he said. It also had become a pre-eminent criterion by which to judge whether a citizen was a success or a failure.

Mbeki pointed to the argument by international financier George Soros in his book, The Capitalist Threat, that the root of the problem lay with the unhindered pursuit of self-interest, (reliance) on money as the criterion of value and behaviour and the notion of the survival of the fittest.

He said that this issue needed to be examined by delegates attending the conference.

Mbeki said that a combination of the influence of the market economy on social conduct, the displacement of people from their traditional rural settings and the absence of a legitimate social and legal system underpinned the high levels of crime and corruption in SA.

Unbridled pursuit of self-interest slated

Tania Broughton

DURBAN: The biggest anti-corruption conference in the world began here last night with President Thabo Mbeki calling for an end to "the unhampered pursuit of self-interest" in society.

Addressing the estimated 1 500 delegates representing almost 100 countries at the International Anti-Corruption Conference, Mbeki said it was clear that material values had gained greater worth in the eyes of many at the expense of spiritual values.

He commented on the prevalence in society of the notions of "the survival of the fittest" and "people deserving respect and admiration because they are rich".

Mbeki said corruption was a social phenomenon born of these attitudes.

This had to be recognised to prevent corruption "so that we are not confined simply to punishing corrupt actions when they are discovered".

Although corruption was a worldwide phenomenon, in South Africa apartheid had been an important factor contributing to its spread.

"The first thing we had to do was to end the illegitimate system and replace it with a genuinely democratic and politically inclusive system that would evolve social norms."

The five-day conference has attracted several heads of state, foreign journalists and key role players in the fight against corruption and crime around the world.
Corruption key to ending poverty, says World Bank

Durban - During a development conference, the World Bank noted that in poor nations, corruption is a central element in the struggle against poverty. The bank's president, James Wolfensohn, said in Durban that "corruption is one of the biggest obstacles to development. It's not just about the loss of money, but about the loss of hope and the loss of confidence in government."

Wolfensohn said that in many developing countries, corruption is not only widespread but also deeply ingrained. He noted that in some countries, officials have been convicted of corruption, but the money that was stolen is never recovered.

Wolfensohn also said that the World Bank is working with governments to develop anti-corruption strategies. He noted that the bank has been involved in several anti-corruption initiatives, including the creation of a database of corruption cases in developing countries.

Wolfensohn said that the World Bank is committed to fighting corruption and believes that it can make a difference in reducing poverty. He noted that in some countries, anti-corruption efforts have been successful, but more needs to be done.

Wolfensohn concluded by saying that the fight against corruption is a long-term battle, but one that is essential to ending poverty. He noted that the World Bank will continue to work with governments and other organizations to develop effective anti-corruption strategies.
Protecting the poor against corruption

South African President Nelson Mandela

"This conference is officially hosted by the South African Government"

By Manolita Myburg

Corruption violates social, economic and human rights. These are the worst affronts against the poorest and most vulnerable. Yet the voices of these high-risk groups are seldom heard in the international anti-corruption debate.

The Community Information, Empowerment and Transparency (Ciet) international delegation at the 9th International Anti-Corruption Conference in Dar es Salaam this week believes its contribution to the anti-corruption battle can provide a sounding board for the voice of the poor.

Ciet is an international group of non-profit, non-governmental organisations, academic institutions and charitable organisations dedicated to building the community voice into planning.

"In unusually the business community or social interest groups who put their view forward on issues about corruption," says Professor Neil Anderson, head of the Ciet's Social audit capacity, the voice of ordinary people in ordinary households.

"The other social audits, hundreds of thousands of ordinary people have spoken up about their experiences of corruption in public services like primary education, health, police, agriculture, customs, social welfare and public administration.

"Observing this experience, Ciet has developed a multi-component social audit which helps us understand corruption.

"Get the evidence: Hard evidence is the basis on which public services are created from the standpoint of users. Modern survey techniques measure the real gap between the intended service delivery and the actual service received.

"Impacts: The assessment must be impartial, drawing on non-partisan civil society and academia-based skills.

"Get government buy-in: The Government can be placed in a win-win situation. Every social audit can be framed as a baseline, a starting-point to improve service performance, to document losses and to identify where leakages occur.

"Repeat audits: The very fact the social audit will be repeated can encourage public servants to be more accountable. They know someone is watching.

"Show progress: Whether senior Government decision-takers, public servants or members of society, everyone needs to see their opinions taken into account and whether their actions work.

"No witchhunting: A social audit is intended to focus on systemic flaws and to build local solutions. It should not be a set-up, a witchhunt, an audit to fire anyone who has been targeted by the public officials.

"Disseminate the results: When the social audit is known and held by the decision-takers, the public service workers and members of the public, it becomes much more difficult to avoid making the obvious changes.

"With widespread dissemination of social audit results, people see their opinions beginning to make a difference, they become less resistant to corruption and whole new dynamic begins to kick in to improve the service delivery.

"Corruption is not limited to the public services. But when public resources intended for services "leak" from the system through leakage, evasion, inefficient use or under-distribution, it is the poor and most vulnerable who suffer the hardest.

"The good news is that this day-to-day corruption, which serves a fraudulent environment for government corruption, can be tackled by governments who are brave enough to go the extra mile.

"An example of a social audit comes from Uganda where the 1994 National Integrity Survey, conducted by Ciet in collaboration with the Ugandan inspector-general who is also attending the Dar es Salaam conference this week - found that citizens were less likely to pay "extravagant" fees if they knew the facts about how the public service works and what to expect.

"The audit mapped out what information people needed and now every district in Uganda has follow-up workshops to discuss the results and to make a plan of action.

"The Ciet method brings in the users themselves. Service workers meet communities to discuss the evidence of leakage and to find suitable solutions," says Anderson.

"The public sector reform has to be based on the views of public service users as well as those who fall between the cracks of public service coverage.

"If we say, like the Lima declaration does, that corruption is about people, including the poor and vulnerable, then we have to have local accountability systems in place that can make the voice of these people heard in the debate," Anderson concludes.

"Rather than focusing on junior or middle management for accountability, we worry that the same problems will be simply being moved down the ladder. The solution is to make the system accountable at every level of operation.

"The Lima Anti-Corruption Declaration, currently under review by Durban delegates, states that moral leadership and outward corruption has to start at the highest levels: "You clean a Narcissus by starting at the top.

"The Ciet social audit proposal starts at the other end of the scale, with the community meeting to discuss the evidence.

"Responsibility lies with the community to put the community voice and local solutions," says Anderson.

"Public sector reform has to be based on the views of public service users as well as those who fall between the cracks of public service coverage.

"If we say, like the Lima declaration does, that corruption is about people, including the poor and vulnerable, then we have to have local accountability systems in place that can make the voice of these people heard in the debate," Anderson concludes.

For more information: www.ciet.org

(The writer is information officer of Community Information, Empowerment and Transparency)
Corruption ‘is affecting funding’

Pule Malebeldi

DURBAN — Corruption is beginning to affect the sources of funding, World Bank president James Wolfensohn said yesterday.

Addressing the ninth international anti-corruption conference in Durban, Wolfensohn said voters and parliamentarians from developed countries were saying that they did not want to give money to any form of development assistance “if it’s financed up in an offshore bank account.”

“They (the voters) are reading the headlines. They are reading about Russia, Africa, Asia about virtually every sector of the world,” he said.

“But what they are saying is unless we see that there is fairness in approach and a realistic attack on corruption, we are not going to provide money.”

Wolfensohn, who said the bank was worried about corruption, said countries needed to deal with corruption openly.

He said the bank had a number of initiatives with which it was trying to help. He measures operate fairly at the structural and analytical levels, and then assist the partnerships that exist in society.

The bank plays the role of support and countries decide which course of action they wish to bring about. Ghana, Brazil, Kenya, Ethiopia, Malawi, Tanzania, and Uganda started this programme three months ago.

Wolfensohn said the bank was deeply involved at country level and it believed it had some practical things that needed to be done. “What we are trying to do is to keep development assistance flowing at which level, too, corruption becomes a central and vital issue.”

He said the bank had just conducted a study among 60,000 people in 60 countries to see what people think.

“What is interesting is the consistency with which these people respond,” he said. “People understand the centrality of corruption.”

Wolfensohn said this study takes corruption down from the level of an ill or to that of a disease which permeates society. “It is a problem of the poorest levels of society,” he said.

Wolfensohn said the bank was now three years ago. Corruption was never mentioned for political reasons. “Because the bank was owned by governments and ministers themselves made speeches about corruption.”

Annun urges tough action on corruption

Pule Malebeldi

DURBAN — United Nations Secretary-General Kofi Annan has called on the Organisation of African Union to devise an African convention governing the conduct of public officials and transparency of public administration by the end of 2000.

Annan, who was on the 5th international anti-corruption conference held in Durban, said through the UN’s secretary-general, Kofi Annan, that African countries had to get tough and make the fight against corruption a genuine priority.

“The costs of not doing so are very high (as they result in) in lost resources, lost foreign investment, distorted domestic and global investment, and negative perceptions of public integrity,” he said.

Corruption, he said, was not in the interests of society, but a global issue. Many government institutions and international organisations had stopped looking at this in the other way, he said.

“The time is ending when the subject of corruption is considered taboo because it might embarrass people in high places or reflect negatively on a country’s image.”

At the same conference, Wazir Masih from the Greenbelt Movement in Kenya, got a standing ovation from delegates for a hard-hitting speech.

Masih said corruption was a major problem that damaged the economy through its impact on the private sector. He said corruption was a daily battle.

The donors and creditors, he said, “did not care what the borrowers did with the funds.”

She said the call for the abolition of secret transactions between “stakeholders” and “finance houses.” She said the responsibility to end corruption should rest with those who borrow and lend.

The leadership could not pretend they did not care what the borrower did with the funds.” She said.
Privatisation often leads to corruption

World Bank president James Wolfensohn and Finance Minister Trevor Manuel meet before a news conference in Pretoria on Tuesday. Wolfensohn is in South Africa to promote the lending agency's tough anti-corruption message and meet with Government officials on development issues. 

PHOTO. REUTERS

Privatisation often leads to corruption

By David Hall

As transparency international's ninth anti-corruption conference in Durban this week, it is time to recognise that the mother of all recent corruption is privatisation.

It gives a lucrative business to multinational companies and private entrepreneurs to get good incentives to corruption.

Most of the multinational companies in the race to compete in the privatisation scramble in Latin America are based in Europe - a continent where corruption has become entrenched.

In 1997 One group EDF started promoting corruption techniques, for bribing their officials to obtain contracts.

To be able to obtain contracts, they have bribed officials to obtain contracts.

In the World Bank acknowledges: "The privatisation process itself can create incentives for corruption. The world has been affected by corruption. In 1997 the private sector has had to withdraw from some countries, some of them have been caught.

The World Bank has acknowledged that bribery by multinational companies has been caught, and that the contracts given to multinational companies under the old dictatorship were corrupt, and that on the basis of extra profits.

Yet, the multinationals, supported by their Organisation for Economic Co-operation and Development (OECD) and the World Bank, insist on the sanctity of these contracts.

A former official of the Lebanese International Bank has been charged with taking $12 million in bribes from a dozen international companies over 10 years.

According to the charge sheet, the official "did unlawfully, intentionally and unlawfully accept bribes, monetary gains over the period from February 1988 to December 1995, from Lebanese International Bank of Lebanon, a bank of the United States of America.

The charge sheet is the precise version of all the bribes supposed to have been received by this official, naming the contractors from which the money allegedly came.

None of these multinationals has been prosecuted for paying bribes. None of their OECD home countries is taking action against the companies.

Instead, many of these multinationals are gaining new, profitable business from privatisation. One company, for example, is being given a water concession in the Delphi Coast.

If this happened in Singapore, these multinationals would be prosecuted - and no contract would be given to them, and all their subsidiaries, would be banned from bidding for any public sector contracts for five years.

James Wolfensohn, the World Bank's director, makes false speeches about the bank's opposition to corruption. But the practice of the bank is quite different.

It forms partnerships with multinationals which have been convicted of corruption. One example is Agros Argentina, where the bank, through its International Financial Corporation (IFC), is an equity partner alongside Lysanese des Eaux (now Fluence Suez-Lyonnaise) and Oleoducto del Azufre (now Vivendi), both of which 'have had executives convicted of bribing French public officials to win contracts in Gabon, Senegal, Tunisia and Angola.

The bank helps companies keep contracts which may have been obtained corruptly. EDF, for instance, the largest power company, is accused of the government of obtaining its contract corruptly.

The World Bank has insisted that Hydro's contract to sell electricity should not be affected by this, whatever the result of the investigation, and asked the International Monetary Fund to hold back a loan to Pakistan until the bank was satisfied that Hydro's contract would not be cancelled because of the corruption proceedings.

In 1996 Wolfensohn argued that he had hired an International Inspection company, Societe Geneve de Surveillance (SOS) of Switzerland, to audit bank projects for evidence of corruption in ten countries - Poland, France, and Pakistan.

But within months the Financial Times reported that "SOS has admitted that it paid a substantial commission to a Geneva lawyer for 'assistance' in negotiating a pre-shipment inspection services contract with Pakistan."

In April 1999, the former prime minister of Pakistan, Benazir Bhutto, was found guilty of accepting bribes worth $72 million from SOS and banned from holding a seat in Parliament for seven years.

But SOS has not been tried for any offence in Pakistan or Switzerland, and has not been banned by the World Bank.

The bank also insists on privatisation as the solution for loans - regardless of corruption allegations. In Uganda, the Bank's IFC is financing a US$ 400 million hydroelectric scheme involving multinational AEI, and has also agreed to guarantee the scheme against political and other risks - on condition that the Ugandan government agrees to privatise the Ugandan Electricity Board.

But the bank has ignored all allegations of corruption over the power project - and ignored all allegations of corruption over the power project - and has signed a US$ 400 million hydroelectric scheme involving multinational AEI, and has also agreed to guarantee the scheme against political and other risks - on condition that the Ugandan government agrees to privatise the Ugandan Electricity Board.

The conference in Durban should:

- Urge South Africa and other countries to prosecute multinational bribe-givers and ban the offenders from public sector contracts;
- Urg the World Bank to refuse grants or partnerships to multinationals who have been convicted of bribery - anywhere;
- Restore its credibility and balance by publishing a list of multinationals involved in bribery; and
- Call on the World Bank and governments to impose a moratorium on privatisations and concessions.

It is time to end the international scramble of bribery and corruption.

(0) The writer is director of the London-based Public Services International Research Unit, which maintains a database of reports on privatisation worldwide.)
Conference seeks global war on graft
Delegates want regional, international co-operation against corruption, writes Pule Molelebedi

DURBAN — Secret bank accounts used by corrupt leaders to siphon off huge amounts of money from their impoverished countries will become a thing of the past if resolutions adopted by the sixth international anti-corruption conference are anything to go by.

The five-day conference, which ended at the weekend, took a resolution that the international community must develop international mechanisms to enable the retrieval of money looted by corrupt rulers.

Some African and Asian delegates, particularly the Nigerian and Indonesian groupships, will certainly be pleased with this outcome after they put considerable pressure last week regarding the matter.

The conference came out strongly in favour of enforceable international conventions to curb the levels of money laundering.

The resolution states: "We find it wholly unacceptable that the money should be invested in institutions in the developed world for the benefit of a corrupt few when they are desperately needed by their rightful owners in the south for the benefit of all."

The conference called on international banking communities and others to create systems, including enforceable international obligations, which would serve to detect and prevent money laundering and facilitate the return of looted money.

Victor Mogo, president of Bozwana, said some multinational companies might do a similar to corrupt governments and officials in the south for them to be lucratively financed. He said in his effort to justify corruption, such companies were naturally keen to be protecting their investments and security.

Mogo said governments of the north, where these companies came from, had to be forced to act against them because of the weak nature of the codes of conduct.

The conference decided to work for increased transparency in all fields, particularly in public procurement, by creating, among other things, private-public sector partnerships to develop reliable, open and competitive systems. This included open tendering on the Internet.

The conference said it would strive to maximise regional and international co-operation in the fight against corruption. It suggested strengthening mutual legal assistance arrangements and fostering the development of anti-corruption conventions for the African and Asian regions.

It also placed on record its wish to see major trade organisations such as the World Trade Organisation and United Nations Conferences on Trade and Development put the issue of corruption on their agendas. World Bank chief James Wolfensohn told delegates that, under his tenure, he had made strides in this regard.

Wolfensohn said that when he first arrived at the bank three years ago, he was told not to talk about corruption because it was a political issue and "you are owned by governments." He said three years ago, "we redlined it and said corruption was not just political, but it was the most single significant factor in the issue of development of equity and social justice."

Six months later, he said, every minister at the development committee made a speech on corruption and "everybody spoke about corruption and we put it at the centre of the finance ministry's agenda."

The conference said it would like to achieve full implementation of the Organisation for Economic Co-operation and Development convention, the anti-corruption conventions of the council of Europe and the Organisation of American States, so that efforts are supported by supply-side sanctions.

The conference supported the development of international institutions and laws to ensure the protection of citizens, particularly journalists, to report on instances of corruption without fear of reprisals.

Transparency International said it would monitor progress made on all conference resolutions, which came as a result of 41 workshops on matters such as money laundering, public procurement, education and health. The report will be reviewed in 1999.

In his closing remarks, Deputy President Jacob Zuma said he had no doubt the conference had come closer to finding strategies for tackling the "scourge of corruption."

He said the challenge facing all was to ensure that these were translated into concrete programmes of action.

"At this time," he said, "we should ponder whether the conference was in position to be categorised as a mere talk shop."

Wanja Manthai, of the Greenbelt Movement from Kenya, said she felt good about the commitment to fight corruption.

Manthai, who got a standing ovation for delivering a frank speech on corruption, said by far the most important thing to come out of the conference was the fact that 135 countries agreed that "we must do everything we can to reduce corruption to the minimum in the world."

"We agreed that corruption was very much a human failure. What is important is for all of us to fight it in the spirit we have taken with us from Durban," she said.

Forfeiture unit seizes properties of 'drug lord'

Pule Molelebedi

DURBAN — A lengthy drug investigation, coupled with surveillance and interception devices, has resulted in the attachment of some properties worth R1 million belonging to a man alleged to be one of SA's biggest drug kingpins.

Korrie John Smith, a Swazi citizen owning properties in SA, has also had his bank accounts seized by the South African Revenue Services for an investigation into alleged tax evasion.

He is out on R500 000 bail after he was arrested in April with other drug-related complaints in Mpopalanso and is due to appear in court in Midrand on January 29. He is facing criminal charges of drug dealing.

On Friday, the Durban High Court granted the asset forfeiture unit in the office of the director of public prosecutions a court order to seize two of Smith's luxury houses in the Bluff suburb and another property on Victoria Embankment.

Attempts by police to get him to arrive at the house for the seizure to happen in his presence failed. He promised to turn up but did not.

The unit's Wally Landrey said that Smith, Smith's daughter, had deposited R50 000 into her account in one month. She is a student with no employment record.

"She also has an account for business," said Holtmeier. "It has a lot of money and she also has four luxury vehicles registered in her name. Her boyfriend also has a farmer's land vehicle registered in his name. She is alleged to be a collecting agent for money received as a result of drug deals."

National director of public prosecutions Balule Ntseka, who was present during the search, said investigations had revealed that over the past two years, R50m in cash transactions had gone through Smith's account. He praised police for doing an "exceptional" job.

Smith is alleged to have derived his property from proceeds of crime by illegally importing drugs from Dubai and India. He allegedly brought the drugs through Mozambique and Swaziland into SA.

He allegedly owns properties in Johannesburg, Harare and Jersey Island. He also has a mansion in Swaziland and several businesses, including a crocodile farm.
Business, expect more fraud!

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Business day Tuesday, October 3, 1999
Shock figures on white collar crime

By Mongwadi Madiseng

Seventy-five percent of company employees are believed to be involved in white collar crime and fraud and this poses a major problem for the majority of businesses in South Africa.

This was revealed by the KPMG Forensic and Investigative Accounting division when they released the findings of their survey to the media in Johannesburg yesterday.

According to Petrus Marais, the company managing principal, the aim of the survey, conducted among 2 000 South African companies employing more than 250 people, was to gauge the experience of business on white collar crime.

In 1996, 66 percent of the companies surveyed indicated they were victims of fraud. This increased to 83 percent in 1999.

Among the companies, 76 percent of the respondents said fraud was the major problem they faced in their business organisations.

He said the future outlook for business appeared to be bleak as 86 percent of the companies believe fraud cases would increase.

Marais said 71 percent of the companies attributed the increase to economic pressures, 60 percent to the lack of adequate penalties and enforcement, 57 percent to inefficiencies in the justice system while 51 percent cited the lack of government's commitment to deal with white collar crime.

On how fraud was discovered, Marais added that 55 percent of the companies realised fraudulent activities through internal controls, 37 percent through informant processes, 24 percent notified by customers while 15 percent were through investigations by third parties.

He said employees accounted for 75 percent as source of frauds while they also accounted for 58 percent of the largest financial losses.

Inventory theft and cheque forgery and counterfeiting dominated the types of frauds companies experienced, accounting for 42 and 33 percent respectively.

The collusion between employees accounted for 48 percent, while employees themselves and poor internal controls both accounted for 37 percent.

On what actions the companies took, Marais said 66 percent immediately dismissed the perpetrators, 59 percent undertook investigations while 55 percent of the respondents reported the cases to the police or to the government body.

However, the 45 percent of the companies who did not report the cases to the police said they did not have confidence in the police, in the justice system and there was no chance of financial recovery.

Marais said only four percent of the government organisations did respond. He added that relevant director generals were asked and cited the lack of information while no mechanisms were in place to deal with the issue.

To prevent fraud, Marais advised companies to review internal controls, establish a corporate code of conduct and improve the screening of new business partners and employees.
EMPLOYING THE PROFIT Motive TO COMBAT RAPE

A will never effectively combat criminal violence, including rape, if we fail to make fighting crime as profitable as crime itself.

A failure to understand the impact of crime on workers and business associates, too, causes significant losses to the economy.

People who are raped — and the SA Law Commission estimates there were 1,600 last year — experience rape trauma syndrome, similar to the post-traumatic stress syndrome survivors of other violent crime may experience.

It can last a lifetime. In the first six weeks, survivors may experience forgetfulness, inability to concentrate, and other symptoms. In this phase, most appear to be coping well. But mood swings and outbreaks of anger do occur. A popular employee may begin arguing with her coworkers, a reliable accountant will become uninterested in her job and lose data, a client will become excessively angry over a small transgression.

It is from six weeks onward that the real impact kicks in. The survivor may begin lifestyle changes: a new job, a new home, new telephone number. Her relationship may start falling apart.

Many rape survivors talk of anger or suicidal feelings when colleagues at work who know of the attack go silent when she walks in. If you know she has been raped, don’t act as though nothing has happened; show support, but never pity; most rape survivors hate being victimised. Listen more than you speak.

If you consider, too, that in SA there are 65 murders a day, and an estimated 10 people mourn each murder victim, not to forget those traumatised by burglaries, hijackings and armed robberies, this is a society in trouble.

So what should we do? Workplaces and schools should have regular courses on coping with trauma. Childline says children who experience violence may choose to become victims or perpetrators. But attitude is the father of rape and violent behaviour.

Businesses all have data that could help us track and manage this epidemic

The recent furor over insurer CGU’s rape policy missed a number of important points — the most critical being that it is okay to make money from rape. It is how it’s done that is important.

Undertakers make money from death, hospitals gleaning huge profits from trauma, newspapers sell bad news, pharmaceutical companies make billions from illness.

As long as we retreat from rape, we will not track the crime adequately, help the survivors recover, or inform society and protect it from a crime the SA Medical Association refers to as “torture” and the SA Law Commission calls “terrorism.”

It’s necessary to improve criminal detection and investigations, trauma management, HIV awareness, the generation of more reliable statistics, education in schools and the workplace of harmful gender attitudes and conduct between males and females.

The insurance industry gives the police data on stolen vehicles; the same needs to be done with rape.

If companies tracked the incidence of rape, police could be notified that there was a surge in gang rape in certain localities and so focus prevention strategies on those areas.

Obviously, not all people can afford insurance, but does that mean we should not have it, and use it as a tool of crime enforcement and prevention?

Many women do not report being raped, so we lack accurate statistics. But businesses, whether insurance companies, security organisations or the pharmaceutical companies that sell drugs to prevent sexually transmitted diseases, all have important data that could help us track and manage this epidemic.

One thing we have learnt is that a third of women going to rape clinics already have HIV when they are raped. How reliable, then, are government avowals that one in eight South Africans have HIV?

Rape patterns are always evolving. At Sandton’s Sunninghill rape clinic, which treats four or five survivors a day, they say there is an acceleration in child rape (based often on the belief that you can be cured of HIV by raping a virgin). Groote Schuur hospital in Cape Town says about 85% of rape cases it sees are gang rape. Why is so little pressure brought to bear on gangs?

In Kimberley, poverty ensures that most rape survivors refuse to give up their panties for forensic testing because it is the only pair they own, so Kimberley locals put together “care packs” that include new panties, soap, a face cloth, deodorant, toothpaste and a toothbrush (for those forced to have oral sex) and antiretrovirals. There are plenty of opportunities here for businesses in toiletries and clothing, among others.

I’ve noted a dramatic increase in gangs renting women off the road — surely there must be incentives for car manufacturers, traffic police and alarm manufacturers to come up with solutions?

CGU was hammered because it displayed what some women saw as “typical male arrogance.” CGU MD Roger Wanless attracted criticism when he told a newspaper that he had mentioned the policy to some women he knew and their response had been “Yuck.”

Yuck? The most basic rules of business are: understand your market, identify with it, respect it.

No issue has mobilised South Africans more, since the end of apartheid, than the way sexual violence has increased. In coming months it will affect how women perceive advertising and marketing strategies in every field.

We are seeing the evolution of a new feminism, one that does not isolate men — apart from insensitive fools — but that accepts that criminal violence affects us all and damages our communities and prospects for economic growth.

Who can respect a country with the worst rape statistics in the world? We can bury our heads in the sand, and be pariahs again, or we can find a solution.

Charlene Smith is a freelance journalist.
CORPORATE GOVERNANCE

VIGILANCE CAN WEED OUT CORRUPTION

But greater controls needed to stop employee fraud

Companies like to keep their hands clean, for many reasons. Some are run by people who prefer to do things right — because that's the way they are. Others are run by people who need another incentive to keep on the right side of the law and to the ground rules of corporate best practice.

Luckily, at least one good motive does exist: good corporate governance cuts the cost of capital. Investors, reassured by what they know about a company, are prepared to accept lower returns rather than take the risk of investing in less reputable operators.

Fortunately, the risks that bring higher rewards if they succeed are usually external to a company. But in any environment, sound management practices ensure a company employs its assets better and so the company performs better than companies whose managements ignore the law or company rules.

You don't have to look far on the domestic scene to see how poor practices can lead to bankruptcy.

Increasing recognition of the value of corporate governance has "placed it on the policy agenda of both developing and developed nations", Marsha Simms, a partner in an international law firm based in the US, told Transparency International's anti-corruption conference last week.

But she said "corporate managers must innovate relentlessly and constantly evolve new strategies to meet changing circumstances."

Robert Wilson, executive chairman of Rio Tinto Plc since 1997, says it is critical to establish a sound underlying philosophy for the company and get the message across to employees, "Anyone in Rio Tinto who engages in bribery faces instant dismissal," he says.

But company ethos is only the point of departure. Risk management is essential and companies in advanced economies are improving their internal controls. A recent survey of more than 500 corporate clients of accounting group KPMG shows a similar pattern in SA.

KPMG, which published the results this week, says companies are making a concerted effort to improve their internal controls and review procedures as well as to establish a corporate code of conduct.

The percentage of respondents who intend to improve internal controls to reduce fraud was up from 10% in 1994 to 85% in 1999. Those planning a corporate code of conduct had risen from 12% to 46%.

That companies have already started tightening up controls is shown by frauds uncovered in the preceding 12 months — 56% were caught by internal controls, up from 40% in 1996 and only 19% in 1994.

And the number of frauds exposed by an internal auditor review jumped from 13% in 1994 and 1996 to 23% in 1999.

But the survey also shows that better internal controls are badly needed. KPMG says the primary problem is employee fraud — 75% of frauds were perpetrated against the company by employees, up from 58% in 1994.

Collusion between employees and between employees and outsiders is rising. The number of frauds involving collusion between employees was up from 11% in 1994 to 37% in 1999. And collusion involving outsiders was up to 48% from 23%.

Only 19% of the uncovered fraud involved management, but then management fraud often goes undetected. A paper published by the UK Auditing Practices Board says directors and senior management can override internal controls over financial and other records. In the circumstances it's difficult for auditors to uncover management fraud.

Their dilemma raises again the trade-off between allowing managers discretion in a competitive market and keeping them on a tight rein.

It's up to the board of directors to make a judgment call. Ethel Nazareth
WHY CORRUPTION MATTERS

Definition

Corruption occurs when a public official uses their position for personal gain, thereby violating the trust that the public places in the government. This can take many forms, from taking bribes to accepting kickbacks, and can undermine the effectiveness of government institutions and the rule of law. Corruption also erodes public confidence in the government, leading to a loss of trust and legitimacy. It can also lead to economic instability, as corruption can distort the market and create inefficient and ineffective systems.
Nail the criminals, to heed with thanks!

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SA drops two places in corruption index
Corruption creeps into most states

Transparency International’s efforts are starting to show results, writes Bartholomaeus Grill

The accused knew nothing of the conference, but he will not forget it in a hurry in his judgment delivered in the Guadalajara Regional Court. Judge Mahendra Daya mentioned that the defendant, former Indian Prime Minister, was found guilty of corruption and sentenced to 3 years in prison for failing to pay $1.2 million in taxes.

In Spain, the former head of the Guardia Civil, Luis Roldán, was sentenced to 38 years for embezzlement and misappropriation of funds. China’s disciplinary committee last year registered 38,000 cases of bribery, corruption, or fraud in public offices. The community has become so corrupt that the government itself is forced to investigate.

In Brazil, officials estimate that more than $600 million in development aid has disappeared into this air. Senior officials in Brasilia’s waste billions in the European Union’s subsidy program, and give lucrative jobs to friends and relatives. Many United Nations agencies are similarly generous.

Functionaries of the international Olympic Committee made sure they got a piece of the action when the games went to Salt Lake City. The amounts drained into Russia’s financial system go beyond anything anyone ever dreamed of. In the corridors of power, billions are funneled into offshore accounts.

The Chase Manhattan Bank is said to have helped mask the funds by setting up a series of dummy companies in other countries. The Chase spokesman said they had no knowledge of the transactions.

The Russian government is alleged to have used its influence to push through a series of legislation that benefited its friends. The news has caused a sensation in the business world.

Corruption undermines democracy, trust in the state, the legitimacy of governments, and public morale. It is one of the greatest barriers to development. It feeds the belief that corruption is a developing world phenomenon. This view is nonsense. Corruption exists in the developed world, too.

Italian prosecutors have been investigating a wide-ranging scandal, one of the largest in the country’s history. The investigations have covered the activities of a large number of politicians and business leaders.

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strike at crime

Witshilelled Perspectives

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A tougher code of conduct called for

Nepotism is not endemic, says public protector

Farouk Chothia

CAPE TOWN — Government should consider tightening the public service code of conduct in order to reduce the possibility of nepotism, Public Protector Selby Baqwa said yesterday.

Baqwa told the National Assembly's public service portfolio committee that nepotism was not endemic in the public administration. His office had investigated 20 cases referred to it by the New National Party, but had found no substance to any of the allegations.

However, there was no room for complacency. All government agencies should institute "internal proactive steps" to reduce the risk of nepotism and favouritism.

He said that among the measures that should be considered were:

☐ No person should be employed in a department or unit if this led to a "direct subordinate-superior relationship" with a relative; and
☐ No family members should be "directly responsible" for the financial or personnel status of another relative.

However, Baqwa qualified his proposal by saying that each case should be judged on its merits as the matter was not that simple.

If a person was excluded from a job simply because a relative held a more senior post, it would constitute unfair discrimination. The employer would also need to choose the best qualified candidate, regardless of whether they had a relative working in the relevant state institution.

In the final analysis, he believed that "equity or fairness" should be the guiding principle, provided that there was "no nexus between a family relationship or friendship and the appointment or promotion", Baqwa said.

Other measures that Baqwa proposed included:

☐ A member of a selection panel should recuse himself when there "appears" to be a direct relationship with an applicant; and
☐ The applicant and the person who makes the appointment should declare any relationship they might have, "up front".
It's time to focus on what's important, says researcher.

Coffee dry - by the billion

Crime sucking country's
Thousands missing from environment organisation

Rural community-oriented NGO EcoLink will not be defeated by the alleged misappropriation of R200 000 of its funds, write Clive Lloyd and Fiona Macleod

EcoLink, one of the country's oldest and largest environmental NGOs working with rural communities, says it will lay charges against its former administrator following the disappearance of more than R200 000 of its funds.

Sue Hart, EcoLink's founder and executive director, recently returned to work fighting fit after two years of serious illness - only to find that during her absence hundreds of thousands of rand had gone missing.

She immediately called for a forensic audit, which provided evidence of misappropriation of funds by the former administrator.

A Johannesburg-based lawyer has volunteered to handle the case for free because he wants to say “thank you” to EcoLink for what it has done for rural communities in Mpumalanga, where the NGO is based.

The lawyer, who does not want to be named, said this week: “The forensic audit is still being conducted, but legal proceedings will be instituted as the very near future.”

Donors have been informed of the misappropriation and, says Hart, have unreservedly pledged their ongoing support.

“It is really heart-warming to know that this theft isn't going to tarnish the reputation we've gained over the past 15 years for strict economy and honesty” she says.

Hart built a strong reputation for herself as a veterinarian and environmental educator in East Africa, Malawi and Zimbabwe in the early 1970s.

In 1979 she was invited to launch a completely new type of environmental awareness programme for teacher educators at Nyanga College in the former KaNgwane homeland.

David Makumbe, the current director of the Kruger National Park, was one of her students, and he still refers to her as one of his most important mentors.

She launched EcoLink in 1983, to “bring back the love of the Earth to our people” by helping rural communities improve their standard of living while conserving their natural environment.

The NGO has since trained more than 40 rural communities to grow fruit gardens without using harmful fertilizers or pesticides.

Its highly successful trench-gardening system has been adopted by more than 5 000 families in Mpumalanga and neighbouring Swaziland.

At the busy EcoLink centre near White River, where business starts each day with a prayer meeting, courses on offer include water management, growing skills, artisan skills, basic business and money management and a self-help project for the disabled.

Many of the workshops conducted at the centre take place under EcoLink's sacred tree, an ancient Neolithic humpback which would have germinated long before white settlement and environmental destruction took place.

An example of EcoLink's work is the construction of a 5 000 litre ferro-cement water tanks that are provided to store water for communities, vegetable gardens and rural schools.

Minister of Education Aasal recently visited the centre with a view to incorporating some of its community empowerment projects and environmental training programmes in national policy recommendations.

Hart, who suffered a stroke two years ago, "You can still adjust the world we will not be defeated, that we're coming back into the ring with renewed energy.”

“We're not only going to survive, but are determined to turn this terrible thing around and move EcoLink into a new phase of its development.”
Heath denies pressure over claim

David Greybe

CAPE TOWN — Judge Willem Heath denied yesterday that he had done a deal with President Thabo Mbeki or Reserve Bank Governor Tito Mboweni to withdraw a claim that Absa and its controlling shareholder Sanlam repay the R1,5bn lifeboat loan to Bankorp.

The Heath special investigating unit is to announce today that it has decided not to proceed with its claim for repayment despite having found that the low-interest loan to Bankorp between 1986 and 1991 was unlawful and a misuse of taxpayers’ money.

Sources said the main reason for the unit’s change of heart was a concern about banking stability in SA if it claimed repayment as it had intended.

Heath indicated that the unit’s decision was also influenced by a short-lived run on Absa in July when R1bn was slashed from its market capitalisation amid speculation it might have to repay the original R1,5bn soft loan plus R1,125bn in interest.

“I have done no deal with the president’s office or the Reserve Bank,” Heath said in response to a query about whether he came under pressure from Mbeki or Mboweni in separate discussions on the matter recently.

It is understood that they both expressed their concern about the effect on banking stability if the unit claimed repayment of the loan, plus interest, even if there were grounds for it.

“I was also not instructed by Mbeki or Mboweni to take the action the unit has decided to take,” Heath said. Spokesmen for Mbeki and Mboweni could not be reached for comment.

The Sunday Times and the Independent on Sunday both reported yesterday that Heath would announce the withdrawal of government’s claim against Absa and Sanlam today.

“If the allegations contained in the two newspaper reports were incorrect I would have issued a denial,” was all Heath was prepared to say.

“I am not letting them (Absa and Sanlam) off the hook.” Heath believed the reputation of Absa and Sanlam would be damaged by the unit’s findings.

Absa took over the loan agreement when it acquired the troubled Bankorp group in 1992.

At the time of the run on Absa in July this year, it was reported that if the unit succeeded with its claim, Absa would be obliged to surrender 11.3% of its total capital and reserves of R9.9bn.

The Reserve Bank has always maintained the loan was a legitimate lifeline.

The unit’s report will show today whether the secret loan contravened the Reserve Bank Act and contravened the common law of contract in that it was against the public’s interest. It will also show whether the contract was breached by Absa in that it did not use the proceeds of the loan in the manner stipulated by the loan agreement.

www.bday.co.za
Some lines of prevention measures still a problem for SAA and SARS.
Money-laundering laws
‘will empower bankers’

Specialist on crime says confronting problem is ‘a piece of cake’

Taryn Lamberti

MONEY-LAUNDERING legislation does not turn bankers into policemen, but it empowers and encourages them to assist in the fight against organised crime, says international money-laundering specialist Michael Adlem.

Adlem, who hosted a seminar in Johannesburg yesterday on money-laundering and the growth of organised crime, said confronting the problem of money laundering was a “piece of cake. There are two things which have to be done.

“You have to put the correct legislation in place, and then you have to make sure you comply with it,” he said.

SA recently introduced the Prevention of Organised Crime Act, which provides for measures to combat organised crime, money-laundering, racketeering, gang-related activities and civil forfeiture of criminally acquired assets.

The Financial Intelligence Centre Bill aims to co-ordinate information emanating from reports of suspicious transactions submitted by financial and other institutions in terms of the act.

One of the main aspects of new legislation introduced in the UK is that new clients must be identified before they are allowed to open accounts to prevent fraudulent accounts from being opened.

“It is often difficult to distinguish between fraud and money-laundering, and monitoring for money-laundering purposes can often identify potentially fraudulent transactions,” Adlem said.

He said the sale of illegal drugs was the third largest industry in the world and between 50% and 80% of its proceeds was being laundered. Money-launderers tended to target bureaux de change and casinos, but also employed bankers to help them launder money through financial institutions, Adlem said.

As more banks and financial institutions conducted their business by telephone or over the internet, a vigilant attitude towards identifying money-laundering was crucial, he said.

Adlem said that every bank or financial institution should appoint a money-laundering reporting officer who was responsible for training staff on issues related to money-laundering.

Staff could also report suspicious cases to the officer.

Adlem said SA was not alone in its fight against crime. London police were also swamped with work and had admitted that they did not have the resources to investigate big corporate fraud matters.

Public Protector Selby Baqwa said the new crime-fighting body, the Scorpions, would focus on organised crime and “have as one of its primary tasks the establishment of a better information management and crime analysis system”.

US President Bill Clinton was recently quoted as saying the worldwide laundering of the proceeds of illicit activities amounted to about $300-trillion a year.
Government rejects the call for psychological tests for firearm owners.

Corporate corruption.

Call for exposure of
Draft gun law kept under wraps

Gun Free SA says the central firearms registry must be overhauled, writes Stephané Bothma

The deadly use of firearms in crimes is increasing more rapidly than crime in general, but new draft legislation expected to be placed before the cabinet for approval on December 1, is unlikely to make SA a safer place, those in favour of individual weapon ownership believe.

The legislation, if passed, will introduce stringent checks on prospective gun owners, who will have to pass a medical examination and undergo a criminal record check. The legislation would also increase the number of firearms and rounds of ammunition allowed.

The legislation, which introduces the concept of a firearms registry, has been described by the national firearms forum, a coalition of firearm owners, as "a victory for the people of SA".

"The firearms registry is not the answer to our problems," said the forum's spokesperson, Hubert van der Merwe. "We believe that a better solution would be to tackle the root causes of crime, such as poverty and unemployment."
SA crime is still high despite investments in deterrence.

Use of illegal guns in crime must be examined.
Corruption fighter killed

Drug office staff bizarre plot to cover up

Conrad employee's plan to seize millions foiled by hidden camera

EXPOSE

SUNDAY TIMES INVESTIGATION

Worring Problem

THE EXPOSÉ: CONRAD EMPLOYEE KNOWS RISK

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SUNDAY TIMES

November 14 1999

12
The church lends a hand to pro-gun lobby

Bonile Ngqiyaza

The pro-gun lobby received a boost from an unlikely quarter yesterday when a group campaigning for the rights of gun owners — and led by a cleric — was launched in Midrand.

The group's co-ordinator, Archbishop Mlilwane Masiya — who said he was the leader of 200 African independent churches — said the new lobby group, called the Concerned Gun Owners Association of SA, would start a campaign in January next year to educate and train black people in using firearms.

Masiya said the programme would be introduced in the Pretoria region first, then taken to the rest of the country, where he would like to see it included in "training in schools."

Masiya bemoaned government attempts to limit — through legislation "not clearly thought out" — the possession of firearms by individuals.

He singled out Britain as an example of a country where an immediate upsurge in violent crime had been recorded after the right to keep firearms had been declared illegal.

"No police force or judicial system anywhere in the free world can guarantee the safety of the individual," Masiya said.

He expressed concern at what he said was a move in a similar direction by the United Nations (UN) to ban the ownership of firearms. He said the UN had set up a test arms register and a database for Africa.
Bullies stand to lose guns

Tshwete unveils tough firearm bill

Spouses, bosses and people convicted of serious crimes of violence are among those who will be banned from owning firearms by new legislation approved by the Cabinet.

Full details of the Firearms Control Bill, which has been the subject of months of speculation and controversy, were unveiled by Safety and Security Minister Steve Tshwete and top officials at a news conference today.

The bill will be put to Parliament early next year and the Government hopes it will be approved by the end of April.

Drafters acknowledged part of the bill could be challenged as unconstitutional, but they believe the seriousness of the need to combat crime could justify limitations of some rights.

The bill introduces a system of regular re-evaluation of owners and their firearms. A period of grace will be given to allow for gun holders to comply with the law.

Private gun owners will be allowed to have one firearm, either a handgun or shotgun, for self-defence and their licences will be renewable every two years.

Businesses requiring guns, such as security firms, will have to re-license every two years.

A person or “class of persons” will be allowed to apply for licences for restricted firearms, where it can be proved that one firearm will not be enough.

People classed as “occasional” hunters or sport shooters will be allowed to have three additional firearms.

Those classed as “dedicated” hunters or sport shooters will not be subject to any limitation on the number of guns they may have.

Drafters said the justification for this was that statistics showed that firearms for hunting and sport were seldom used for crimes.

There will also be no limit for people who use guns for business, or for collectors.

Ammunition limits will be 50 rounds per calendar in the holder’s possession, with a total of 2,500 rounds per gun a year.

An innovation is that state-owned firearms will also be subject to new controls.

The measure, intended to prevent weapons being taken to the underworld or lost, will result in a substantial reduction in firearms.

Drafters said the bill would make it easy to detect and track firearms.

The measure, intended to prevent weapons being taken to the underworld or lost, will make it easy to detect and track firearms.

Illegal dealing in firearms will carry a minimum jail sentence of 20 years and illegal possession up to 15 years.

Prosecutors emphasised that possession carries a sentence of up to two years.

A controversial provision in the bill is for an administrative revocation of up to R5 000 for a first offence and R15 000 or forfeiture for further offences.

The measure, intended to prevent weapons being taken to the underworld or lost, will result in a substantial reduction in firearms.

A person will be declared unfit to possess a firearm if convicted under the new Firearms Act and sentenced to a term of imprisonment of 12 months or more.

Other circumstances under which a licence may be revoked include abuse of liquor or drugs or deterioration of the mental condition of the gun owner.
Crusading cleric ‘doing vital job’

Self-protection is the rationale for a new pro-gun group, writes Bonile Ngqiyaza

THE cleric who launched a pro-gun lobby on Monday was — by his own account — arrested in 1976 while still a policeman in Mabopane near Pretoria for the theft of arms and ammunition.

While news reports and other independent accounts contradict him, Archbishop Mzlakazi Masiya maintains the theft was a political act, “made necessary by the prevailing climate”.

Masiya, co-ordinator of the Concerned Gun Owners Association, who also claims to lead a grouping of 200 independent churches, recounts the events. “Arrested while still a policeman. Sentenced to three-and-a-half years in jail the next year. Escaped dramatically in June the same year. Rearrested in 1978.”

Masiya denies he was accused of robbery and murder, but says he was a leading black anti-sanctions campaigner when PW Botha was still head of state.

“I still believe that if I (had been) allowed to carry on with my campaign, SA would not be where it is today — experiencing high unemployment,” he says.

He says although he was an anti-communist, “and I am still an anti-communist, I am not opposed to the African National Congress government”.

Masiya defines his present mission as “training and educating” blacks to be responsible gun owners.

“Isibhamu siwile... The gun is here. Youngsters are today running around with guns, something has to be done,” he says.

Asked how he reconciles his stance on gun ownership with religion, Masiya points out a passage from the New Testament. “He that hath no sword, let him sell his garment, and buy one.”

Masiya explains Christian beliefs like conciliation differ from vengeance. “When I shoot a robber or a criminal in my home, I am not avenging myself. I am protecting myself. God says in the Bible vengeance is his.”

Masiya sees the campaign as a “vital job”, but not one which precedes his calling, the priesthood. “I want this campaign to succeed otherwise I see a point where we annihilate each other if it fails. I would like to be remembered as a servant of God, not as a pro-gun lobbyist.”

Masiya says government, “even though we like it — is sending out confusing signals. There are already strict laws that exist. Why then not enforce these rules?”

Earlier, Roy Innis — a board member of the US-based National Rifle Association — drew parallels between SA and the US.

At a Midrand launch of the association, he said in both nations gun ownership had not been an issue until right to bear arms was extended to blacks.

There were, he said, two kinds of people in the anti-gun lobby. The first were “good, but naive individuals”. They were “oblivious to the terror in the ghettos of the US, Soweto, Sierra Leone and Liberia.”

The second type were a “cynical element with a hidden agenda. They want to maintain a political hegemony.”

“Maybe here is an issue where all South Africans of all colours can unite,” said Innis.
Cabinet approves new firearm laws

By Waghled Misbach (34)(252)

This Cabinet has approved the Firearms Control Bill for consideration and finalisation by the National Assembly. Safety and Security Minister Steve Tshwete is expected to announce further details soon. The new legislation gives police wider seize and search powers and allows for stricter control of gun ownership. It allows for:

- Police to search vehicles and buildings and to seize guns and ammunition. The police will also be given wider powers to investigate anyone found in a vehicle or a building where illegal firearms have been found;
- New offences to be created, for instance such as being in possession of a gun while under the influence of alcohol. The Bill also recommends harsher sentences for illegal possession;
- The Minister to have greater powers to declare certain areas or places firearm-free zones;
- State-owned firearms to be registered with the Central Firearms Registry, and for much stricter control over the distribution and ownership of firearms by state employees and parastatal organisations;
- Much stricter control of the licensing of firearms to the general public;
- Licences to be renewable every five years to determine whether people are still fit to own a gun; and,
- A limit on how many guns can be owned for self-defence. This would, however, not affect hunters, collectors or sport-shooters.
Watered-down gun law plans get itchy fingers off trigger

Opposition reservations’ on bill remain

The bill places no limit on "dedicated" hunting, sports shooters and collectors, but licenses will be renewable every 10 years.

Owners of restricted firearms, such as semi-automatic weapons, will have to renew licenses every two years, as will those using firearms for business purposes, such as security companies.

A five-year period of grace for people with existing licences will come into effect when the bill is approved.

Those bombers and drug abusers will be banned from owning firearms.

Serious controversy is expected on proposals to allow police to use fingerprinting to eliminate suspected offenders, a limitation of the constitutional right to privacy.

The bill will also allow police to take the fingerprints of all the occupants of a vehicle in which an illegal firearm has been found.

Bid to halt nepotism in government

Urgent steps should be taken to prevent nepotism at all levels of government, a parliamentary committee has recommended.

Annual reports by government departments should include details of relatives in the same chain of command, the committee said.

The recommendation was made by the public service and administration committee, in response to a report by Public Protector Delly Baqwa on allegations of nepotism in government.

Mr Baqwa found no substance to the allegations, made by the New National Party, and strongly criticised parties which brought vague allegations to his office.

Adequate measures were in place to prevent nepotism among public servants.

However, while nepotism was not endemic in South Africa’s administration, there was no reason to be complacent, Mr Baqwa said.

There was a need for a code of conduct for officials employed by municipal governments, because currently there was only a code for elected officials.

The committee endorsed Mr Baqwa’s report, including his findings that the fact that sound selection and employment practices were in place did not mean they were fully in use.

It said that it was an important to avoid the perception of nepotism as it was to avoid nepotism.

"Direct superiors or subordinates relationships between relatives and control over fiscal and personnel issues by one relative over another should be avoided." But this principle should not be used to discriminate unfairly, the committee said.

Members criticised the failure to publish a code of ethics as envisaged in the 1998 Executive Members Ethics Act, which governs the conduct of national and provincial members of executive government.

The committee urged President Mbeki to publish such a code by June next year.

The committee called on Parliament to consider developing a code of conduct for MPs which would include measures aimed against nepotism. Speakers of provincial legislatures should be asked to follow suit.
UNMASKED

Super-AG says top businessmen are organised crime kingpins

MICHAEL SCHMIDT

THE police raid on a multi-
crime mining and trans-
port magnate this week is the beginning of a crackdown on previous-
ly unknown crime bosses, some of whom are said to be among South Africa’s most prominent businessmen.

The search-and-seizure raid by two elite sec-
tice units on tycoon Billy Rautenbach’s offices on Thursday was the first in a campaign to bring to book the country’s 20 top criminals, National Director of Public Prosecutions, said this week.

Many of the top crime bosses have, until now been publicly regarded as respectable citizens.

Ngcuka said: “We had an exercise in compiling a list of about 20 — and Mr Rautenbach is certainly featured among the top group, along with a few other prominent personalities.”

Many of those on the list are well-known underworld figures, but others are public figures who have positions of public reputations.

Ngcuka said Rautenbach was targeted “because of his involvement in serious crime.”

But Rautenbach said yesterday that Ngcuka’s allegations were “extremely damaging” and he viewed them in a se-
rious light.

He said the allegations were different to the cases presented to him by the investigators.

Rautenbach said he was “alarmed” by the statements, but would continue to co-operate with the investigators.

Rautenbach’s case is being closely followed by President Thabo Mbeki.

His spokesman, Parkas Mankabane, confirmed that the raid was a “major development which will affect the security situation in the region.”

After the raid, Rauten-

bacht “slipped” to the country to “attend a board meeting in the Democratic Republic of Congo, the country where he has extensive mining interests.”

He is also regarded as a personal friend of Zim-
babwè’s President Robert Mugabe and is reported to have helped pave the way for Zimbabwean military involvement in the civil war in the Congo.

Rautenbach, a Zim-
babwè businessman, has built a diverse empire throughout Africa, with the help of his Wheels of Africa subsidiary company.

Last November, the leader of Congo, Lau-
rent Kabila, controversially signed an agreement with Zimbabwean mining firm Econiwa, while Rautenbach, prompting outrage from rebel forces who refuse to recognise the deal, Rautenbach is chief executive of the parastatal.

He also controls a string of debt-ridden Hyundai dealerships across Southern Africa, as well as copper and cobalt mining interests in the DRC.

He is believed to own a string of companies in the British Virgin Islands.
Bill to create gun-free zones

Among other things, the new Firearms Control Bill will deny people guilty of crimes of violence the right to own a firearm. Barry Steenkamp reports

Gun-free zones, such as bars and casinos, are to be created in terms of the new Firearms Control Bill, and ordinary people will not be allowed to carry firearms there.

People who are guilty of crimes of violence, including someone who is a wife-beater, will be prevented from acquiring a firearm licence, Minister of Safety and Security Joe Thabethe said this week.

Though penalties have been proposed — up to 25 years in jail for people dealing in illegal firearms, and 15 years for the possession of illegal firearms — safety and security legal advisor Louis Koch says a calculated risk has been taken with some of the provisions of the Bill, but he said the legal experts they had consulted, including Paul Pretorius, SC, Matthew Chaskalson and Ian O'Keefe, were convinced they could argue before the courts that the Bill complied with the provisions of the Constitution.

Koch said, however, that they expected some challenges to the provisions of the Bill, particularly in regard to the new presumptions that had been developed and for the extended policing powers.

In terms of the Bill, police will be able to fingerprint all the occupants of a motor vehicle where an illegal gun has been found and seized. Thabethe says this will help establish ownership and possession.

"The presumptions and penalties contained in the Bill are very tough but necessary. We will relentlessly address the unacceptable high levels of firearm-related crimes and violence in our society," Thabethe said.

He added that the Cabinet was sending a clear and unambiguous message that the government had dealt a decisive blow to violent criminals, given that guns are the common denominator in crimes ranging from crime to domestic violence, hijacking and robbery.

"The focus of the Bill is the criminal element that has terrorised law-abiding citizens for too long," Thabethe said.

Koch said the Bill is only the start of the process in the development of policy in regard to firearms, but emphasized that the situation is extremely serious, particularly in regard to the use of handguns, which are used in most firearm-related crimes.

The number of murders where firearms were used rose from 11 134 in 1994 to 12 296 in 1998 — 40% of murders. Robberies where firearms were used increased from 51 004 to 74 185 over the same period — and firearms were used in 85% of the robberies.

South Africa has approximately 1.8 million licensed firearm owners who hold licenses for about 2.5 million firearms.

The provision for gun-free zones would apply to places such as bars and gambling premises, where it will be illegal to possess a firearm "obviously without compromising the security of those places".

The Bill provides that people could apply for a single firearm, a handgun or a shotgun, for self-defence purposes, while the occasional hunter and sport shooter could possess up to four firearms, which could include a handgun.

It had been shown that weapons belonging to dedicated hunters and sport shooters and collectors were not generally used in criminal activities. It had, therefore, been decided that no limit would be imposed on the number of firearms they possessed.

Ordinary licence holders would be limited to be in possession of 200 rounds of ammunition and to the purchase of 3000 cartridges a year.

Critical to the implementation of the Bill's provisions is the establishment of a computerised database, which would be directly linked to all weapons manufacturers and all arm dealers, so that up-to-date information, including current stock of licences, is readily available.

Thabethe said there would be an increased budget for the database and more staff would be recruited.

Deputy Minister of Safety and Security Joe Matthews said the new database would, in the long run, be cost-saving because of the costs involved in running the ancient system being used at present. "The modernization of the system will make it cheaper."

Koch said among the aims of the Bill was to cut off the sources of illegal firearms and recover illegal firearms. It also provides for stricter controls over state-owned firearms.

South African National Defence Force personnel would, for instance, in normal circumstances be obliged to carry licences on them.

The new system will be phased in, and existing firearm licences will remain valid for five years after the new Act comes into force. New licences for restricted firearms, such as semi-automatic weapons, will have to be renewed every two years, as will firearms used for business purposes, such as by security firms.

Firearms acquired for self-defence purposes will have to be renewed every five years, while those owned by hunters, sport shooters and collectors will remain valid for 10 years.

People who will lose their right to possess firearms include those who have been convicted of certain offences in the Domestic Violence Act, who have received sentences of 12 months for crimes of violence, who have been convicted of drug and alcohol abuse, or whose mental condition has deteriorated.

Thabethe and the full contents of the Bill were available on the Internet and it would be published in the Government Gazette. It would also be forwarded to the National Assembly's portfolio committee for safety and security "where the process of full public consultation will be initiated. We anticipate constructive debate during the public hearings which are expected to take place early in the new year."

"The drafting of this Bill has required careful consideration and understanding of the requirements of the Domestic Violence Act, as well as the requirements of our country's neighbours, such as the Zimbabwean government," the minister emphasized.
Heath unit blocked

While the government wrangles over the status of the Heath unit and fails to authorise its investigations, billions of rand are being lost, reports
Ivor Powell

The government has been sitting on some of these investigations since 1991 when the unit put through the paperworks to request authorisation of these investigations.

The Mail & Guardian understands that a proposal made by the Heath unit in April 1996 to facilitate the process of proclaiming irregularities have yet to be considered by the Cabinet Office by the unit to do the paperwork for presenting proposals which have not been answered, sources close to the unit and the office.

The department's concern about the future of the unit after a controversial statement was attributed to Minister of Justice William Mathaba last week.

Ministry of Justice spokesperson Paul Mettrick said: "We need to work on the Justice and the unit would be set up to do that in the justice sector." While denying there was any hold-up in proclaiming the Heath investigations, he said the ministry was working with the Heath unit to come up with proposals about the future of the unit, as agreed after the meeting with Mathaba. The unit is understood to be collating its moves to suit the minister's mandate.

Included in this list of investigations that have been passed their sell-by date is a probe into the contents of the Sekayise report regarding maladministration in the Northern Province government.

Among other things, the Sekayise report establishes prima facie evidence of the provincial Department of Public Works having paid R6.5m for a building worth only R9m; the unauthorized expenditure of R163m on a government complex; the purchase of an expensive vehicle for government officials without proper authorization and a housing scam where officials would occupy government-owned properties rent free while receiving housing subsidies.

The Sekayise report was made public in November 1997, and the government passed the matter to the Heath unit for investigation and to recover taxpayers' money. Among those implicated in the scam are many serving members of the African National Congress-led provincial government of Premier Ngaka Modise.

Another seemingly irremediable instance of government feel-dragging is found in the proposed Heath unit investigations into irregularities uncovered by the auditor general in the former government of Limpopo.

The request — after the matric — had been officially referred to the government in the to set up an investigation — for a proclamation was made on March 4 1999. The auditor general's report uncovered evidence of hundreds of millions of rand misappropriated, misused or stolen, as well as state assets in private hands under the territory's homelands government.

If these cases are true, well known.

A September 1999 request for the government to proceed with an investigation concerns the issuing of a notice of intent to resign the chief of the same Trust in 1990 by an official designated as the Public Trust with state assets illegally used for security against which the unit could seize money.

The proposed investigation has apparently been stalled by the failure of the Limpopo cabinet to consent to the investigation and recovery of such funds.

On August 21 1999, the Heath unit, at the instigation of the Eastern Cape Department of Transport, made a request for an investigation into the Umzuyana Transport Services, operating out of Umtata and Mount Fyn.

The request remains unanswered. The case dates back into the liquidation of the old Transkei Transport Services in January 1996. Shortly thereafter, the liquidator stepped down after being allegedly threatened, petrol-bombed and otherwise harassed, allegedly by former employees of the defunct Transkei Transport Services.

Subsequently Umzuyana Transport Services was formed — in the shape of Transkei Transport Services and Umzuyana Transport Services and — allegedly it simply moved into the old premises in Umtata and Mount Fyn.

Also outstanding is a request by the Heath unit for the president to proclaim an investigation into irregularities in the running of the Rendile sugar and Development Programme (RDP) in KwaZulu Natal in 1995 and 1996, where more than R163m could not be accounted for.

Included in the list of alleged irregularities are the funding of non-existent community projects, the double funding of projects and the payment of executive salaries to cover services rendered.

At the cut-off of the allegations a conservation official from the Transkei-KwaZulu Natal government set up to administer RDP.

Among the 51 outstanding proclamations, there are 42 relating to alleged irregularities or corruption in the national and provincial government.

Other investigations still pending relate to housing schemes in various parts of the country with developers accused of failing to provide housing they promised to build, or having provided sub standard units and pocketing the money saved. In many of these cases the construction companies involved had either not existed or had no building experience before successfully tendering for housing contracts.

One of the most dramatic cases concerns the handling of 360m of the government's funds in a development in the Free State, supposedly to allow the free state to provide additional funds in the oversubscription market. No re-else was provided by the developer to secure the loan, and no houses have been built. Nor is there a record of additional funds obtained on behalf of the government.

In terms of procedures established in the Act, the Heath unit would be entitled to institute an investigation, but it is one of the most difficult to proceed with because the investigation is signed by the president and promulgated in the Government Gazette. Only at this point can the Heath unit pursue its investigations and claim state finance and property irregularly or fraudulently appropriated.

But Department of Justice sources said the processes have not been followed through in recent months as a result of the wrangling between the Heath unit and the government.

Inside the Heath unit said: "Since the beginning of September, no cases have been processed for proclamation by the department.

Deon Bothma, deputy director general in the Department of Justice, confirmed that there were outstanding matters, but could not say how many. "We try to processes as soon as possible, but there is a lot of work involved. We have to obtain the consent of the president, we have to translate the proclamation into English, Afrikaans and sometimes into one of the indigenous languages as well," Bothma said. "There might be a few that are old, but there are a variety of factors at work."
Another unit to probe grate

Not an attempt to stipulate Health's wings

Additional units will save time and money

More anti-corruption units in the pipeline

[Redacted text]
Crime, drug-link established

NEARLY half of the 970 people arrested in three provinces during August and September tested positive for at least one drug, a survey on the relationship between drug use and crime has found.

The study, called the 3-Metros Arrestee Study -- a joint project by the Medical Research Council and the Institute for Security Studies -- used 970 people who were arrested at nine police stations in the Western Cape, Gauteng and KwaZulu-Natal.

Those who took part in the study agreed to be tested for drugs on condition they remained anonymous.

Ninety percent agreed to provide urine samples.

The samples were tested for dagga, Mandrax, cocaine, amphetamines, benzodiazepines and LSD.

Most of the arrests were for violent crimes. Other common offences were related to immigration laws (mainly in Gauteng), property crimes (KwaZulu-Natal) and drug and alcohol offences (Western Cape).

The study found that compared with South Africans, non-South Africans were far less likely to be arrested for a violent crime, possess a firearm at the time of arrest or to be under the influence of alcohol or drugs.

Overall, about four percent of those arrested admitted they had taken alcohol or drugs before committing a crime.

Of those tested, 49% tested positive for at least one drug -- 44% for dagga, 25% for Mandrax and 4% for cocaine.

Altogether 66% of those who were arrested in the Western Cape tested positive for a drug, compared with 52% in KwaZulu-Natal and 35% in Gauteng.

More than half of those arrested in each province for the following crimes tested positive for at least one drug: Housebreaking (77%), drug and alcohol offences (71%), weapon-related crime (56%), robbery/theft (53%) and murder (52%).

In the Western Cape, 38% of those arrested for violent crimes tested positive for Mandrax and 63% of those arrested for property crimes tested positive for dagga and/or Mandrax.
Public service crooks pay price as state delivers on vow to halt graft

Clive Sawyer
Political Correspondent

Government departments are making good on promises to combat corruption.

In the past two years, the Government has convened a series of workshops and summits which have adopted resolutions aimed at eradicating corruption in the public sector.

In replies to questions in Parliament, a range of ministers have disclosed steps being taken to achieve this goal.

Zola Skweyiya, the Minister of Welfare and Population Development, disclosed separate cases of social welfare fraud involving several millions of rands and leading to prosecutions, convictions and dismissal of officials.

In the Eastern Cape, 51 officials had been referred for internal disciplinary and criminal hearings linked to fraud involving about R8.5-million.

In the Western Cape, fraud had accounted for more than R7-million lost in the past 12 months.

In this period, 441 of 613 fraud cases involving R3.3-million had been referred to the police, of which 146 had been before the courts.

Between April and June, a further 277 fraud cases involving R3.7-million came under investigation, and between July and August 57 fraud cases involving slightly less than R400 000 were reported to police.

In the Free State, 11 social security officials had been dismissed, and a further 15 disciplinary hearings were in progress.

Re-registration of social welfare benefits had led to 12 438 “beneficiaries” in the Free State being suspended, Dr Skweyiya said.

While he gave no figures, he said several officials in KwaZulu Natal, the Northern Province, the Eastern Cape and Free State had been prosecuted and sentenced.

Several others had been charged and were under investigation.

Home Affairs Minister Mongosuthu Buthelezi, replying to questions in the National Assembly, confirmed that 204 cases of corruption were being investigated by the department’s unit.

Safety and Security Minister Steve Tshwete said 12 Home Affairs officials were among the 98 people who had been charged in Gauteng since the beginning of last year with illegal trading in driver’s licences.
International links to organised crime

An international link to organised crime

The most prominent such outfits in SA and the gaining interest in more violent activities (e.g., robbery and kidnapping).
Drugs fuel runaway SA crime

Half city's killers are high

Ashley Smith
Staff Reporter

Drugs and liquor are a key catalyst of the crime wave that is continuing to rise in the Western Cape, as elsewhere in South Africa.

More than 52% of those committing serious violent crimes such as rape, murder or armed robbery are high on drugs or liquor when they break the law.

This is just one of the startling discoveries revealed in the first study of its kind here to link growing abuse of drugs to the rising crime wave.

In the study, conducted by the Medical Research Council (MRC) and the Institute for Security Studies, 970 people arrested for various offences during August and September by police in Durban, Gauteng and Cape Town were tested for drugs and alcohol.

The arrested people, who participated voluntarily in the survey, were tested for drugs including dagga, Mandrax, cocaine, amphetamines, opiates and LSD.

Among the most shocking statistics to emerge was that people arrested for the following crimes tested positive for at least one illegal drug:

- Housebreaking: 77%.
- Drug and alcohol offences: 71%.
- Weapons-related crime: 56%.
- Robbery: 83%.
- Murder: 52%.
- Rape: 47%.

In Cape Town, 52% of those arrested for violent offences tested positive for at least one drug, close to the 51% in Durban and 47% in...
SA signs anti-terrorism pact

Warnings and arrests as America calls for increased vigilance

The warnings follow the arrest of 11 Jordanians, an Iraqi and an Algerian in Jordan this week in connection with the US embassy bombings in Africa last year; the arrest of an Algerian last week; and the arrest of a Jordanian woman in Vermont on Sunday.

The US government says it has linked the arrests in Jordan to South African-born Osama bin Laden, who is wanted by the United States on charges he planned deadly bombings at American embassies in Kenya and Tanzania last year.

The US state department said it believed “terrorists” might be planning attacks on US nationals during the festive period, emphasizing violence could occur at large gatherings for millennium or religious festivities. The warning was similar to one issued on December 31 but used slightly stronger language in light of the arrests in Jordan.

The previous warning said the state department had “credible information” that terrorists are planning attacks.

“We cannot rule out the possibility of attacks in Jordan and other parts of the world.”

Meanwhile, South Africa’s permanent representative to the United Nations, Ambassador Dumisani Nkosi, signed the International Convention for the Suppression of Terrorist Bombings in New York yesterday.

The Foreign Affair Department said Mr Nkosi said “South Africa’s signature on the convention is clear evidence of the commitment of this important country to the cause of international peace and security,” he said.

For this reason, it is critical that all the parties involved work together to ensure that the Pledge of America is not abandoned,” he said.

The US state department said its warning was “based on credible intelligence indicating that terrorists may be planning attacks in other countries in the months leading up to the new millennium.”
Death penalty gets strong support in poll

Public calls for harsher sentences

ASHLEY SMITH
STAFF REPORTER

Nearly all South Africans believe court sentences for violent crimes are far too lenient.

There is also the belief that lenient sentences, imposed by judges and magistrates, play a "major role" in the country's crime surge.

These are some of the findings of a study mapping South Africans' growing disillusionment with sentences for serious crimes like murder, rape, and hijacking.

The study was done by the Institute of Security Studies, the Institute for Human Rights and the Criminal Justice Studies unit at Technikon South Africa.

And at the same time sympathy for vigilante-style reaction to crime seems to be growing.

The study found 80% of South Africans believed:

- Harsher sentences were directly associated with lower crime levels.
- Compared to 1994 there was a lot more crime in South Africa.
- Lenient sentences had played a major role in the increase in crime since 1994.
- Harsher sentences would bring down the crime rate.

The study also revealed that 75% of people interviewed wanted to see a return of the death penalty.

In respect of vigilante crimes over 80% of respondents were more lenient in their sentencing option than the new minimum sentencing law.

The new law has been used effectively in recent cases including the sentencing of a week ago of Fagad supporter Dawood Osman for several charges including four murders.

However, the new law and more specifically the judiciary's implementation of mandatory minimum sentences, was plunged into controversy in October this year, when a Cape High Court judge sentenced a 54-year-old man to seven years for raping his teenage daughter.

Alan Jackson, director of child welfare in the Western Cape, said the sentence had highlighted the need to educate judges especially about the effects on victims of crimes like rape.

Hishaam Mohamed, head of Justice in the province, said although the courts where implementing the new minimum sentencing law, what was lacking especially in the regional courts was a more victim-centred approach to sentencing.

Cape Town regional court president Gadija Khan said people often did not understand the procedures involved.

"The trial and subsequent appeal of cricketer Makhaya Ntini was a prime example. The public judged him long before the trial started and at the end of the day the appeal court found him to be innocent," she said.

Martin Schöntech of the Institute for Security Studies said the survey on the public attitude to sentencing suggested that the perception of leniency by the judiciary was because not enough information about a case reached the community.

"At the same time expectations that harsher sentences will bring down the crime level should be tempered," he added.