

CRIME - GENERAL

1998



# 'We are prisoners on our land'

More farmers are coming under attack, and they say the Government is doing nothing to stop the killing

(34)

Star 3/1/98

By JACQUI REEVES

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

Andre Maree, from the farm Roodepan outside Ventersdorp 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 neighbouring Roodepan 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 kettle on, but was startled by his dog's deep growling.

"As soon as I heard him growl I knew there was trouble," Maree said.

The young farmer turned around to find a shotgun and 9mm pistol aimed at his head.

"The two men just looked at me and the 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 Tswana

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.

Ventersdorp 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 dog unit could pick up a trail.

Farmers in the Ventersdorp 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 calls 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 facade of a

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 prior to the attacks. This suspicion was confirmed in the Maree attack, when police discovered a mattress lying facing the main house, with a clear view of the property.

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

Captain Jaco Rautenbach, station commander at Ventersdorp, 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.

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

"About 80% of our shift is spent answering complaints and about 20% on crime prevention, but then most of that crime prevention occurs en route to 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.

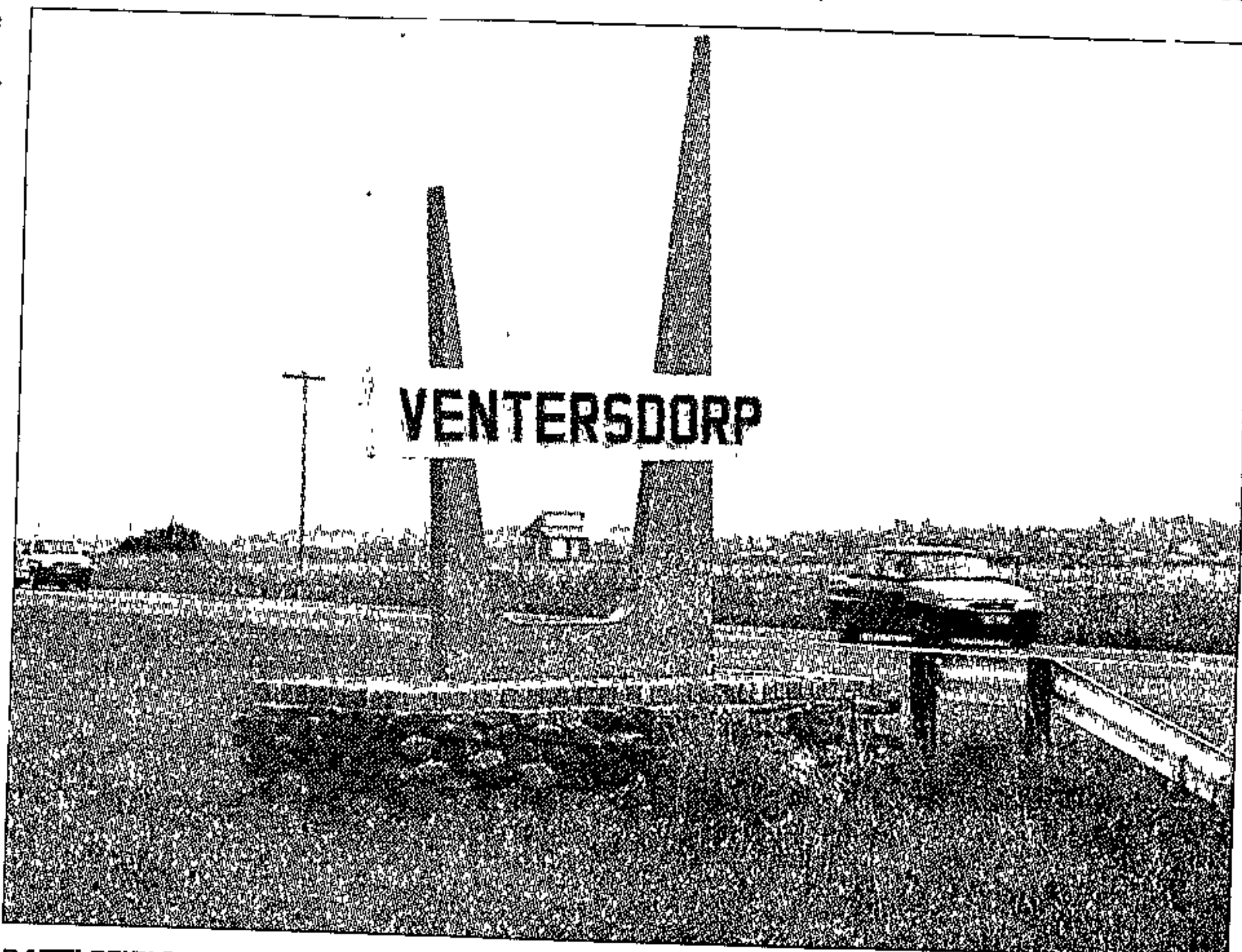
Members of the commando had warned Maree not to pose for photographs for news reports.

"I don't need 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 have been 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.

"These 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.



**BATTLEFIELD:** Farmers in the Ventersdorp district are among the latest victims of attacks. Local police have only one vehicle per shift to cover the huge area

PHOTOGRAPH PETER BADENHORST

frightened community.

Essentials in the everyday lives of the farmers include a cellphone and a gun.

"But you try and work with all that. We cannot always have a gun ready, like when we are in a tractor or working underneath something. It's impossible to always be ready for attack," Maree said.

Maree's wife was not on the farm at the time of the attack, but she too has had to adjust her lifestyle. She has been sleeping with a gun under her pillow for several months.

A group of farmworkers, who did not want to be named, said they too no longer felt safe in the area.

"We do not walk to our friends on the other farms at night anymore. These men (the attackers) are not from our people, they are from the location, and they will hurt us because we work on the farms," one said.

Ventersdorp farmers are adamant that the attacks on their homes are intended to frighten them off their land.

They also believe the attacks are part of



# 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 sophisticated 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 thwarted 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.

BD 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 Sharma Maharaj, Cosab CE Bob Tucker, and SBV chairman Rod Heid 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 ambushed armoured 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 van'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

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## Heists

Continued from Page 1

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 R8,5m 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."

Sapa 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 Kenilworth, 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.

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# Protect us, plead security guards

Star 22/1/98

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

By Gail Gifford  
Crime Reporter

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

Sasbo threatened national protest action unless Standard Bank, Absa, FNB and Nedcor act decisively after yesterday's attack on an SBV cash van near the Grayston Drive offramp on the M1 highway.

And, Collin Gregor, executive officer of the mercenary outfit Executive Outcomes, (in response to reports) said today SBV was not considering using the company to protect its cash convoys.

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

Gregor added that while beefed-up security measures on the cash van had worked, the robbers managed to escape with R3,3-million because "correct procedures" had not been followed. "But it was only part of the R8,5-million total - the bulk was left untouched."

Police said armed robbers were using increasingly heavy fire-power in their merciless highway heists.

A 15-man gang fired dozens of armour-piercing AK-47 bullets at an unescorted SBV money van during a well-executed robbery which lasted less than five minutes.

Four SBV 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 - Nickle Scherman (32), C de Beer (20) and L Pietze (29) - were taken to the Sunninghill Clinic, which refused to release details of their conditions.

Reservist Constable Craig Sacke of Gallo Manor police station told how, shortly after 8am, a friend had called him from a butchery in Kramer Road, which overlooks the highway near the Marlboro offramp. The man reported he had seen six balaclava-clad, rifle-toting men climb into a bakkie.

A few minutes later, three bakkies surrounded an SBV security van and opened fire on it

near the Marlboro offramp. They followed it, firing constantly, before forcing it off the road near the Grayston Drive bridge over the M1 highway in Sandton.

According to Johannesburg police spokesman Superintendent Chris Wilken, a fourth bakkie blocked the Grayston Drive offramp.

After shooting the guards, the occupants of the three bakkies broke open the back 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 offramp, which they had blocked, in the direction of Alexandra.

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

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

According to reports, he approached the men 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 spokesman 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 armed robbery were encouraged to call the centre to talk about their experience.

People in need of trauma counselling can contact the clinic on (011) 403-5102.

Motorists caught up in the gunbattle are requested to contact the Brixton murder and robbery unit on (011) 639-3322 to report damage to cars or give witness accounts.

Insights into gangs

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# Board must lead fight against fraud

(34) BO 21/1/98

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 any 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 recoveries 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 and other insurance should be considered if appropriate.

Thriving companies are particularly vulnerable to fraud. Growth and restructuring phases 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 motivations for 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 nonexecutive directors, as recommended by the King committee, is a top-level step towards an effective fraud prevention policy. Nonexecutive 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 nonexecutive directors should be mandatory to ensure that 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, *Directorship*.



# 'Strategic war on crime needed'

Sowetan 14/1/98

(34)

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 commissioners, 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 unacceptably low. Station commanders need to sort out the problem," Maharaj said.

"In the past a 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 locks would be repaired and upgraded 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 <sup>(34)</sup>

**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.

A "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 far too many implications."

Gauteng Safety and Security MEC Ms Jesse Duarte and Mr Paul O'Sullivan, chairman of the Central Johannesburg Community Policing Forum, echoed Omar's views that there was a need to rebuild the country's moral fibre.

"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 panel.

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.

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

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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 Street-wise*, 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 busi-

ness-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.

DD 15/1/98

Comment: Page 7



# Rural crime wave claims more victims

Young cop, farmer join growing death toll

MZILIKAZI WA AFRIKA (34)

**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 Lehlokonolo 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 Gijima 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, Tinnie van Zyl, 32, on the right side of her head and left upper arm.

A bleeding Van Zyl and her 80-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 300.

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.



## COMMENT &amp; ANALYSIS

# Not just order but democracy threatened

**I**N ONE way, a bank heist in suburban Johannesburg at rush hour is no more alarming than a rape in the townships at midnight. In another way, it may well be. Public attention tends to focus on crimes such as the heist for obvious reasons — they are dramatic, conjuring up many a movie-style image.

This may be why public and media reactions have tended to portray the crime as the crossing of a threshold, evidence of a new spiral into anarchy, and further evidence that the government has lost the battle against crime.

But cars have been hijacked or banks robbed in broad daylight before without the same reaction: it is not as if an orderly society has been suddenly jolted out of its calm by an unfamiliar outrage. Second, the heist, like those before it (earlier crimes of this sort in other provinces did not elicit the same reaction), is clearly the work of a highly organised group: in far more orderly societies, police might be powerless, at least initially, against 15 well-drilled men with sub-machine guns who attack without warning.

And, most importantly, it is not at all clear why citizens should be more threatened by armed robberies of this sort than by muggings or rape. In a sense, they may be less threatening since they are less random — both the motives and the targets of the criminals are clear; most citizens are less likely to assume that they could be victims of a bank heist than of a hijacking or rape.

So, whether citizens, as opposed to commentators, feel that the heist is more alarming than any other crime is unclear. Nevertheless, there is a sense in which this latest crime does give cause for a new and different worry.

The sight of well-drilled and armed groups of men opening fire on security vans creates the impression that there are organised, violent groups in society which are

inmals, rather than violent acts committed in stealth, which may suggest to the public that the criminals are better organised and more in control than police.

This political dimension is heightened by the likely identity of the criminals. According to police, they had much fire power and were clearly well-trained in the use of their weapons. They operated also with military-style efficiency, blocking off the highway before attacking.

It is possible that some criminal syndicates in this country have the capacity to carry off operations of this sort. But it is equally possible that the attackers seemed to be operating like soldiers because, once, they were.

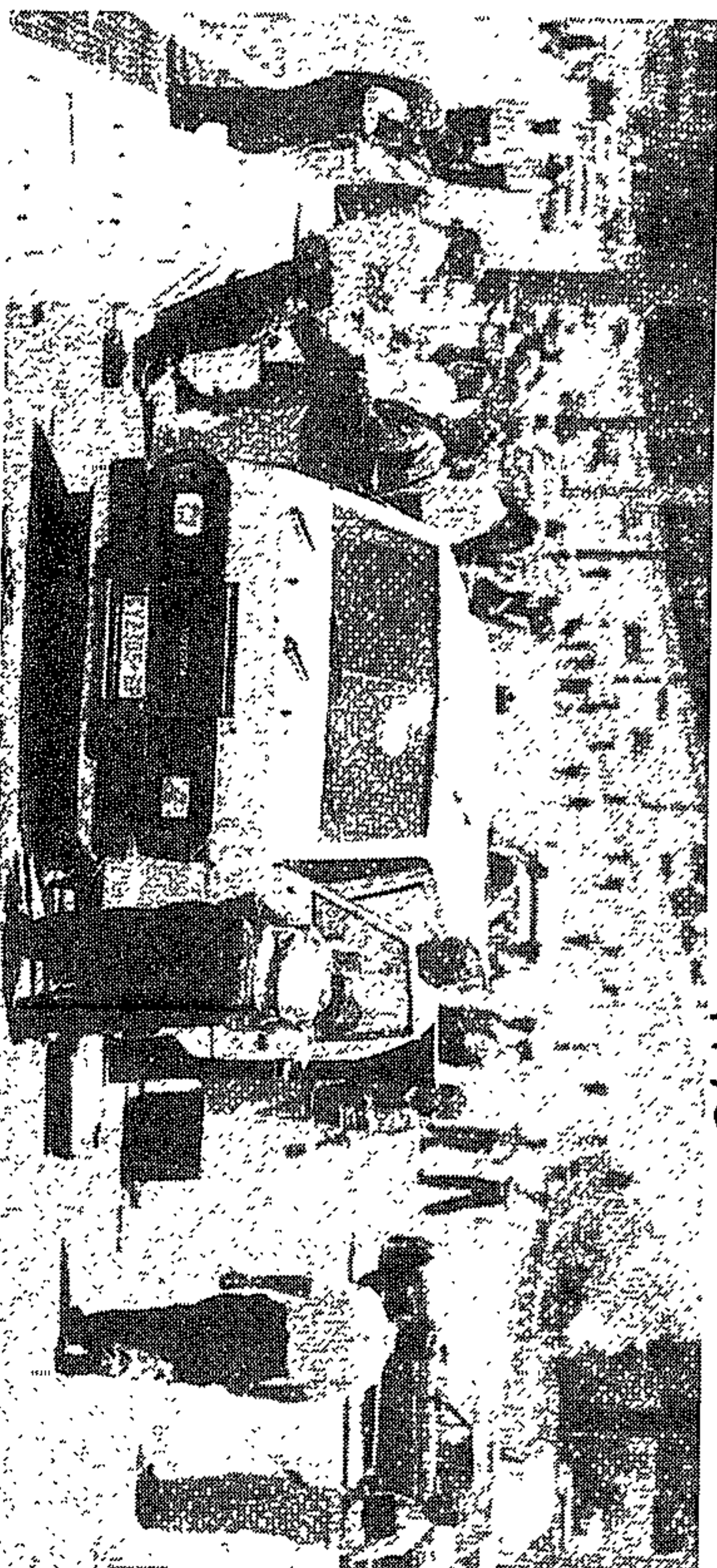
American political scientist Terry Karl has produced some important work on what she calls "war transitions" — societies in which the journey to democracy has been accompanied by high levels of violence between armed adversaries. Using the example of El Salvador, in particular, she finds that if the conflict ends in a negotiated settlement, there is a strong likelihood that some of the combatants — security forces and guerrillas — will use the guns and skills they picked up in the "war" to turn to crime.

The reasons are fairly obvious: in a negotiated settlement, elements of both sets of fighters tend to become sidelined and excluded from the civil service or military. Job opportunities are often scarce and, since the state during transitions is often weak, using their military skills to rob is likely to be a better-paying prospect than sell-

Government, faced with increasingly dramatic crimes and well-organised criminals, must show its muscle to stave off perceptions of weakness that might threaten the new democratic order, writes Steven Friedman

BD 26/1/98

(34)



An SBV security van is examined by police on the M1 highway near Grayston Drive, Sandton, after a heist where four guards were shot and injured earlier this month.

Picture: ROBERT BOTHA

There is evidence that something of this sort is happening in this country: there have been reports and television programmes suggesting that former security force "dirty tricks" specialists now devote their energies to crime, and some claims that former guerrillas have done the same.

The effect is to ensure that one of the most important criteria for democratic order — that the state should monopolise the use of force, or at least command a great deal more of it than anyone else — is absent. As long as this is so, the ability of the elected government or the police to protect public order is limited. Equally or even more

gitimate, authorities are weak and ineffective.

How are citizens likely to react? In some cases, not by indignantly blaming the governing party and vowing to vote for an alternative — a more likely reaction is to become cynical about government and to opt out of politics and "official" society.

One reaction may be an unwillingness to vote on the grounds that it will make no difference. Another is to lapse into cynicism and to look after one's own interests — not necessarily within the law — because the state is seen to be not powerful enough to do any-

prompt another reaction: enthusiasm for an undemocratic state as citizens conclude that some criminals are more powerful than the state because government is too "soft".

There is little evidence in SA of citizens demanding a "strong man" to restore order — but, if government is unable to deal with armed gangs, this could emerge. And, even now, there is enthusiasm among many South Africans for tougher action to preserve order, even if human rights suffer in the process.

Whether citizens drop out or demand a "strong man", the effect

left. So, while crimes such as the heist may not threaten the citizenry any more than less spectacular criminal action, the stakes for government are high: if it cannot curb the armed robbers, perceptions of weakness, and resulting cynicism, will grow.

Under present circumstances, government and police response to crimes of this sort is probably the most appropriate under the circumstances — the strategy appears to rely on the use of specialist units under particular competent direction.

Some might criticise this, arguing that it devotes far too many resources to high-profile, "media event" crimes, leaving the real cutting edge — the daily toll on citizens exacted by rapes, assaults and the like — unattended.

But the effect of actions of this sort on a democratic state is such that it could be argued that it has little option but to give priority to the fight against gangs of this type. The key priority for any new democratic state which takes over after a conflict is to ensure that it holds a monopoly over violence — this is not a recipe for dictatorship, it simply ensures that force is used by those who have a mandate from citizens, rather than unaccountable private groups.

Concerted government action against private firearm ownership would achieve this, whatever the gun-owner lobby may say. But this is beyond the realm of possibility for a new state in a society awash with guns. Disarming, and arresting, organised sources of violence who threaten the authority of the state would be a considerable step in that direction. It is, also, the minimum the state can do if it wants to signal that those who are elected really do govern.

The outcome of the fight against armed gangs may, therefore, do much to shape the success and survival prospects of our new democratic order.



Figures released by the South African Institute of Race Relations (SAIRR) this month 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 down 10.4%, theft from motor vehicles down 10.8%; car hijacking down 1.7%; bank robberies down 33.3%. The list goes on.

The total number of crimes reported in South Africa from January to September 1994 was 1 476 181; 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 Azar Cachalia, the secretary for Safety and Security: "Existing government information has indicated that there has been a consistent reduction in the levels of crime in the country over the past two years."

The cold statistics tell a story: theoretically, South Africa is now a safer place to live in than it was during the last days of apartheid. But that is not what most people think. Which is right: the statistics, or the widely held belief that crime is on the increase?

The most obvious explanation would be that the statistics are not reliable. But that, criminologists say, is at best only

as the under-reporting factor remained stable.

Whatever the degree of under-reporting, the crime trend is downward, says Takoulas.

"The perception has increased far more than the crime."

Victim surveys show that although this is the case, the spread of crime to previously untouched areas is not nearly enough to warrant the acute fear felt by communities living in these areas.

"It does not seem to be the case that crime has increased drastically in former white sub-

countries, says 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 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. Cachalia disagrees there is a "general perception" that

has not been the case. "Media reporting on crime in newspapers and television in America, this, he says, is because crime is 'cheap' to report. It costs little money or research to send a camera crew to a crime scene, but the returns are high because it makes interesting footage the public wants to see. It is no coincidence that Americans believe crime in their country is on the increase.

Says Cachalia: "Media reports are incident-driven, consistently focusing on incidents of crime, especially high-profile violent crime. Since reporting is often sensationalised,

number of high-profile prison breaks, have consistently focused on escape stories in the past few months.

Yet the opposite 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 escaped out of a prison population of 94 000. This represents a very large decrease (this does not include escapes of awaiting-trial prisoners from police cells,

W.L.C.1 CERTAIN Y seems to have increased).

But it is not the media alone who are to blame for the misguided beliefs about crime, says Naude.

"In this country, we were confronted for so long by so-called 'terrorism' and political violence. Now that has suddenly disappeared, and we find a total over-reaction about crime."

"People, especially whites, are feeling unsure and scared about their position, and this increases the feeling of fear and of being unsafe."

John Kane-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 takeoff of crime was a post-1994 phenomenon. "That is not true, it was long before that. More importantly, there has been a steady decline since 1988 in the rate of conviction.

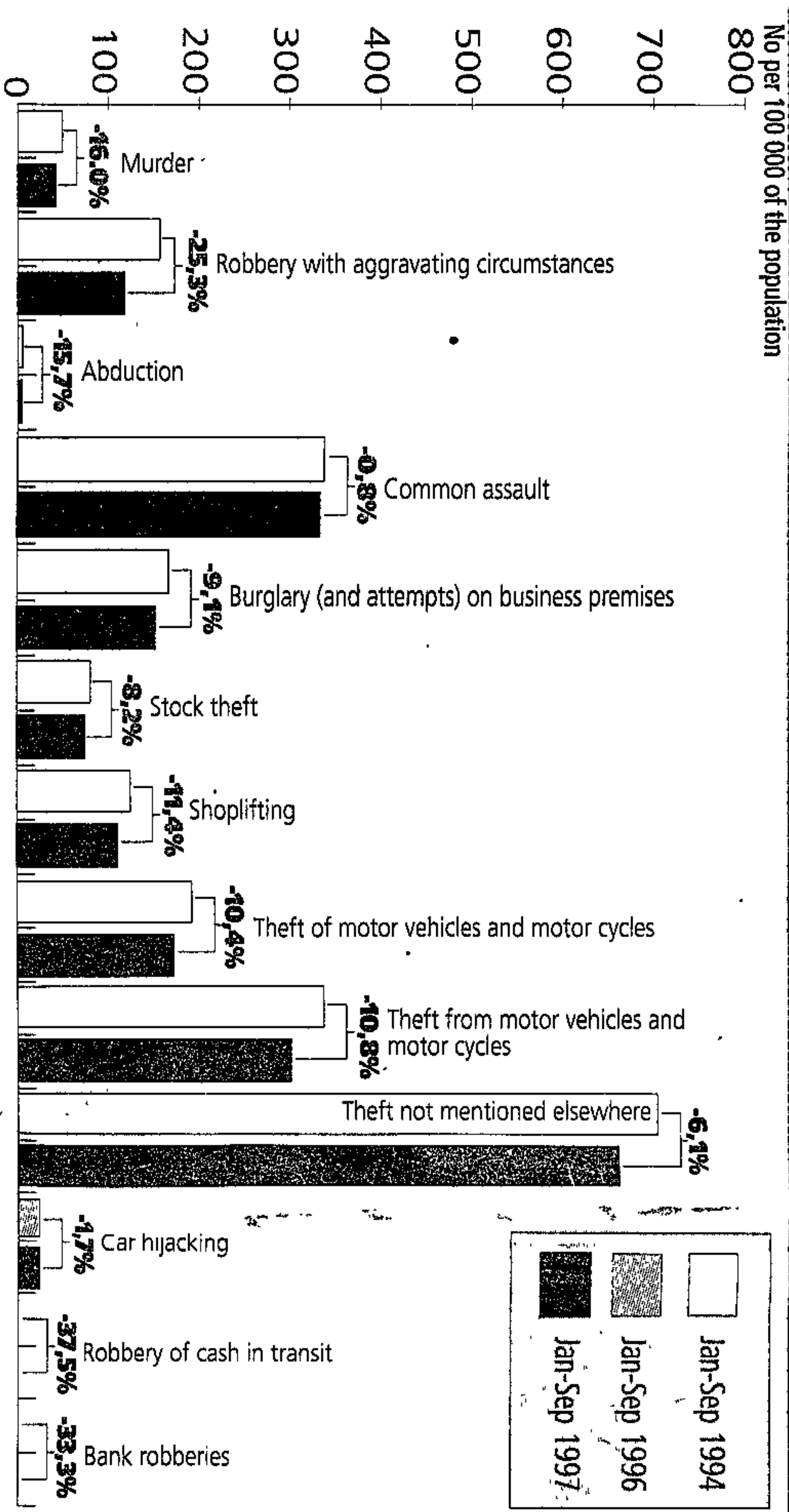
"It is less a question that

crime is out of control than that the criminal justice system is less effective in getting and keeping behind bars the people they catch and convict."

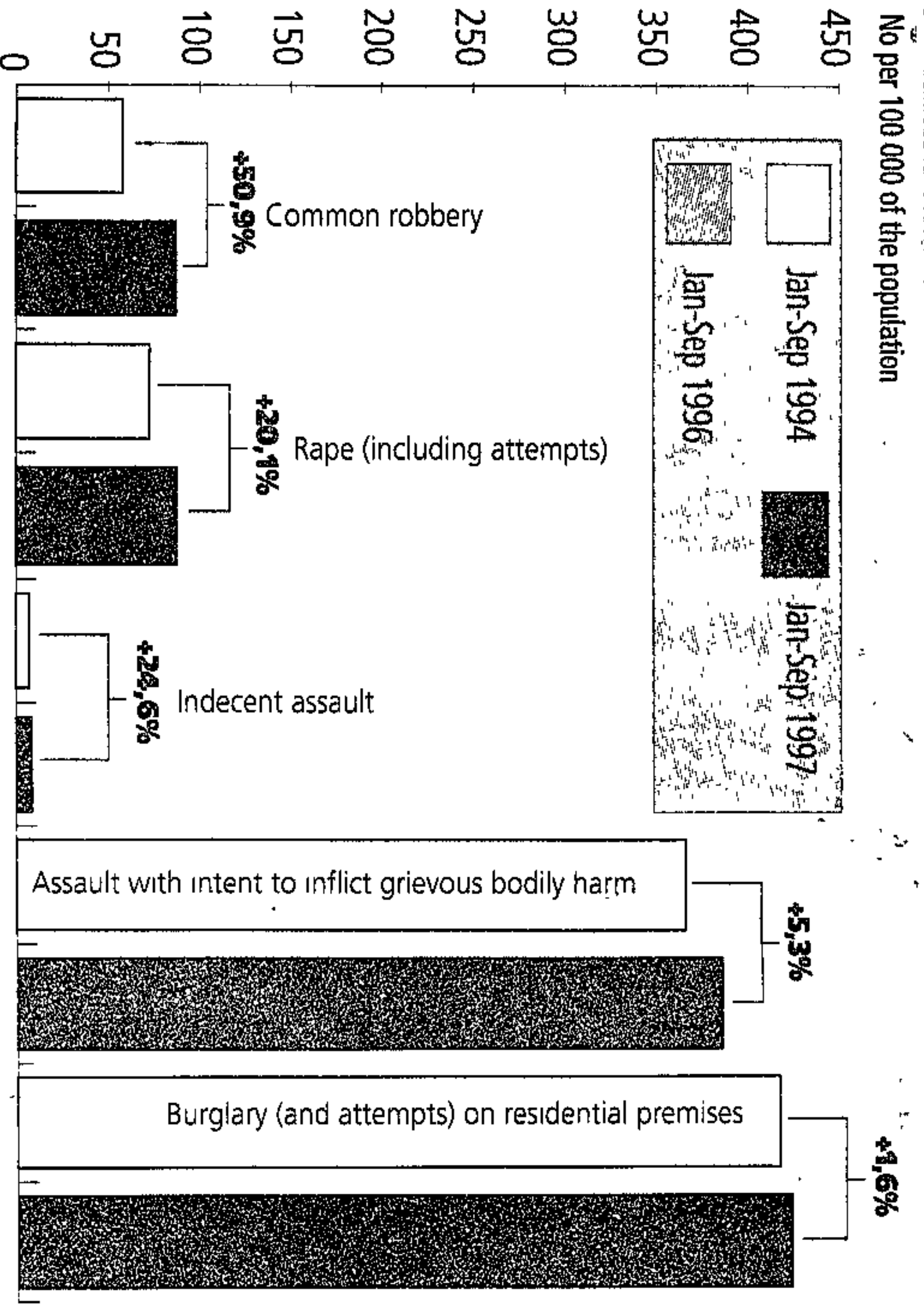
Cachalia agrees: "Although crime levels appear to be on the decline, they are still unacceptably high. Our main focus this year is to reduce levels of especially violent crime, and to build and broaden our anti-corruption initiatives.

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

## REPORTED DECREASE: 1994 - 1997

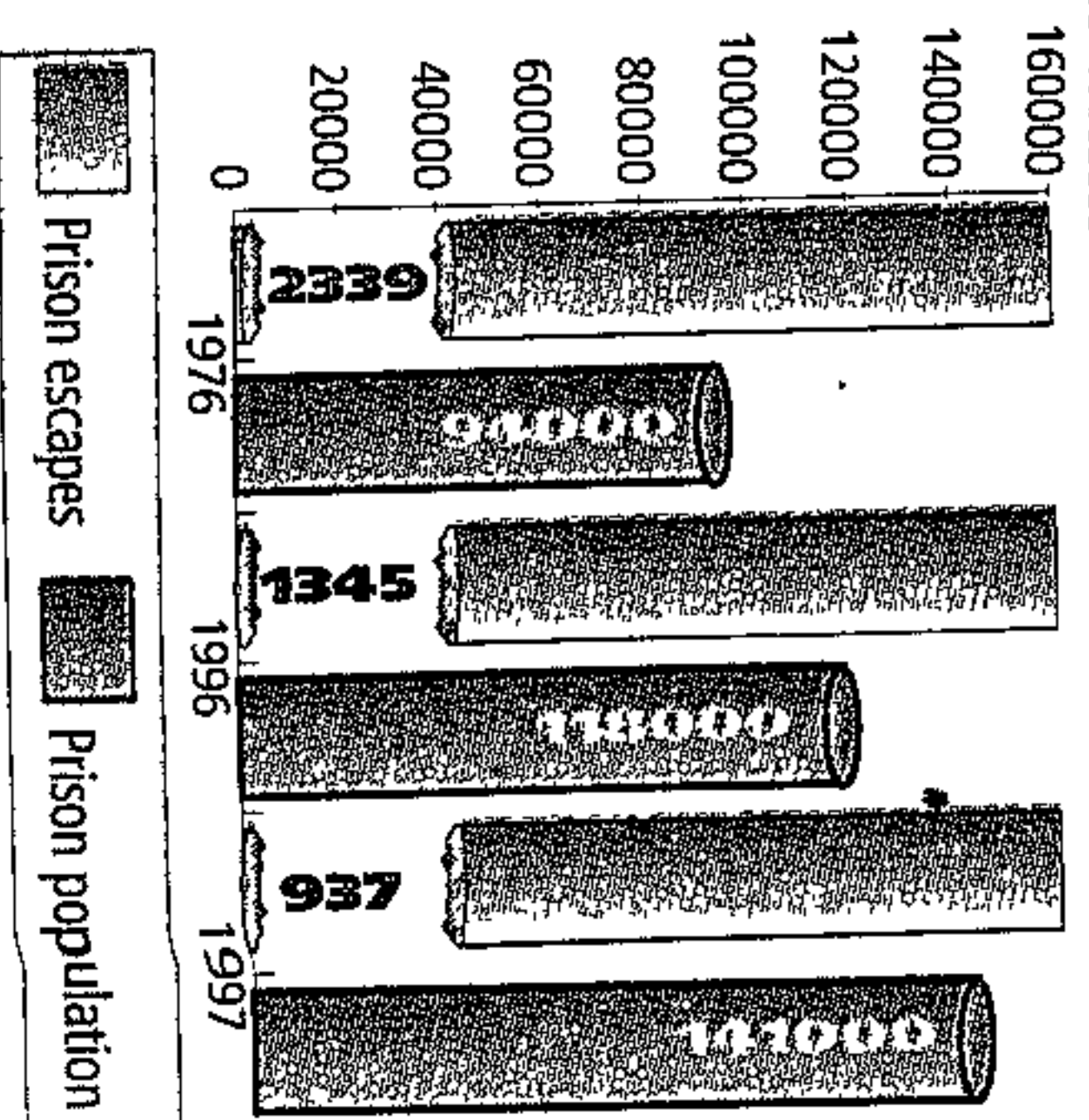


## REPORTED INCREASE: 1994 - 1997





**PRISON ESCAPES**



The perception that the problem has been escalating out of control since 1994 is not borne out by statistics, writes Robert Brand

# The surprising truth about crime

Mar 28/1998

(34)

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

part of the answer. Traditionally, crime is under-reported in South Africa because of the lack of trust in the police among a large section of the population.

"Many crimes are not reported, and many that are reported are not correctly listed. In rural areas and townships, especially, there is a major problem of non-reporting," says Pretoria criminologist Demos Takoulas. "So the statistics are definitely flawed."

But that does not necessarily mean the trend shown by

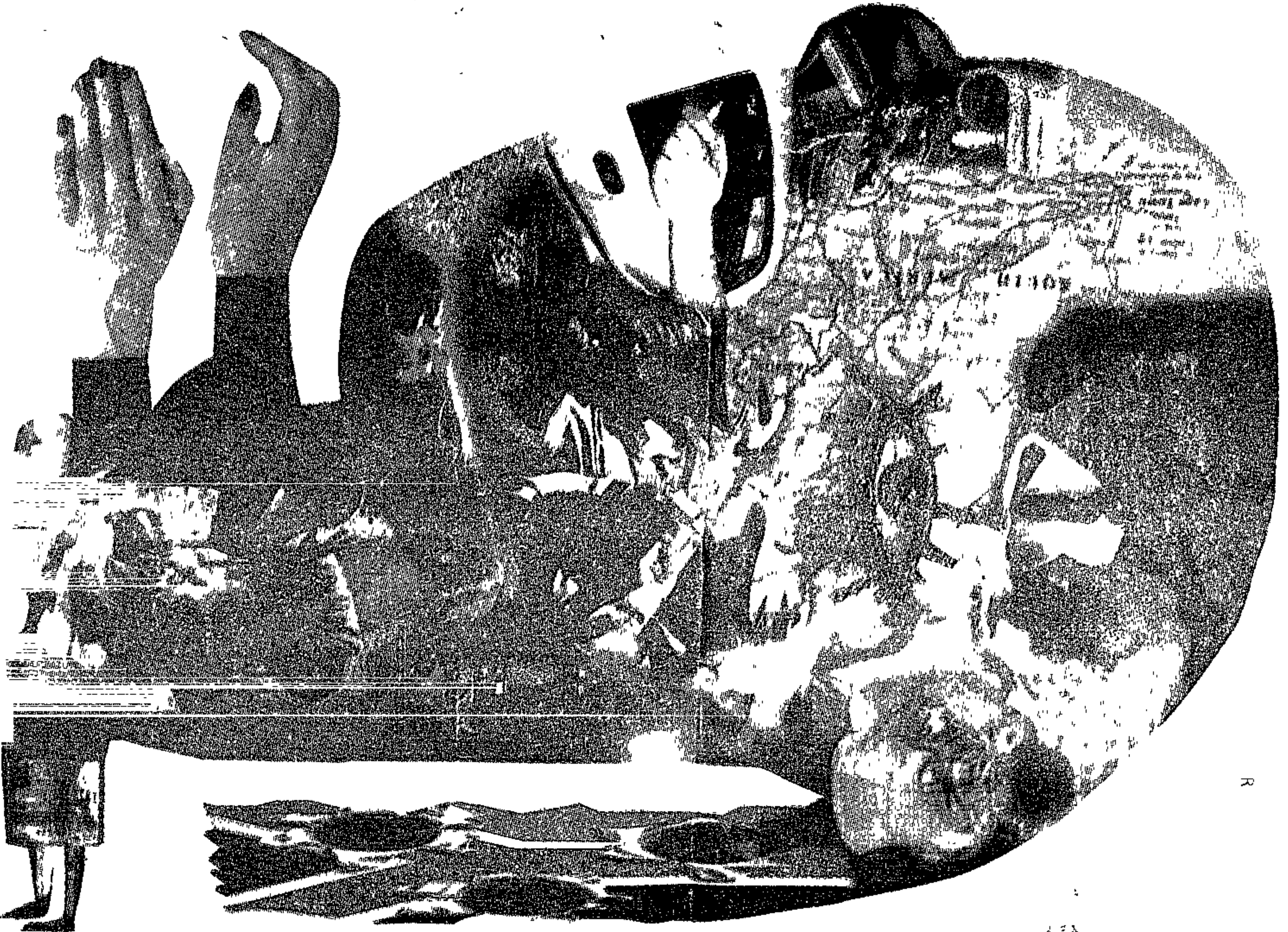
crime is out of control. "There are many communities who have refused to let their lives be dictated by criminal elements and feelings of powerlessness. However, it is fair to say that this is not the case country-wide. There are many other communities whose members have fallen victim to crimes and who have the perception that crime is out of control."

But he agrees with criminologists that the media are at least partly to blame for wrong perceptions about crime.

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 any man in the street, and he will tell you our prisons are leaking, and it is getting worse.





# 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 156,1 to 116,6; theft of motor vehicles dropped from 192,2 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

*SPAN 28/1/98 (34)*

# Crime not as bad as public perceives

ET 29/11/98 (24)

"THE public's perception about crime is wrong," says University of SA criminologist Professor Beaty Naude.

"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.

The rate of murder per 100 000 has dropped from 48,8 in the first nine months of 1994 to 41 in the corresponding period last year.

Mr John Kane-Berman of the SA Institute for Race Relations, which collated the statistics, said the drop in the crime rate did not mean that the criminal justice system is winning the battle against crime.

● See page 6



## OVERALL DECREASE IN INCIDENTS

# Prophets of doom get crime figures wrong

(34)

CT 29/1/98

**VIOLENT CRIME ATTRACTS** 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.

**T**HE 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 33,3%. The list goes on.

The total number of crimes reported in South Africa from January to September 1994 was 1 476 181. 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 Demos 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 Kane-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 1988 in the rate of conviction.

"It is less a question that crime is 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

ART 2/2/98 (34)

RICH MKHONDO

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 constitu-

tion 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 gangleaders," 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.



# The 'budget blocks' from hell

ARLT 23/2/98  
Sea Point residents angry over 'low-life' rentals (34)

JOHAN SCHROENEN

SPECIAL REPORT



A girl, not a day over 16, dressed in a tiny mini skirt and a tight low-necked top, sits on the steps at the entrance of a small block of flats in Sea Point.

In the distance children, not much younger than the girl on the steps, are playing in a school playground, their voices rising above the traffic on Main Road, where she spends her time, instead of in a classroom.

A silver car pulls up in front of the block.

The neatly dressed driver takes off his jacket and the and gets out of the car.

"Hello sweetie, I'm Sally," says the girl in a sultry but still child-like voice to the man as he walks over to the entrance of "Immoral Heights", the name residents have given to the three-storey block.

Sally, obviously not her real name, rises slightly, arches her back seductively and whispers: "Second floor the door is open", before the man disappears into the building.

The man - let's call him Mr Smart - and his expensive car with its trendy three-digit numberplate look out of place outside the tatty 1950s building.

Adding to the run-down look of Immoral Heights are washing lines spanning several windows and flaking paint.

A rusty old car with flat tyres slumps in front of a broken garage door.

People laze aimlessly around the block, among them a taxi driver standing next to his car, eating a chip roll off the car roof.

A hungry dog circles around his feet and not far away sit three extremely dirty toddlers on the pavement, playing with what looks like an old car part.

Sally, a victim of a broken home and sexual abuse by males in her



Sea Point by night: residents of the vibrant Atlantic seaboard suburb say they might as well be living in a gangland slum

BREKTON SEACH

Mitchell's Plain family, explains that she knows Mr Smart, and although she's a "street girl" she was just joking when she tried to pick him up.

Mr Smart is actually the owner of the block.

To his friends and his bank manager he is an "investor" dabbling in property, but to his neighbours in Sea Point he is a slumlord who has little respect for the status of the neighbourhood.

Sally says: "We pay about R150 a day for a room, but if two of us share a room R75 is not bad."

"My first client every day pays for my room, the rest is bonus."

"And for the landlord it must be a gold mine, from a two-roomed flat he gets at least R9 000 a month from us."

"He must be happy and we're all happy here," she says.

But not everyone is. There is much dismay in Sea Point and Green Point where many more "budget blocks" like Immoral Heights are scattered around.

Most are ostensibly holiday accommodation but they often attract "low-life" tenants who live from day

to day on immoral earnings.

Delene Strauss, who lives in Wesels Road, says that she is "a prisoner in her own home" with "undesirables" including prostitutes, pimps and drug sellers lurking around the area.

"We can't allow our children to play outside, it's not safe - it's not even safe for my 21-year-old daughter to walk to the bus stop."

"Pimps have threatened to rape me and kill my boyfriend after we complained about the situation," said Mrs Strauss.

"Bad language, scantily dressed women picking up men, others having sex in cars and drinking in the street is not a good example for children in the area."

"It's hell here, we are paying decent rent to live in a gangland but we may just as well live in a gangland slum."

"We need protection from authorities."

"They must stop blocks of flats turning into slums and hives of crime with deviant characters ruling the streets in the area," said Mrs Strauss.

## Police to tackle crime with an iron fist

CRIME CORRESPONDENT

Police in Sea Point have adopted an iron-fisted approach to crime around sprawling budget accommodation complexes which seemed to attract prostitutes, their pimps and drug dealers.

Louis Strydom of Sea Point police said robbery, theft, rape and drug dealing were rife at certain complexes.

However, he emphasised that there were establishments which had good control over tenants.

Budget guest houses sprang up like "mushrooms", said Superintendent Strydom.

"It's sad that some establishments have to fight to keep their noses clean while unscrupulous landlords coin it at the expense of law-abiding people."

"Our hands are tied when it comes to the tenants but with crime we can put our foot down."

"Sea Point police have embarked on a pro-active drive to find and address crime at its root."

"Certain cheap room-to-rent blocks have been identified as hubs of crime and we are targeting them in the operation to help put the lid on crime in Sea Point."

Sea Point has been in the news after two gang-related shootings in Conifer Street and Main Road left five people dead, and after a murder in Vesperdene Road where a teenage prostitute was found dead in her "holiday" accommodation flat.

Superintendent Strydom said several elderly residents had been attacked and robbed while walking near some of the complexes.

Many prostitutes' clients have lost their cellphones, guns and wallets and in some cases would-be clients were lured to prostitutes' rooms only to be robbed.

"The time has come when the street and the parks must be taken away from the criminals and be given back to the community," said Superintendent Strydom.

Police held a "crime free" on Saturday to highlight the pro-active programme.

## Police hunt Plumstead firebombers

CRIME CORRESPONDENT

Police are hunting the gang which attacked three Plumstead homes with firebombs made of inflammable cans containing highly-flammable gas.

The houses, in Stella Road, Tyerton Road and Severn Road, were attacked early yesterday. In all instances arsonists broke windows and set fire to the interiors.

In one gutted room police found an exploded deodorant can that did not belong to anyone in the house, and sent it away for forensic examination.

The first house targeted was the Stella Road home of pharmacist Colin Leon, who lost irreplaceable books and collectables in the fire.

The gang threw a brick through his study window about 3am and then set the curtains alight.

Minutes later the Tyerton Road home of Mngamadzi Kariem, the Western Cape health department's deputy-director of reproductive services, was attacked.

A neighbour put out the flames with a garden hose and damage was limited to window blinds, a wall and a coffee table.

Banking official Michael Reid's house in Severn Road was attacked next, but the gang had no time to fire-bomb it.

Mr Reid's son woke when a brick crashed through a window. He screamed and this apparently scared off the gang.

Neighbours saw them speed away in a green BMW with a CAW registration.

Police said there was no link between the victims of the attacks, but it was clear the same suspects were involved.

Anyone with information should contact Steven Lewis at 083 270 8261.

## Army cop in car chase

Pretoria - A military policeman was critically injured when he tried to foil an armed robbery in Valhalla, Pretoria, police said.

A spokesman said the man drove into a lamp post when four armed robbers he was pursuing shot at his official car from the bakkie they were driving. - Sapa



AR 20/12/98

# Why Kahn can't cop out of job

## Intensive crime plan is showing progress

Police chief executive Meyer Kahn has put his job on the line, pledging to resign in June if he has not made significant progress in "taking back" the streets from crime.

How likely is he to succeed? Senior colleagues seem to think Mr Kahn's confidence is justified. National Commissioner George Fivaz and Commissioner André Pruis insist their "multidisciplinary" National Crime Prevention Strategy (NCPS) is working and will continue to show progress.

The strategy involves co-ordinating the government departments handling police, security, prosecutions, defence, home affairs, technology, welfare and correctional services.

The man in charge of it all, Bernie Fanaroff, attributes the massive increase in crime to a society in transition, and he points to the change in the security arms of the state, from highly militarised to democratic.

With this change, however, has come uncertainty and a breakdown in discipline.

Police dockets are going missing, escapes from police cells have become a major problem, corruption within the correctional services system has seen warders helping criminals - some of them violent ones - to escape.

Dr Fanaroff makes no bones about it: criminals have not been put off crime, because they don't believe they will be arrested, let alone prosecuted, sentenced and "put away". While citizens may not take solace

## THE BIG ISSUE



While crime rages apparently unabated, a national prevention plan is making small inroads, writes DONWALD PRESSLY

in the fact that crime figures, excluding rape, have been stabilised, Dr Fanaroff believes there will be a drop in the months ahead.

Practical steps have been taken:  
■ South Africa's first detective academy has been set up.  
■ One thousand police holding cells have been upgraded to stem the number of escapes after arrest.

■ Electric fences have been put in place at 19 jails.  
Dr Fanaroff said international computer companies IBM and TRW and local company Motswedi had been hired to study how police docks had gone missing or been stolen.

By July, they will have produced a report on the systems needed to prevent this, and tenders will go out for implementation.  
Dr Fanaroff said the Government was giving itself 18 months to implement an automated fingerprint sys-



It's a crime: scenes like this may soon be a rarity rather than the norm if Meyer Kahn's crime prevention strategy pays off

tem, but it could cost as much as a R1-billion. "Government on government" discussions were being held to seek financial help, but he would not identify the governments being approached.

A confident Mr Kahn believes police morale will start showing a dramatic improvement once the new system of performance evaluation comes into being.

He wants good police officers to quickly rise above the base salary of

R50 000 a year "to at least double that". Corrupt police are being rooted out by the anti-corruption unit.

Sectoral policing is being introduced so that police can be identified easily in the community.

A scientific survey will begin next month of 5 000 households throughout South Africa to determine crime levels and public perceptions of crime.

Dr Fanaroff said domestic crime often went unreported and a clear pic-

ture of these levels was needed. He believed fervently that Mr Kahn was correct in his claims that the interdepartmental approach to resolving crime was working.

There were no excuses now because police could not blame correctional services or prosecutors, or visa versa, for breakdowns in the system.

For example, escapes from custody were reduced by a training programme for warders, while the police

were receiving extra training in coping with the huge increase in police holding cells.

Already, escapes from prisons and hospitals were down substantially, in line with a drop in escapes from correctional institutions. For example, the number of escapes in KwaZulu Natal dropped from 54 in December to 38. In Gauteng, they dropped from 78 to 47.

Mr Kahn may just be able to keep his job.



# More behind official crime statistics than meets the eye

the eye

premises by 2,4% between 1994 and last year.  
It would thus be far more accurate to argue there has been a general stabilisation of crime at high levels. Despite this, though, police statistics do show real increases between 1994 and last year for some serious crimes.

The following, in particular, have increased: serious assault (from 147 551 to 166 775), house-breaking (increased from 167 983 to 183 239), robbery — excluding aggravated robbery — (from 23 380 to 37 841), and rape.

While these statistics represent national crime totals, provincial and local variations are often at odds with these trends. For example, while nationally there has been a decline, murder has increased 22% between 1994 and last year in Mpumalanga; at-

The same, however, does not apply to crimes which are increasing nationally: rape, housebreaking and serious assault show general increases across all provinces. There has already been wide-spread debate about the accuracy of police crime statistics. The danger in the run-up to the election will be an impression that police statistics are being manipulated (even though not true), undermining their credibility even further.

Debate about crime trends, and statistics purporting to represent them, is normal in any democracy. It does not, as the president asserts, "question the legitimacy of the democratic process". Yet if government accuses some parties of distorting the truth, it must not be perceived to be doing the same.

□ Shaw and Louw work for the Institute for Security Studies.

Government risks undermining the credibility of crime statistics by using them for its own ends, write  
**Mark Shaw and Antoinette Louw**

Comparison of the period January to September for each of the years in question. This is because statistics for the last three months of last year will only be available in March this year.

Comparisons between these periods are useful, but may change once the March figures are released, given that some crime levels increase around the holiday period in December. All statistics referred to below are therefore comparisons for the months January to September over the five-year period.

These police statistics are primarily a reading of what crimes the public report to the police. As such, they tend to show lower levels of crime than is actually the case, as not all incidents are reported. Yet recent survey findings suggest police statistics for some

categories of crime are more accurate than has been assumed. For example, two recent city victim surveys suggest that reporting levels for crimes like car theft, burglary and hijacking are relatively accurate. The same, however, does not always apply to a selection of violent crimes such as rape, assault, mugging and some types of robbery.

Based on police statistics, the president correctly argues there is a decline in some categories of crime between 1994 and 1997: murder has decreased by 10% from 19 672 cases in 1994 to 17 709 last year. The same applies to theft of motor vehicles: 77 429 cars were reported stolen in 1994 compared to 74 476 last year.

Also, burglary of business premises declined from 67 098 incidents in 1994 to 65 515 incidents

PRESIDENT Nelson Mandela, in his opening address to Parliament on Friday, told the nation that since 1994 there "has been a marked decline in virtually all serious crimes such as murder, robbery, taxi violence, car-hijacking and others".

This assertion is difficult to prove from the available police statistics. It does little to decrease public fear of crime and further undermines the credibility of police crime statistics, which have in fact improved in quality.

The president's remarks herald further debate about the extent to which crime has grown in the new democratic order.

Police statistics — supplemented by a limited number of victim surveys conducted in specific locations around SA — are the only sources of crime data on which conclusions, such as those drawn by the president, can be reached.

And trends for the years 1994 to 1997 have to be based on a com-



# Corruption ranked the biggest threat to business

Simon Barber

**WASHINGTON** — Corruption and onerous labour regulations are seen by SA entrepreneurs as the most serious government-related constraints on doing business in the country, followed by high taxes and crime, according to a survey released this week by the International Finance Corporation, the World Bank's private investment arm.

The survey, "How businesses see government", is based on questionnaires sent to primarily local companies around the world. There were 3 685 replies from 62 countries. A third of the responses came from African businessmen.

Respondents were given a list of institutional "obstacles" to business and asked

to rate the seriousness of each in their countries on a scale of one, nonexistent, to six, existentially prohibitive. The results were tabulated by 22 regional subgroups, with SA paired with Mauritius as "middle-income Africa".

Overall, businessmen from northeastern Europe (the UK and Ireland) felt "least harassed" by their governments, while those from northwestern South America (Colombia, Ecuador and Venezuela) were the most dissatisfied.

Ranked in descending order of happiness, respondents from SA and Mauritius came in 12th, one place behind western central Africa (Cote d'Ivoire, Ghana and Togo), and just head of western Africa (Guinea, Guinea Bissau and Senegal). Southern Africa (Madagascar, Malawi,

Mozambique and Zimbabwe) placed a disgruntled 22nd.

Rating individual "obstacles" on the one-to-six scale, firms from SA and Mauritius (with SA views statistically dominant) reserved their worst marks — the average was about 4,5 — for corruption and labour relations. More than 75% gave corruption a score of four or higher on the complaint scale, and 53% gave it a five or six. Seventy-three percent said labour relations warranted a four or worse, and 55% gave it a five or six.

High taxes and burdensome tax regulations earned the next highest average score — 4,3 — from the SA/Mauritius sample, closely followed by crime and theft. Other "obstacles" respondents rated, such as trade regulations, access to

finance, foreign currency restrictions, hurdles to starting a new business, and adequacy of infrastructure, received scores between three and four. "Terrorism" caused the least concern, with an average rating of 2,4.

Corruption ranked among the top three "obstacles" for entrepreneurs in all African groups, but in no other African group was there nearly as much griping about labour regulations. "Middle-income Africa" complaints on that score were the second-lowest worldwide, with only respondents in the Colombia, Ecuador and Venezuela group unhappier.

Interestingly, though, grumbles about regulation appeared to be strongly correlated to the prosperity of the grumblers. Respondents from the North American

and European groups (excluding the UK and Ireland) were also among those who claimed to be most put upon by regulations, while entrepreneurs in the former Soviet republics were the least troubled.

"Possibly," the authors of the survey noted, "the reason is that transition economies are still busy building the institutions that control and enforce these kind of regulations."

In Kenya, Tanzania, Uganda and Zambia, the top worries, in descending order, were: taxes, corruption, infrastructure and access to finance. Madagascar, Malawi, Mozambique and Zimbabwe were concerned about inflation, crime and theft, corruption and infrastructure. The top worry for Guinea, Guinea Bissau and Senegal was corruption.

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# 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.

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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 Transkei schools had yet to receive furniture for which payment had been claimed from the provincial government by suppliers.

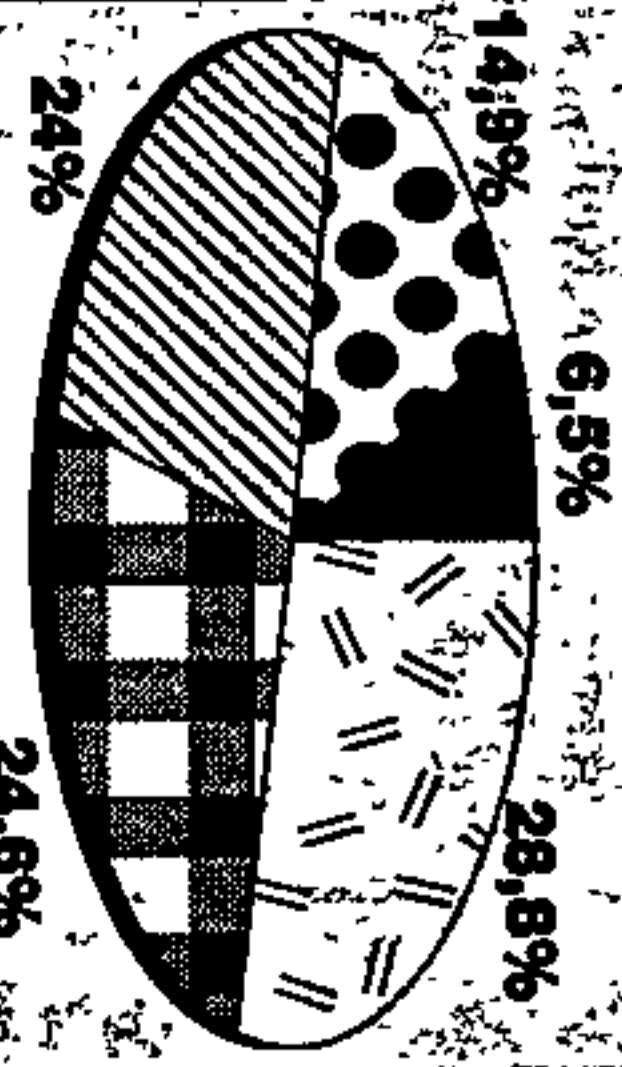
Heath said that if it was not for budget constraints and the resulting staff shortages, irregularities uncovered by the unit "would have been much, much more than that".

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Picture: Page 2



# Perceptions of crime not backed by fact

**Survey of victims dissatisfaction with the police**



The reasons:

- Unreliable and ineffective
- Slow to respond
- Inadequate investigation
- Negative attitude to victims
- No follow-up
- 1.2% did not respond to survey

Graphic: KAREN MCCORMAN  
Source: INSTITUTE FOR SECURITY STUDIES

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**Dustin Chick** THE general perception South Africans had of crime and the actual level of crime in the country were two different things, the Institute for Security Studies said when it released the January 1998 edition of the Nedcor/ISS Crime Index in Midrand yesterday.

The January edition focused on public perceptions of crime and policing. The index is published monthly.

Surveys of the Johannesburg and Durban metropolitan areas showed that people in both cities had a high fear of crime and expressed dissatisfaction with the level of police service delivery.

Mark Shaw, head of the safety in governance programme at the insti-

tute, said it was surprising that the overwhelming majority of people still turned to the police for protection despite being dissatisfied with their service.

In most cases small things such as "a friendly charge office" and "follow-up calls" would go a long way to producing a turnaround in public perceptions of the police.

Shaw pointed out that this was especially important in the light of the fact that most of these negative perceptions grew out of people having had direct contact with the police.

He said the belief that more and more people were turning to alternative forms of policing (including community protection forums and the formation of vigilante groups) was not substantiated.

However, negative sentiment about crime was mirrored in the public support that vigilante groups such as People Against Gangsterism and Drugs enjoyed.

Shaw said the reporting of crime was a problem. The public remained sceptical of police statistics.

He said underreporting (which was more prevalent in Durban) was high, especially in cases of rape and indecent assault.

"Reporting of crime is generally not a very good measure for the precise rate of crime," Shaw said.

There was a danger that an increase in reporting would falsely be translated into an increase in the actual levels of crime.

There was also a public "belief" that prison escapes had escalated, when in fact the number of escapes

last year was markedly down on the previous year.

The institute also said that 7 303 awaiting trial prisoners had escaped from police holding cells last year, while 937 people had escaped from correctional services' department prisons.

Prisons commissioner Khulekani Sihole said there were up to 20% fewer escapes from prisons last year than in 1996.

Shaw said that crime levels had begun to stabilise and in some cases had actually decreased.

Durban crime had peaked in 1996 but was now showing a dramatic decrease.

The institute said it was busy with a similar study in Cape Town, which was due to be released in three weeks.



# 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 Tuynhuys, 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 Stalplein;

● 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

● IFP National Council of Provinces member Geoffrey Bhengu arrived back in Cape Town for the opening of Parliament to find someone had broken into his car, parked at Stalplein.

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, Frene Ginwala, for greater protection.

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ST 15/2/98



# Thugs driving out expertise

NEIL LURSEN  
Washington Letter

**L**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 successful.

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.

The successful ones will be notified by post in May or June, say 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

## ANALYSIS

The cost of crime in SA is far more than the value of stolen property and even the loss of lives. Add the loss of desperately-needed skills and knowledge.

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 Naturalisation 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 promi-



The expertise of nearly 700 South Africans was lost to the US last year.

nence in these and other areas — a tremendous gain for America and a major loss for their homeland.

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 social 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 feared 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 shot.

Another at the same gathering told how both 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 joins 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 explanations are not going to win them much sympathy at home — either from their peers, who have chosen to stay and deal 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 thug 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

BRENDAN TEMPLETON

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 R9 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 Business 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 788 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

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Northern Province (R5 billion); three in the Northern Cape (R17 million); two in Gauteng (R40 million); 11 in Mpumalanga (R622 000); 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.





**CRIME AND BUSINESS:** Philip Krawitz, Gerald Morkel and Peter During of MTN tackled the problems of business and crime at the *Cape Times*/MTN breakfast club meeting yesterday. **PICTURE: ALAN TAYLOR**

## Morkel puts his faith in Madam

**STAFF WRITER**

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).

"Be 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

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 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

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 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 become 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 SA threat

**WILLEM STEENKAMP**

SECURITY WRITER

CT 18/2/98

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 (Sadec) 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 dockets 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-linked 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".



'YOU AIN'T SEEN NOTHING YET'

# Progress by June or I'll quit — Kahn

**MEYER KAHN** believes the police have "turned the corner" in the fight against crime. **DONWALD PRESSLY** reports.

**P**OLICE chief executive Mr Meyer Kahn says he will quit by June if he has not made significant progress in "winning the streets" back from crime.

The former chief executive of South African Breweries, however, did not look like a worried man when he was pressed by journalists at a briefing on the national crime prevention strategy about whether he would achieve his aims.

Encouraging the media to bug him at his office at mid-year, he said if he had not achieved progress in winning back the crime hot-spot — Johannesburg — by then, journalists would find his office empty.

Police Commissioner George Fivaz pledged that Johannesburg would be divided into four new police precincts, under new management, and that there would be a thorough review of senior personnel.

But Kahn, who was appointed to assist Fivaz and Safety and Security secretary Mr Azhar Cachalia last year, believes the police have already "turned the corner" in the fight against crime.

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

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 national crime prevention strategy was working well.

"Co-operation is good ... but changing the soul of the nation is not going to be achieved overnight."

Speaking within earshot of opposition police spokespersons, the National Party's Mr Piet



**TAKING A BOLD STAND:** Police chief Meyer Kahn

Matthee and the Inkatha Freedom Party's Mr Velaphi Ndlovu, Kahn said he agreed that 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 (the fight against crime) is getting better."

The national crime prevention strategy was

"no magical solution", but progress was being made in bringing down all categories of crime, except for rape.

Fivaz said that crime was not only a policing problem, "but society's".

The emphasis would have to be on education, planning the environment to prevent crime and increasing community involvement,

through such mechanisms as police-community forums.

He explained that the crime prevention strategy involved a co-ordinated approach of ministers, directors-general and the departments concerned.

The commissioner said the automated fingerprint identification system, which would replace the manual searching of fingerprint records, would assist the judicial process. This included providing police dockets to courts.

Intelligence procedures, both nationally and internationally, would be assisted by this development.

Kahn said police officers worldwide complained about their salary levels and South African policemen and women were no different. He added that he did not think the base salaries for police officers — close to R50 000 a year, plus medical aid — was out of keeping with "what South Africans earn" at a young age.

However, he would like to see an incentive system working in the years ahead with "good policemen and women" earning double this amount. Steps had already been taken within the police to assess performance.

He said the perception that the police force was riddled with corruption was also wrong. While there had been much focus on corruption, as a result of the work of anti-corruption units, what was important was that the police were rooting out corrupt elements.

Speaking after the briefing, Ndlovu said more officers should be sent out into the field to fight crime.

The stealing of police dockets, which appeared to be plaguing the system, needed to be stopped by employing "honest people" who had the interests of the country at heart.

However, Fivaz said that throwing policemen at crime areas was not necessarily the solution. Identifying the roots of crime was far more critical — combined with an improvement in the intelligence operations.

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# Farmers safer as Mandela plan kicks in

Star 11/2/98

(34)

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

By RYAN CRESSWELL

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 1 277 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 Saad 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 RODNEY  
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 (R2,45-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 rands, 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 lax 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.

Ursula McCrystal, 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, McCrystal 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," McCrystal said.

Stan

(34)



# Kahn upbeat in the fight against crime

(34) Star 18/2/98

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

**OWN CORRESPONDENT AND SAPA**  
Cape Town

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

## 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

(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 policemen 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.





# Call for special inquiry into heists

From 19/2/98

Debate in Parliament raises the question of a link between cash-in-transit robberies and party funding

By DONWALD PRESSLY  
Political Correspondent

Cape Town - Safety and Security Minister Sydney Mufamadi has dismissed suggestions from two opposition parties that an inquiry is needed to establish if political parties are funded by armed robberies, indicating that he had faith in the legal system to provide the public "with all the information" needed.

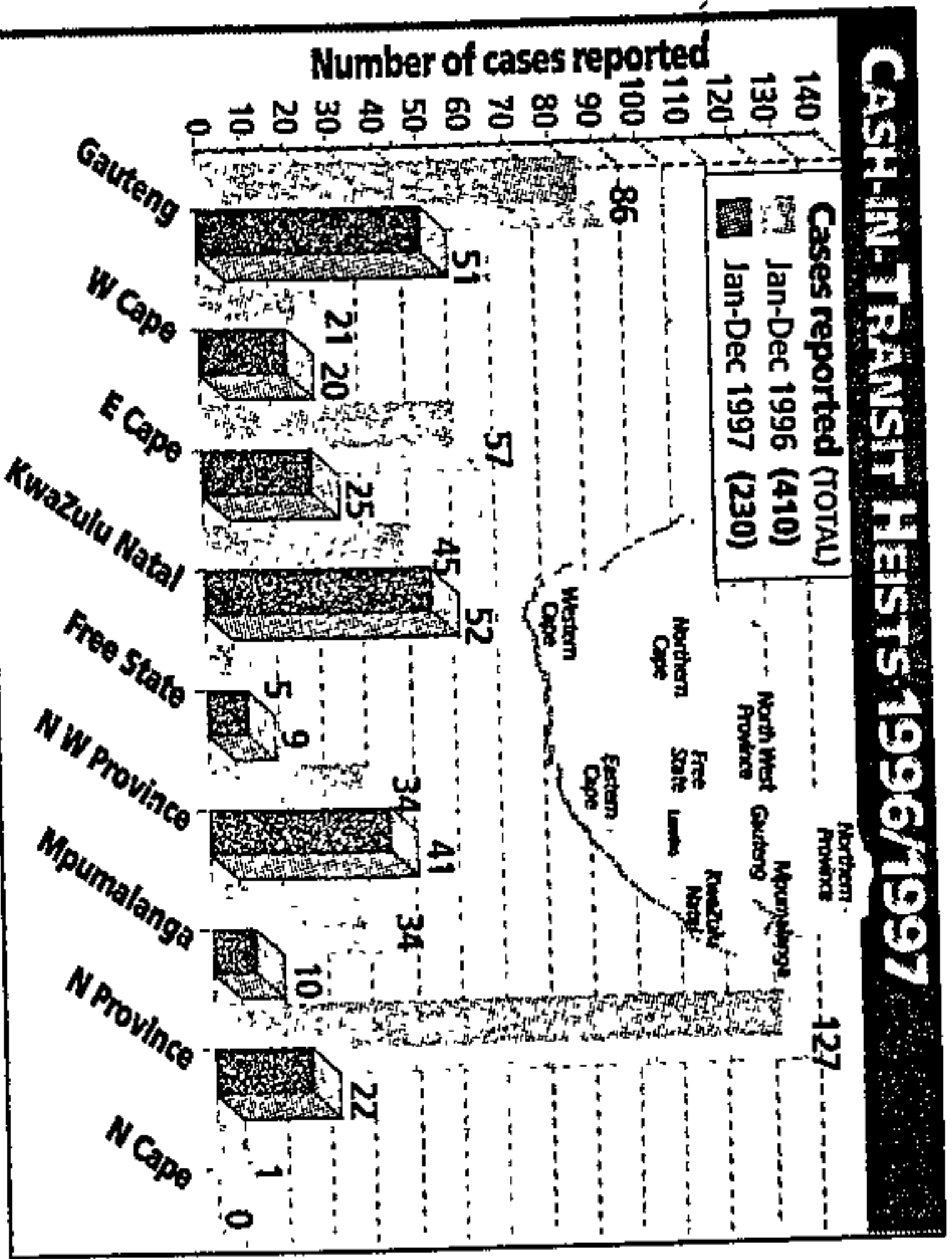
In a debate in Parliament yesterday, Inkatha Freedom Party MP Velaphi Ndlovu asked Mufamadi whether members of the ANC and PAC-aligned liberation armies were involved in cash-in-transit heists. He also asked whether members of the South African National Defence Force and SA Police Service were involved and

why their officers were not taking steps against them.

Without directly naming the ANC, he further wondered whether members of the political establishment "are sharing the money at the end of the day" and whether heists were used "to raise funds for the election to come".

Mufamadi argued, however, that notwithstanding evidence that members of Umkhonto we Sizwe and members of the statutory forces had been involved, most heists were carried out by "criminals who previously committed bank robberies".

African Christian Democratic Party leader Kenneth Meshoe said there appeared to be "no acceptable explanation" for the unwillingness to investigate a possible link between individuals involved in bank



robberies and heists "and members of political parties". "I call on the minister and the (safety and security) department to initiate legislative

About 70 suspects in heists had been arrested since attacks on trucks carrying money to and from banks began in 1992.

Mufamadi said the police were dealing with highly organised syndicates and that it was better "to investigate rather than to speculate". The police had been directed to attend to the problem of heists "in a concerted and focused way", he said.

The operation against heists was in the hands of the serious violent crime component at police headquarters and it had been able "to profile the syndicates involved". The most recent arrest for suspected involvement in a heist was of an SAPS member based in the KwaZulu Natal political capital, Ulundi. - Parliamentary Bureau



# Call for special inquiry into heists

Byron 19/2/98

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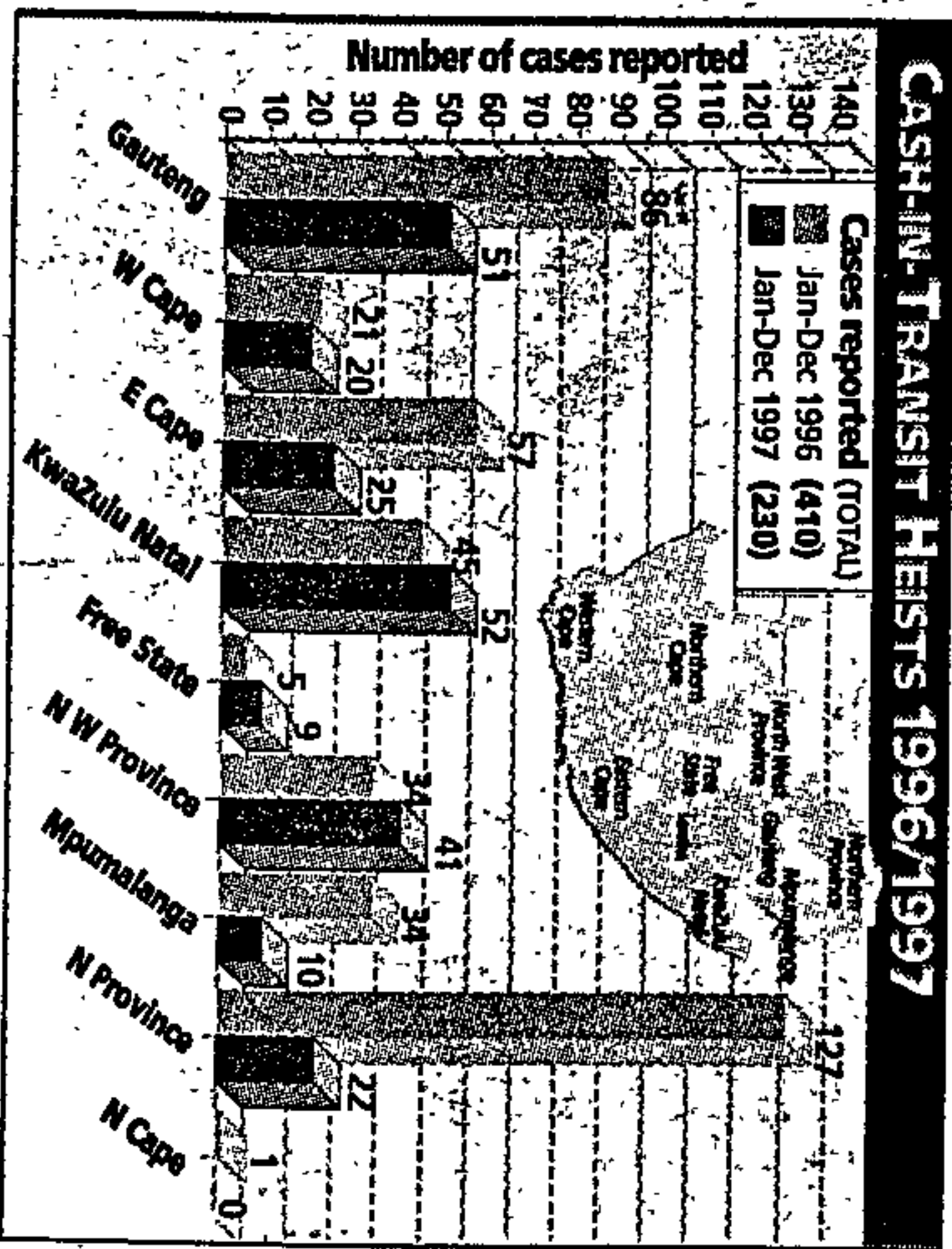
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robberies and heists "and members of political parties".

"I call on the minister and the (safety and security) department to initiate legislative

procedures to prevent any political party from utilising funds obtained by illicit means, including bank robberies and heists," Meshoe said.

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... killing one of them ... in pna (L765MND) 1987 AWWF ... profits about people who would

# Top-level backing for Kahn's approach

Star 20/2/98

(34)

## Praise for his 'bullish' statements and willingness to put himself on the line over crime

By GILL GIFFORD  
AND DONALD PRESSLY

There is growing confidence in informed quarters that police chief executive Meyer Kahn can crack city crime with a co-ordinated approach, use of intelligence and a high-powered team.

This is in spite of a public perception that criminals are running rampant.

Earlier this week Kahn put his job on the line by pledging to resign in June if he had not made significant progress in "taking back" Johannesburg's streets from crime.

"If Kahn can crack crime in Johannesburg, he can crack it anywhere," said Lala Camerer, a senior researcher for the Institute for Security Studies' crime and policing programme. Senior colleagues believe Kahn's confidence is justified.

National Commissioner George Fivaz and Commissioner Andre Pruis insist their

"multidisciplinary" National Crime Prevention Strategy is working and will continue to show progress.

The strategy involves co-ordinating the government departments handling police, security, prosecutions, defence, home affairs, technology, welfare, and correctional services.

The man in charge of it all, Dr Bernie Fanaroff, attributes the massive increase in crime to a society in transition, and points to the change in the security arms of the state from highly militarised to democratic.

"Kahn has stated that he wants to show successes. He has plans for a focused, targeted policing programme and intends using crime information, intelligence and a high-powered team," said Camerer. "His sentiments are bullish, but they're good and inspire confidence," she added.

Doug Smollan, executive chairman of Business Against Crime in Gauteng, said BAC

had full confidence in Kahn. "His approach has so far been low key and quietly purposeful. He has thoroughly investigated and understands the task at hand, and many of his plans have and are still to be implemented," Smollan said.

## A meeting of minds all working together

He said much effort had been generated into co-ordinating the efforts of agencies such as BAC, the Johannesburg Central Community Police Forum and other organisations with the aims of the police.

"We now have a meeting of the minds, not a bunch of

people all pulling in different directions," Smollan said.

It is believed that Kahn is set to intensify his war on Johannesburg street crime in time to show real results by his self-determined June deadline.

Fanaroff believes there will be a further drop in crime in the months ahead.

Practical steps include: South Africa's first detective academy has been set up; 1 000 police holding cells have been upgraded to help stem escapes; and electric fences have been erected at 19 jails.

Fanaroff said private companies had been hired to study dockets going missing or being stolen. By July they would have produced a report on information technology systems needed, and tenders would then go out for implementation.

Fanaroff said the Government was giving itself 18 months to implement an automated fingerprint system costing as much as R1-billion.

"Government-on-government" discussions were being held to seek financial help, but he would not identify the governments being approached.

A confident Kahn believes that police morale will start improving dramatically once the new system of performance evaluation comes into being.

He wants good police officers to rise quickly above the base salary of R50 000 a year "to at least double that".

Corrupt police staff were being rooted out by the anti-corruption unit.

Sectoral policing was being introduced so that policemen and women could be easily identified in the community.

A scientific survey would begin next month of 5 000 households throughout the country to determine crime levels and public perceptions of crime, according to Fanaroff.

More reports  
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The Star  
EDITORIAL

## Dams are overflowing and more rain is



More-sensitive policing and witness-friendly courts are on the cards

# Crime victims have rights too

Amar 21/2/98 (34) (32)

By CHARLENE SMITH

The Government is considering amending the constitution to strengthen the rights of victims of crime.

Legislation to compensate and empower victims, as well as a victims' charter, will be placed before Parliament this year, with a constitutional amendment next year, according to Justice Minister Dullah Omar.

An SA Law Commission discussion paper, which is a step on the road to legislation, will be issued next month.

Willie van Heerden of the SA Law Commission said the issue was high on the Government's agenda and the process was being speeded up. "There will be conferences and workshops to get as much input as possible," he said.

## Outrage

Omar said South African law stated that crime was an offence against the state, "but the state is inanimate. We have to change the notion that crime is a wrong against the state, it is only wrong because it is a crime against people."

"It is not the security of the state that has to be provided for, it's the concerns of people who are outraged and hurt. If we address those concerns, we

will bring an attitude of compassion and humanity into courts, and that protects the state."

One recommendation is that a victims' advisory council be established, which could have statutory powers.

A further proposal is that a percentage of fines should be used to create a fund to compensate victims of serious crime.

On March 16, researchers will begin visiting 4 000 households nationwide as part of a R1,8-million National Victimisation Survey to establish shortfalls in services to victims. Prepared in concert with the United Nations Development Programme, it will form part of an international study. The first results are expected in June.

Lorraine Glanz of the Secretariat for Safety and Security said this would give a picture of crime independent of police statistics - which show a drop in crime - and would focus police resources more effectively.

A major thrust of anti-crime measures this year will be to enhance the protection of victims and witnesses, provide more-witness-friendly courts and more-sensitive policing, and a concerted move away from the widely held perception that the constitution is "perpetrator-friendly".  
In terms of proposals, victims



**ATTITUDE OF COMPASSION:** Studies show that enhancing the rights of victims leads to a drop in serious crime, says Justice Minister Dullah Omar

or their families would be able to make victim impact statements at bail hearings, which could see bail denied or made more onerous. These statements would also be made at the time of sentencing and at parole hearings. Courts are concerned that threats against

witnesses are causing more cases to be derailed. Threatening behaviour would lead to rapid police and court action.

The Government would retain its strong protective stance towards women and children and adopt a far more sensitive approach to the families of murder victims.

An average of 65 people are murdered in South Africa daily, and Dr Rika Snyman, who heads the committee on victim empowerment under the National Crime Prevention Strategy, says surveys show that 10 people are directly affected as a result of each murder, with a cumulative impact on society.

Omar said international studies had shown there was a direct correlation between enhanced victims' rights and a drop in serious crime.

"If a court shows it cares for the victim, it says to the public that the wrong done to this person needs to be addressed. The culture of a society changes, reversing a culture of violence and the illegitimate exercise of power. Communities become more sympathetic to victims and act more assertively to prevent crime."

The legislation, backed by the amendment to the Bill of Rights in the constitution, would ensure that victims would be treated more sensi-

tively by the police and courts. They would be kept informed of the progress of the case and could take action against un-co-operative state officials, or against those accused who threatened witnesses and victims, or their families.

The Government is already implementing measures to boost victims' rights.

Omar said: "We have a deliberate policy at courts to ensure that magistrates introduce measures that make courts more victim-friendly. But communities themselves need to create environments where victims do not feel isolated."

## Separate rooms

For example, courts in Johannesburg and Mitchell's Plain have introduced separate witness waiting rooms, so that witnesses can sit in comfort, away from the accused and his or her cohorts. Provisions have also been made at these courts to get witnesses home safely if they lack transport. Courts in Durban will soon follow suit.

A major grant from the Irish government will ensure that every major urban court will soon receive information desks, of the sort initiated recently at the Pretoria Magistrate's Court, where the public can inquire about cases and judicial processes.



# Organised crime targets SA

(34) Sowetan 20/2/98

## Serious crime figures are down but much remains to be done

By Joe Mdhlela and Themba Molefe

**T**HE 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 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 to fight 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 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 an alternative source 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 underplay the police successes.

“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.



Safety and Security Minister Sydney Mufamadi and Police Commissioner George Fivaz. PIC: ANTONIO MUCHAVE

“It is important sometimes not 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

destabilises 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.”

It is clear we have become a target of organised crime

We have statistics to prove the crime rate is coming down



# Claims of low crime (34) disputed

Azapo rejects Kahn's statement

By Saint Molakeng

**T**HE 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 portfo-

lio 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

*Southern 18/2/98*

## - Khan

*(34)*  
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 Developing Community countries, he said.

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



COMPUTER CRIME

# Hacking law on the horizon

SA lags behind UK, US in cracking down on hackers

(34) FM 6/2/98

**M**ooted 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



Ian Melamed . . . wants criminals behind bars

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 under-skilled 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 pass 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 McLeod**



WHITE-COLLAR CRIME

fm 6/2/98 (24)

# 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 31 584 commercial crime dockets — 80% for fraud — unresolved nationwide, involving more than R7bn.

A desperate business 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, pros-

ecutors 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 R900/hour.

But Rennies Travel 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. A manager with 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 has 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 rumbled when Benjy 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 (R11m) 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



## WHITE-COLLAR CRIME: TIP OF AN ICEBERG

Case	Amount involved	Date completed	Attorney-General
Fancourt	R110m	March 5 97	Western Cape
Zhauns Textile	R6,3m	April 21 97	Western Cape
TPA/NPA contracts	R3m	August 20 97	Natal & Transvaal
Silvis Barnard	R9,8m	October 9 97	Witwatersrand
Puma sales	R12,6m	October 15 97	Transvaal
Granaglia Trust	R0,75m	October 16 97	Western Cape
Owen Wiggins	R12m	November 4 97	Western Cape
MMF	Indeterminable	November 10 97	Various

Investigations completed by OSEO during 1997. Reports passed to Attorneys-General. No prosecutions yet. SOURCE: OSEO



has been sequestrated and six close corporations he was involved with have been liquidated. NBS has paid R7,7m at public auction for three of the CCs, which owned about 144 houses built, it is alleged, from the proceeds of the scam.

The luckless investors have initiated High Court civil claims against NBS, Assante and Nel for their R137m. The first action, by African Life, is to start on April 30.

But there have been no arrests or criminal charges. Swanepoel says: "We've got two advocates on the matter and we've briefed Price Waterhouse to do a forensic investigation. Our target date for completion of the investigation is April.

"We had discussions with the Witwatersrand Attorney-General last December and asked him to make a prosecutor available to start working on the case. But he didn't have anyone available."

NBS director John Maxwell finds the judicial system "very frustrating" when it comes to the absence of criminal charges over the Kempton Park affair.

In Gauteng alone there is a backlog of about 10 000 commercial crime dockets still "open" and awaiting decisions on prosecution. Business Against Crime is proposing to raise R2,5m from the private sector to employ 10 retired prosecutors to ease this

backlog, as a pilot project.

Other corporate leaders want to go further, setting up a fund through Business Against Crime to retain top private-sector advocates to prosecute major fraud trials.

De Vries comments: "If such a project does come to fruition it will have to be a formalised fund under control of the Department of Justice.

"What I and other AGs reject is that a complainant in a case should fund the prosecution by an advocate of their choice in that particular matter.

"In my opinion it is clear that in future, involved commercial matters will have to be dealt with by private advocates as was the case before 1970. I would certainly support such a move to privatisation."

He says "the prosecution of commercial crime poses certain problems of a complex nature. An Attorney-General does not have investigative powers. These cases have to be investigated by the SA Police Services, who have their own problems concerning levels of experience and personnel.

"After the completion of the investigation, the prosecution decides on the institution of a prosecution, and thereafter conducts the case in court. This is an extended process and usually occupies one advocate for a number of years." Jack Lundin

#### SARFU vs MANDELA

## Line-out in High Court

Tshwete file reveals questions being asked of Louis Luyt

"Has the board of Ellis Park Stadium (Pty)(Ltd)(Ellis Park) at any time considered or affected any resolution to purchase any movable property from any board member or any other individual closely connected to any board member?"

Court papers now reveal that the above question was one of several written questions put to the establishment at Ellis Park in July last year. The questions form part of the so-called Tshwete file which finally became public when the high profile court case between the SA Rugby Football Union (Sarf) and President Nelson Mandela began recently in the Pretoria High Court. Sarfu is seeking to halt a commission of inquiry into the rugby industry appointed by Mandela in October last year.

Sarf's council, advocate Mike Maritz argued that the Sports Minister, Steve

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## 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 1995 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 fitted 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 parity 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, R462m 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 Malala



# SA crime is getting organised

(34)

MTG 13-19/2/98

*Mandela claims crime is waning, but criminal syndicates could be gaining strength, writes*

**David Beresford**

**S**outh 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", Collin Chauke.

A recent report from the World Economic Forum said 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 Mokaba while he was on the run from police.

And at the weekend Chauke himself told *City Press* — cheekily meeting its chief crime reporter, Phalane Motale, outside Soshanguve police station — that the top detective hunting him, Bushy Engelbrecht, was part of a criminal syndicate together with other top police officers.

Mokaba 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 canker might extend further 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



**Daylight robbery: South Africa could be going the way of gang-riddled Colombia and Russia, and the security forces seem unable to stem the tide of crime. PHOTOGRAPH: GREG MARINOVICH/PICTURENET AFRICA**

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-links, 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 and 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".

**A**t the same time the ground was effectively being prepared for the development of organised crime syndicates with establishment of strategic alliances between elements of the security services and the criminal underworld, reflected in the involvement of the special forces in such activities as the smuggling of ivory and rhino horn.

How far this process went is not known, because, despite sensational disclosures about hit-squad activities, little is known about the special units which engaged in this kind of activity and what happened to its operatives with the collapse of apartheid.

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 programme, 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 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 46 468 in 1991/92 to 19 895 in 1995/96.

The wholesale flight of experienced detectives from the force (including the highly regarded former commissioner with responsibility for fighting organised crime, Nieels 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

JUDGE Willem Heath is recovering more public money, and preventing more losses of state assets, than anyone in this country's history. Yet a debate is brewing about the broad powers which enable his special unit to act quickly against official corruption.

Heath, whose energy, dedication and integrity are unquestioned — even by his critics — is frustrated by the requirement that each investigation must be authorised by a specific presidential proclamation. He wants authority to investigate and act against corruption anywhere in the country.

One of Heath's objections is the "laughable" situation that an investigation has to be done to justify the proclamation for the investigation, resulting in accusations that the unit sometimes operates without a legal mandate. Another is that instead of proclamations being issued within days, the unit can wait six months, by which time its investigations can be nearing completion.

Proclamations are due in the next few weeks which Heath predicts will immediately be followed by some "grand slam" crackdowns on official corruption.

Some senior lawyers, however, believe Heath's unit already has too much power. They object to what they see as an increasing tendency to bypass the courts, and

believe that if fast-track procedures are needed to deal with corruption they should be implemented within the legal system. They also question the procedure that has been adopted by Heath of stretching a small budget by negotiating, wherever possible, payment of his unit's expenses from funds recovered on behalf of the public administrations.

Heath has left for Germany, where he will be given the input of legal experts in a revised draft of the Special Investigating Units and Special Tribunals Act.

His proposed amendments will start a new debate on whether special powers are warranted in the fight against corruption and, if so, how they should be applied.

There will also be a national spotlight on the 53-year-old judge, until now little known outside the Eastern Cape, which is where his unit is based.

Heath has no doubt that special anticorruption measures are needed and successful. He says the Heath commission, set up in 1995 to investigate corruption in the Eastern Cape, recovered or

prevented the loss of at least R10bn in public assets. A further R10bn is under investigation by his special unit, which was established in 1996 to investigate corruption in all the public administrations in the country.



Not all of his colleagues agree with these figures, and Heath says the unit is undertaking an exact calculation of the amounts involved. He argues, however, that the unit's successes justify a bigger budget — at least double the R16m he is likely to get for 1998/99, and if possible R30m more. Additional staff would recover additional billions, he says.

He wants government to see his unit as a business venture: in the fight against corruption you have to spend money to recover money.

Heath strongly denies the special powers given to his unit are unfair to the people against whom it acts. The unit has wide powers to enter and search premises, to seize documents and to subpoena witnesses in support of its investigations. It then presents this evidence to a special tribunal, which can make a ruling on the seizure of

assets or the repayment of money to the state.

The tribunal can also issue an urgent interdict preventing an action, which Heath says has resulted in huge savings by halting corrupt practices.

Heath, who has a reputation for some landmark judgments on human rights, is hurt by the suggestion that the fast-track procedure of the unit and the related tribunal could infringe the civil

DD 21/9/98

(34) (see)

rights of those it investigates. He is offended by the suggestion that it might be a kangaroo court: one of the unit's prime functions is to uphold section 33 of the constitution, which guarantees the right to fair administrative action and clean government.

The shortened procedure relates only to documents, Heath says, and defendants have the right to see everything — unlike a high court action where a discovery procedure is necessary. "There is no hampering of rights. We are completely transparent and we play open cards."

While Heath says that his unit is one of 13 with special powers, including water, taxation and expropriation courts, a critic sees both legal and constitutional dangers in the increasing use of tribunals which are appointed by the executive.

"In the old days government said special measures were needed to combat terrorism. If special measures are needed

now to combat corruption, we should speed up the courts, not bypass them. We should not fall into the trap of saying the end justifies the means," he says.

Peter Hodes, chairman of the general council of the bar, is another opponent of special tribunals in SA.

He believes there should be a review of the legislation setting up Heath's unit, including its possible disbanding. Hodes wants an investigation into whether anticorruption measures should be dealt with in the courts using fast-track procedures such as those in Western Australia.

In the coming debate, Heath will have support from Mpumalanga premier Mathews Phosa and Peter Miles, chairman of the Border-Kei chamber of commerce. Both say Heath is forthright, fearless and effective, and that the country needs people like him to tackle corruption.

They also say he has a tendency to step on official toes, which does not make his task easier.

One critic says Heath "thinks he is a crusader sent from heaven", a supporter says Heath's problems include the "sensitive, jealousies and egos" of other lawyers and government officials. The debate about how the country tackles corruption clearly involves the personality of the man at the forefront of the battle.



HEATH



# 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

## INSIDE STORY

The proposed Open Democracy Act - due to be tabled later this year - will shelter those exposing corruption and fraud in the public sector, writes **MANDY TAYLOR**

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

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(34) (242)



# THIS ISSUES



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. If 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 1995, 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

ARG 3/3/98 (34) (257) (250)

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 whistle-blowers in the private sector.
- Extending the protection to the courts (for example, if court clerks or translators 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

ARG 4/13/98  
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 465 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 1996.

"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.



# 'No third force behind farm attacks'

# CT 4/3/98

(34) (B)

## 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 combina-

tion 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

BY GILL GIFFORD AND SAPA

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.

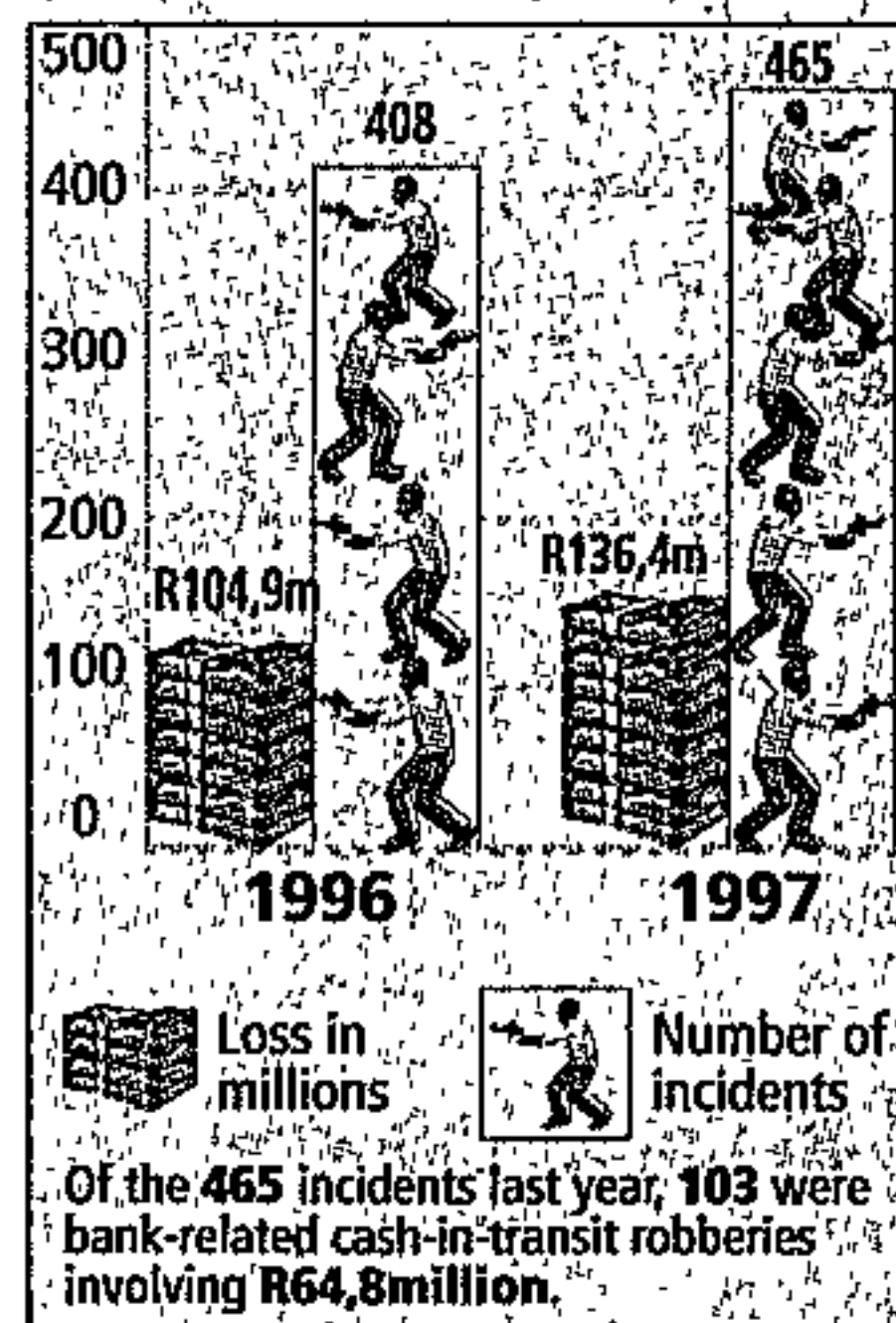
Cosab's research, which contradicts police statistics which show a decline in armed robberies, also states that the justice system has exercised too little expertise in prosecuting robbers and fraud perpetrators.

"We are not saying that government 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 465 robberies in which R136-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 29,4% 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 Mossie Myburgh, a former SAPS syndicate fraud 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 to improve 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

Star 4/3/98 (34)

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

By Rich Mkhondo  
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 Benin, Ivory Coast, Ghana, Kenya, Nigeria, Senegal and Tanzania.

Cited as countries with

less significant narcotics problems 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 interministerial 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 diplomats dispute claim that crime is on decline

(34)

Foreign diplomats yesterday disputed government claims that serious crime had decreased, saying they felt unsafe in South Africa.

"Armed crime, at least as far as we are concerned, is not on the decline," Peter Scholz, deputy to the German ambassador, told Safety and Security Minister Sydney Mufamadi in Pretoria.

Briefing foreign diplomats, Mufamadi said official statistics revealed most serious crimes were on the decline.

Scholz said at least one or two workers at the

German Embassy in Pretoria fell victim to a mugging, a burglary or an armed attack every month. "Whoever you talk to in the diplomatic community tells you about more or less the same thing."

Scholz said the latest incident involving a member of the German Embassy was an armed mugging about 200m from the Union Buildings.

Peko Dreganov, dean of the diplomatic corps, told Mufamadi that diplomats were concerned about a lack of police visibility at embassies.

Mufamadi said he was not disputing that crime was still a major problem.

"Incidents will occur from time to time, but this does not alter the fact that we are beginning to see some degree of stabilisation."

Mufamadi said embassy protection units had been formed at Sunnyside and Brooklyn police stations.

Director Maricijie Louw, commander of Sunnyside police station, confirmed that muggings in the area had increased.

STW 7/3/98

STW 7/3/98



# 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 29 posts at Oseo offices. The unit has 48 people

working for it throughout the country.

*ARG 9/3/98*  
**'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 29 vacancies have been filled, we will try to finish the cases with which we are busy with at the moment,

*(34)*  
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

ART 9/3/98 (35) (2008)

**SPECIAL  
REPORT**



**CHENÉ BLIGNAUT**

Hi-tech barriers may be installed at V&A Waterfront exits to prevent cars leaving during emergencies, 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 apparently shot back.

The Waterfront had no control over private guards and some of them



LEON LESTRADE

**On duty:** Sergeant David Mitchell, left, and Captain Christopher January patrol the crowded Waterfront to ensure visitors' safety

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 103ha 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 there.

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 car thefts a month.
- About 12 reported cases of shoplifting a month.
- Two tourists mugged near the Coen Steytler 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 Landing 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

Stephané Bothma

(34) 0013/3/98

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.

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Anatoly Kulikov and SA's Safety and Security Minister Sydney Mufamadi in Pretoria yesterday to combat crime. The agreement would, include the exchange of police attaches by both countries.

Picture: ANDY KATZ



# DP leader challenges Mbeki on crime syndicates claim

ARG 13/3/98  
(34)

**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

(34) Souetan 13/3/98

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 Kulikov.

Kulikov 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

(34)  
(2000)

FM 13/3/98  
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". ■



# Commercial crime is out of control, according to police

SHIRLEY JONES

KWAZULU NATAL EDITOR

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.

ET(BR) 16/3/98 (34)



# Ustinov spearheads

# UN crime crackdown

## Actor plugs new project on SA visit

ARGENTINA 18/19/98

(34)

**FAROOK KHAN**  
ARGUS CORRESPONDENT

Durban - The United Nations is to launch a World Court which will have the power to prosecute criminals who run international rackets from drug running to terrorism - a move spearheaded by globe-trotting actor and author Sir Peter Ustinov.

Ustinov, chairman of the World Federalist Association, said: "Crime has become a global problem and a court which will deal with really big time, organised crime will be a reality."

"It will be administered by the United Nations and it has taken a man from Africa, secretary-general Kofi Annan, to clear the way for this to happen."

"Crime is going to become more

extensive and we need a non-governmental organisation to handle a complex problem like this.

"It's like the Red Cross - someone walked across a battlefield, looked at the carnage and hated what they saw.

"That led to the Red Cross. The same goes for other organisations whose work have become more important than some governments. It's a new form of democracy."

He did not want to comment on the crime rate in South Africa, saying he had not had the opportunity to see the situation at first hand.

Turning his attention to his visit to South Africa, Ustinov said he was working on a television special dealing with legendary American author Mark Twain.

Granada Television is retracing Twain's travels 100 years later and Ustinov is the narrator.

"Twain visited a Trappist Monastery in Mariannhill and we have come to see if it has changed and to report those details.

"It has indeed changed and I have been told that the clergy which serve here did not want to be simply an order that was reflective.

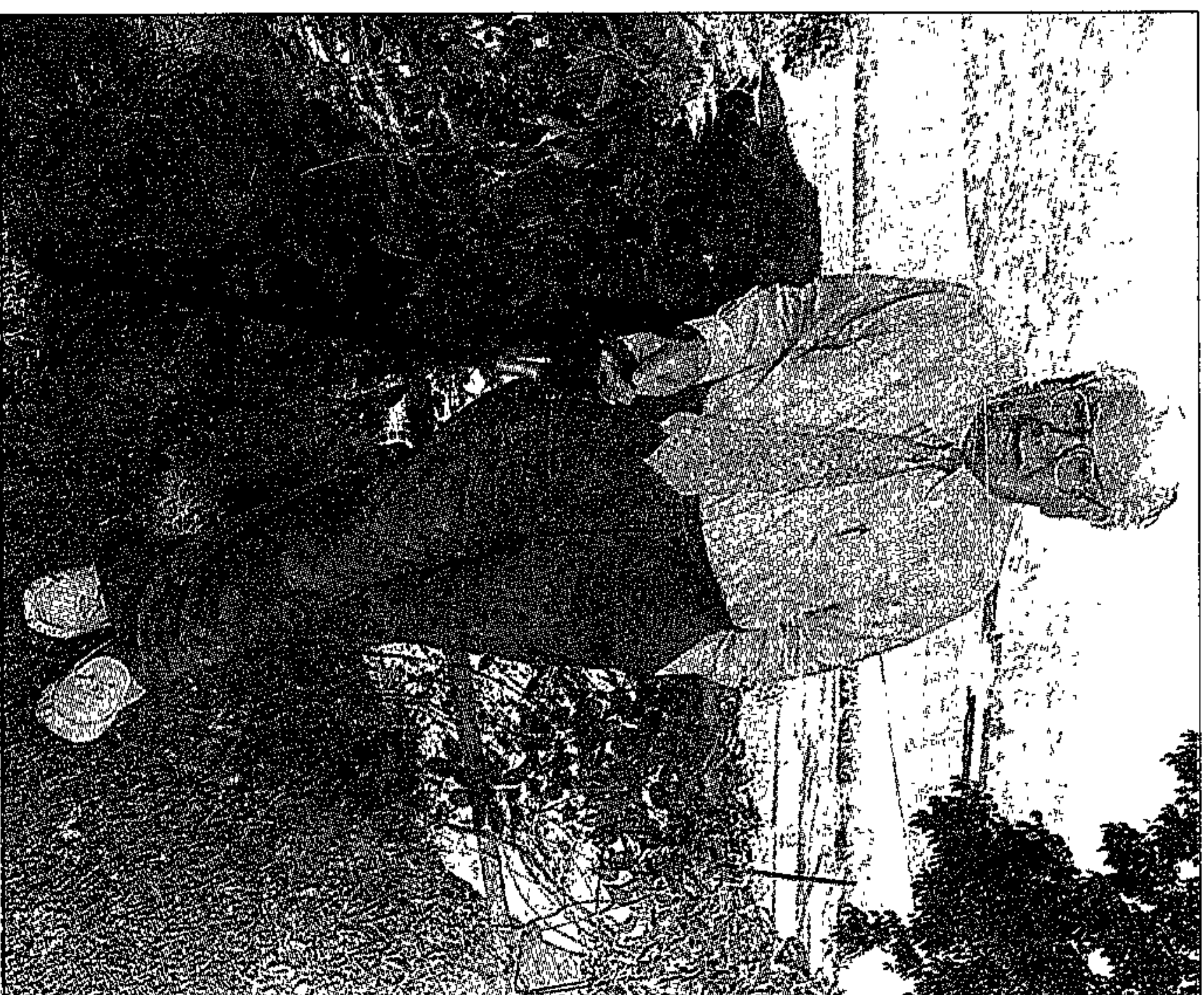
"They said that they had come to work and to be involved with the people," he said.

During his visit in Durban, Ustinov went to the Playhouse theatre to watch Pieter-Dirk Uys's latest performance.

"It is very good to find a kindred spirit.

"That kind of subversion is a necessity to the health of any state," said Ustinov.

From Durban he will go to Kimberley, before visiting Cape Town next week.



Raconteur: Sir Peter Ustinov at the Mariannhill Monastery in Durban



# Evidence on heists stolen from NIA

By JIMMY SEEPE

COMPUTERS containing sensitive investigative material regarding elements in the South African Police Service who are involved in the cash-in-transit heists were stolen from the police's Anti-Corruption Unit head office in Pretoria on Friday.

The theft, the second from the same offices in less than two weeks, was discovered on Friday morning and there is suspicion that the same individuals are involved. Police spokesperson charged with the case, Peter du Plessis, told City Press that police are convinced that the thefts were conducted by people familiar with the building and the computers they needed to steal.

Du Plessis said about seven computers and notebooks were stolen in the two burglaries. Keys to the building and several drawers are said to have also been stolen, prompting the police to change locks.

There are now growing suspicions that certain members within the Anti-Corruption Unit in the same office might have had a hand in the burglary, which has stunned the police hierarchy.

A top level investigation into the theft has been called. Investigators are said to have already identified a few individuals who might have been involved in the theft.

Safety and Security Minister Sydney Mufamadi's spokesperson, Andre Martin, told City Press that the minister was perturbed about the burglary and would issue a state-

ment after he has been given a full-report on the matter.

There is now concern that elements within the police and security forces are actively trying to compromise the government's security measures.

The latest burglary comes barely seven months after similar incidents at the new offices of the National Intelligence Agency last year.

In one of the break-ins at NIA headquarters, important equipment valued at R1,18 million was removed. Suspicion in the case was directed at people working within the system.

At the time of the break-in an electrified perimeter fence had been disarmed because of construction work.

The perpetrators are alleged to have known exactly where to find the computers.

The stolen equipment, specially made for the NIA, had included a debugging device and a telephone-fax intercepting machine capable of intercepting 30 calls at a time.

In another incident, 11 kombis belonging to NIA were stolen from rented premises in Pretoria. Neither the kombis nor the perpetrators have been traced.

Deputy president Thabo Mbeki, commenting on the theft at the ANC Youth League Conference on Friday said "there were still recidivist tendencies within the state administration bent on subverting the country's democratic process."

Mbeki said there were still individuals who did not want the government to succeed

EP 22/9/98

(34)



# The gun king behind heists

CP 20/3/98

(34)

*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 Kwa-Zulu-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 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 now.

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 Engelbrecht 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 investi-

gated.

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

(34) Sowetan 26/3/98

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 auto tellers 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 R5,5 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.

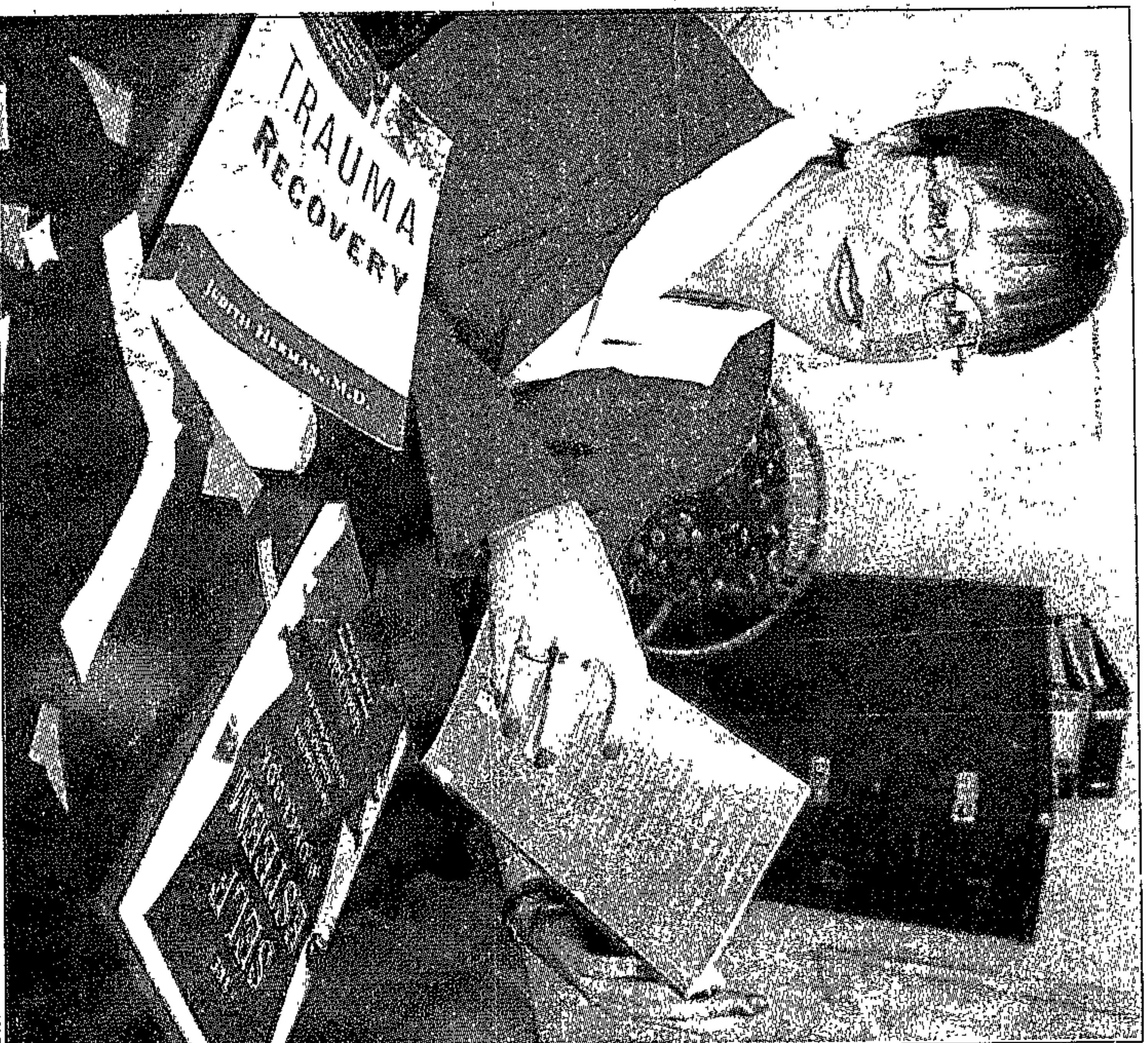
By year end last year, the total funds of the banks amounted to R549 billion.

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.





ROY WILLET  
Support system: company staff needing counselling after a traumatic event now have a professional service to turn to, says staff counselling network organiser Jackie Stewart

# New network established to assist crime trauma sufferers

## Violence levels rise as victims start shooting back

LINDSAY BARNES  
STAFF REPORTER

Armed robberies in the Western Cape are becoming more violent, with robbers now more inclined to shoot, says Peninsula Murder and Robbery commander Grant Smith.

This has been caused by a rise in firearm ownership and the criminals' knowledge that in many circumstances they will now meet with stronger resistance.

As the level of violence in criminal activity continues to rise, the number of people who are likely to be traumatised in armed robberies, hijackings, house break-ins or gang warfare is increasing.

Undergoing such traumatic events may lead to severe stress reactions, which, if not treated quickly, can result in post-traumatic stress disorder.

With this in mind, Cape Mental Health, the oldest mental health organisation in the country, has launched a staff counselling network.

"Over the years we have had more and

more calls from businesses for counselling on work-related problems; we decided to take a more proactive role," said network manager Jackie Stewart.

The network helps people work through crises such as hijackings and assaults, as well as personal and work-related problems, including interpersonal conflict, marital conflict, depression, stress and burnout.

The aim of the initiative is to boost productivity in the Western Cape by counselling employees on issues that have a negative impact on their work performance.

Following severe trauma - such as an armed robbery at a departmental store - debriefing is used to reduce stress and promote quick recovery of traumatised staff.

The debriefing is a confidential, non-judgmental discussion which is held within 72 hours of the incident having taken place, and focuses on the wellbeing of the staff, without apportioning blame or attempting to find the cause.

The service is offered on a 24-hour basis with Ms Stewart contactable on her cell phone whenever needed.

"If I am called immediately after an attack, it is important to go straight to the scene to get an idea of the layout of the area.

"It gives me a sense of where everybody was," she said.

Usually no counselling takes place within the first 24 hours of a crime, as victims go through a state of denial, shock and numbness.

A group debriefing involves taking staff through the facts and emotions of what happened, with each person giving their story and describing what was for them the most traumatic aspect.

"We look at the symptoms - nightmares, mood swings, and emotions.

"People often feel very emotional or anxious; we reassure them these are normal reactions and then discuss re-entry issues, which is how they will return to a normal life."

The cost of the debriefing is R275 an hour. It is followed up two weeks later with a less formal debriefing which is supportive and reassuring, aiming to pick up those who continue to experience emotional difficulties.

One-on-one follow-up sessions are advised for these employees, at a cost of R140 an hour.

For companies whose staff fall into the high-risk trauma category, such as security guards, garage attendants, convenience store operators, bank tellers, cash-in-transit guards, department store employees, journalists, and police and traffic officials, the network offers a retainer policy with a reduced monthly flat rate.

When personal and work-related problems affect a person's ability to function at the office, the help of a skilled therapist is advised.

A third service offered by the network is capacity-building workshops, which help develop people's potential. These cost R140 an hour for one or two days.

The workshops help enhance staff's self-concept and relationships with colleagues.

The services are offered in English, Afrikaans and Xhosa.

Contact Cape Mental Health in Observatory at 47-9040, or Jackie Stewart at 082 658-4537.



# CAPE ARGUS

## SPOTLIGHT ON CRIME

### Help Cape Argus fight crime in the Western Cape.

Each Monday we run a column on the province's most wanted criminals and suspects, publishing their identity photographs with details of their heinous crimes.

Do your bit for your city: if you recognise a suspect in this column contact the investigation unit listed or phone Crime Stop at 0800 11 12 13.

All information will be treated in confidence – you don't have to give your name.

But be warned – most of these suspects are dangerous and under no circumstances should you approach them or try to apprehend them yourself.

Contact the police immediately. If the suspect is arrested, you may be eligible for a substantial reward from the police.

When these suspects are caught with your help and good detective work we will let you know with follow-ups in this column.



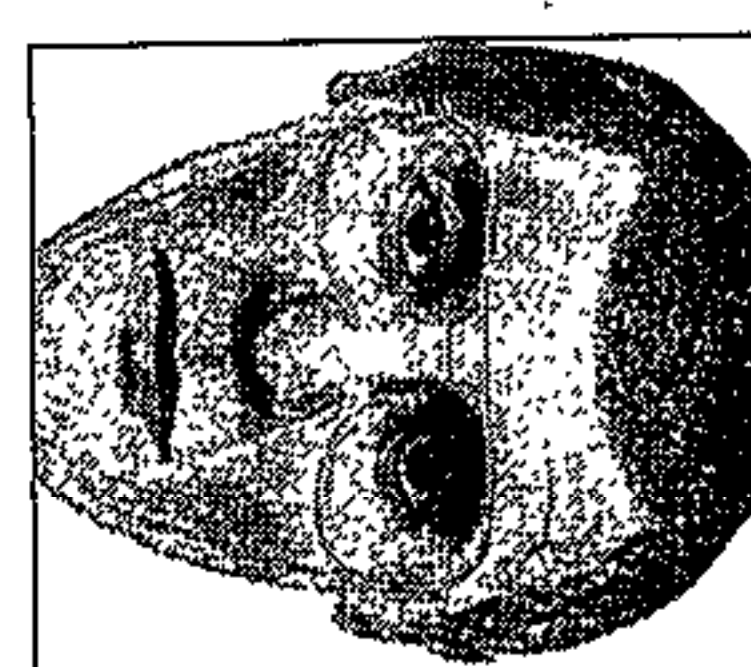
Jeremia Chapatsa, Staff Reporter



Mortimer Rhodes



Joseph Rayners



Identikit

## Police seek Volkskas Bank robbery suspect

### LINDSAY BARNES STAFF REPORTER

Police are looking for the fourth member of a gang of bank robbers who disappeared while on bail before standing trial for his alleged crime.

Jeremia Chapatsa, now 32, was a student in Cape Town at the time of his alleged involvement in the armed robbery of Volkskas Bank in Parow in 1993.

He and three other men allegedly entered the bank, held the staff at gunpoint and seized R83 000 in cash from the tellers and the bank's safe.

Some of this money was later recovered. All four suspects were arrested and are incarcerated at Brandvlei Prison, but Mr Chapatsa disappeared before standing trial.

All attempts to trace him have failed. At the time of the attack he resided in Sharpeville. Police believe he may be in the Johannesburg area.

They warn that he may be armed and dangerous.

Anyone with information is asked to contact Detective Sergeant Deon de Villiers at the Peninsula Murder and Robbery Unit at 951 6665 or page him at 418 4616 (code 47695)

or Crime Stop at 0800 11-12-13 and quote case number CAS 418/09/92.

■ Mortimer Rhodes, alias "Naughty", is wanted in connection with housebreakings in Woodstock and Bellville South. It is alleged he broke into business premises and stole computer equipment.

He is well known in Bellville South and Belhar.

Contact Detective Sergeant Steyn of the Organised Crime Unit at 467 6672 or 083 2729288 or Crime Stop at 0800 11-12-13 and quote case number CAS 557/06/93 (Bellville South).

■ Joseph Rayners, alias "Bielie", is wanted for various alleged crimes in Atlantis, including dealing in dagga and mandrax and unlawful possession of ammunition.

Contact Detective Sergeant Phillips at Sanab at 946 2060 or Crime Stop at 0800 11-12-13 and cite case number CAS 374/01/94 (Atlantis).

■ Police are looking for the suspect pictured in the identikit above, in connection with a housebreaking and an attack on a woman in Kloof Street, Gardens on March 4 this year.

Contact Detective Sergeant Chris Cloete at 467 6351 or Crime Stop at 0800 11-12-13 and quote case number CAS 370/03/98.



# 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 clamour 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 criminal elements running riot in our townships".

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

The victims were 40-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 Patricia Preciado-Elliott (57); and floral artist Gwen Barlow (87), who were murdered execution-style in the Eastern Cape mountain village of Hogsback 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.

Preciado-Elliott had come to South Africa a few years ago "to do good works" and had worked at Victoria Hospital near 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

MM 16/10/98

**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."

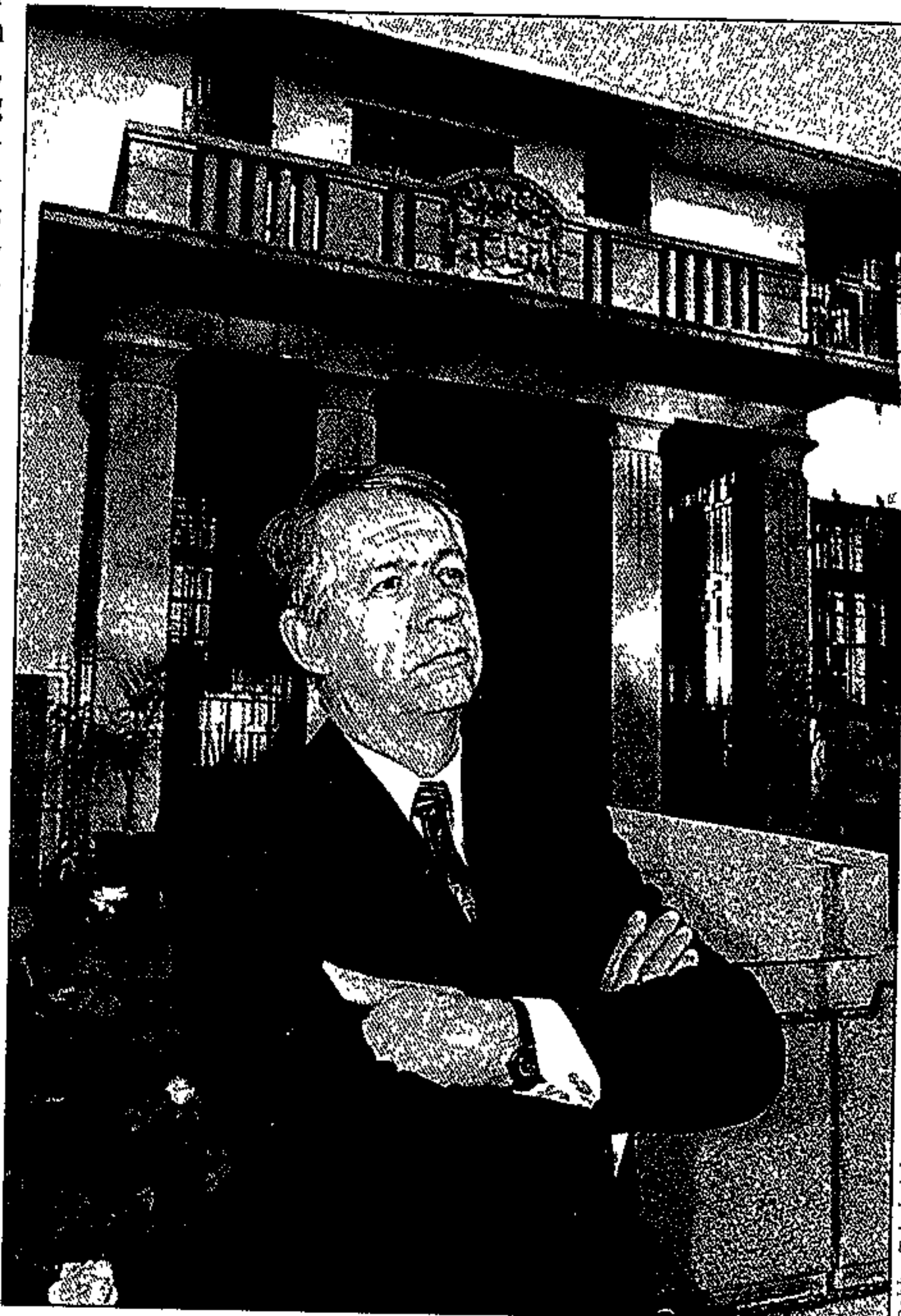
Exactly what it will mean, though, the Minister couldn't say. Nor could he say how, or whether, it would entail cutting the Heath unit's R16,4m budget.

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.

Peter Honey



Judge Heath . . . probing high-profile politicians

Robbie Tshabalala



## Honest civil servants 'more important than systems' ~~(25)~~ ET 11/11/98 (34)

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 Visagie 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

(34) Swaneper 2/11/98

GREED and a gullible public are among factors that increase white-collar crime. Advocate Jan Swanepoel, director of Investigating Directorate of Serious Economic Offences (Idseo), 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 Mahlati, 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 R994 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 Idseo was at

present handling about 10 High Court cases nationally.

Some of the cases involved three Americans, a German and Dr Alan Boesak and Dr Wouter Basson. They were also investigating JSE-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.

## Proceeds of crime

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

Legislation still before Parliament include the Money Laundering Control Bill which prohibit 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 crime, according to Swanepoel, included weak management control systems, political uncertainty and a general lack of morality.

His office was receiving more information from newspapers and the black community than before.



# SA crime becoming more violent and brutal

Wyndham Hartley

Police also say Gauteng farm murders are up 500% — but report has 'good news'

(34) Feb 4/11/98

CAPE TOWN — Murders on Gauteng farms had increased by more than 500% and crime in SA showed a tendency of becoming more violent and brutal, in spite of crime having stabilised in the past year, Parliament's safety and security committee was told.

Chris de Kock, head of the SA Police Service's Crime Information Management Centre, said in his third quarterly report that common robbery without aggravating circumstances was the only area of serious crime on the increase.

De Kock said that by international standards both the incidence and the nature of crimes against the person were very frequent and unacceptably violent and brutal.

Alcohol and drug abuse had been identified as possible causes of extreme violence as they often stimulated this behaviour.

De Kock said criminals became more violent as ordinary people took more precautions to protect their possessions. De Kock said the report was good news

because serious crimes had remained stable, despite the economic distress suffered by the country in recent months.

He said the vast majority of murder cases, most of which occurred in the Western Cape, resulted from the excessive use of drugs and alcohol and took place among people who knew one another. The more dramatic killings such as hijackings and bank robberies constituted a small percentage.

De Kock also said that police statistics

had found that the main reason for attacks on farmers was criminal and not political.

He said the first six months of 1998, compared to the first six months of 1997, showed a staggering 70% increase in both attacks and in cases where lives were lost.

The worst-hit province was Gauteng, which had experienced a 533% increase in farm murders.

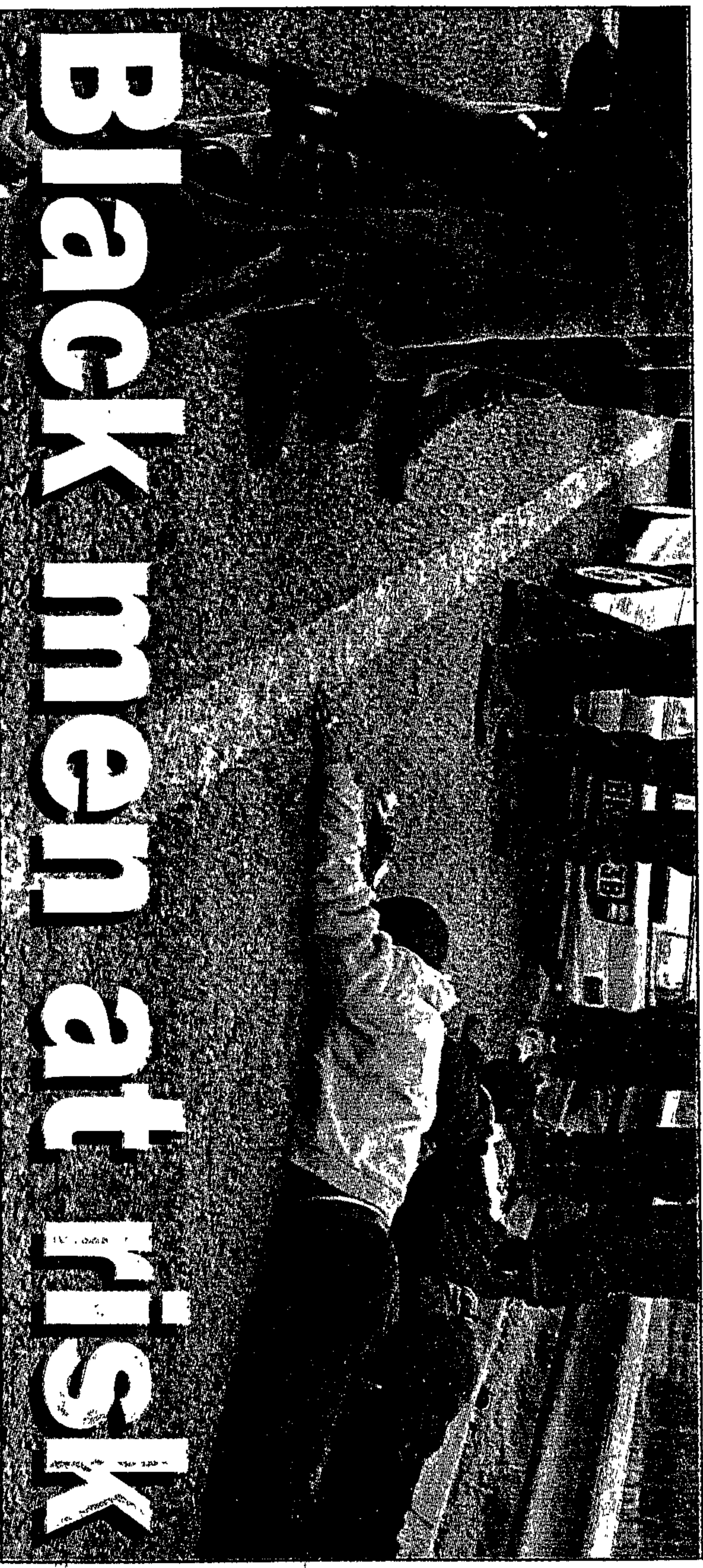
SA was the capital of the world for cases of rape; had the second highest robbery with

aggravating circumstances in the world and had the third highest incidence of murder among Interpol reporting countries.

Hijackings had increased by 10.6% over the first six months of 1997, with the largest increase of 300% occurring in the Northern Cape. The Johannesburg area of Gauteng recorded a 113% increase with a total of 1 196 cases from January to June.

The murder of police officials was also among the highest in the world. This had increased by 3.4%, with 120 murders in the first six months of the year compared to the same time in 1997.





# Black men at risk

By Ido Lekota

34

**V**IOLENT crime is on the rise in South Africa, but more ominous is the revelation that black male motorists are the main target for hijackers.

Dr Chris de Kock, of the Crime Information Management Centre (CIMC) of the South African Police Service, said this in Parliament yesterday while presenting the quarterly report on the incidence of serious crimes between January and June.

De Kock said crimes had become exceptionally violent because the public had become more security conscious. This included the fitting of anti-hijack devices and sophisticated home security systems.

South Africa's violent history had to a large degree also led to the rationalisation of violence

among criminals, he said.

According to the report, black male motorists were the most hijacked during the period under review, followed by white male motorists.

Asian and coloured motorists suffered a low incidence of vehicle hijacking.

However, in the Western Cape coloured males, followed by black males, were prone to being victims of hijacking.

Males are more likely to be hijacked than females, says the report.

This could be because there are more male drivers or because male drivers, such as long-distance drivers, spend more time on the road.

The report also says that most of vehicles hijacked in South Africa were sedans. However, bakkies were the most frequently hijacked vehicles in Kwazulu-Natal, Mpumalanga, Northern Province and the Northern Cape.

De Kock also said Gauteng continued to bear the unfortunate title of being the country's capital of organised crime, including hijackings, armed robbery, car theft and fraud.

The province also came second in the murder stakes, after the Western Cape.

Between January and June, Gauteng accounted for 4 219 hijackings, followed by Kwazulu-Natal with 1 112 and Mpumalanga with 207.

Meanwhile, the report says murders on farms and smallholdings have fallen to 65 from 84 in the same period last year.

However, in Gauteng such incidents have increased from nine to 19; in the Western Cape from one to five; while the Northern Cape joined the ranks from nothing to two this year.

Mpumalanga saw a decrease in such incidents from 11 last year to nine this year.

A dramatic decrease also occurred in the Free

State - from 12 murders to two this year - while Kwazulu-Natal saw a fall from 24 to 14; the Eastern Cape from nine to two; Northern Province from nine to five and North West from nine to seven.

Preliminary research by the CIMC showed that the overwhelming majority of murders in South Africa are related to alcohol and drug abuse, interpersonal and domestic conflict.

Premeditated murders, like those during farm attacks, robberies and hijackings, accounted for a very small percentage of murders.

It has also been established that the main motive behind farm attacks was robbery.

Although common assault, shoplifting, commercial and drug-related crimes had stabilised or were decreasing, figures for the period show an increase in common "street" crime, such as bag-or cellphone-snatching.







# D-Day for organised crime

THE Prevention of Organised Crime Bill, which is expected to enjoy smooth passage through the National Assembly today — and the National Council of Provinces next week — is a gangster's worst nightmare. **ROGER FRIEDMAN** reports.

**T**HE drastic nature of the proposed anti-gangster legislation reflects the seriousness of the problem. Organised crime has flourished in South Africa for the past 10-15 years. As crime bosses have built empires and developed ever-increasing degrees of sophistication, law-enforcement agencies have appeared unable or unwilling to stop them.

In the Western Cape, gang bosses — even the most notorious ones — seldom appear in court. If they do, the charges are usually withdrawn. Those with criminal records, you will often find, were convicted many years ago. They have never been particularly concerned about hiding their assets because their assets have never really been threatened. In many ways, the Western Cape has become a gangster's paradise.

But now the balance of power is shifting. A powerful

new law-enforcement agency, armed with powerful new laws, is poised to hurt criminal organisations in a variety of ways — by criminalising gang membership, by targeting gang leadership and by seizing illegally acquired assets.

Justice Minister Dullah Omar told the World Conference on Organised Crime recently: "Organised crime syndicates seek to profit from the exploitation of political instability, underfunded law enforcement, pervasive institutional corruption and exploitation of entrepreneurial opportunities. These, coupled with difficulties in the economy, the organisation of law enforcement and criminal justice, give rise to conditions conducive to the flourishing of organised crime syndicates."

"In many countries in Africa, criminal organisations have infiltrated senior state and government structures, undermining the performance of their economies and the very system of democratic governance. For South Africa, the re-integration of the country into the international community has opened opportunities for criminal organisations to establish international links and adopt some of the more sophisticated methods of operation that are used by international crime organisations."

Percy Sonn heads the new agency, known as the Investigating Directorate: Organised Crime and Public Safety. He described the Prevention of Organised Crime Bill yesterday as being "definitely the main, expert tool of my unit, especially against more senior members of criminal groups". He added: "You cannot hope to find Mandrax in a gang leader's pocket."

He said the bill was "the expression of a realisation in government that this problem is much more serious than any of us thought".

Sonn's team includes senior advocates from the prosecutorial and private sectors, senior investigators from the revenue service, and trusted investigators and intelligence agents.

"We are particularly after the people responsible for violent crimes and drug-trafficking. These include people who use violent means to seek motives other than profit. We will try and tighten up serious cases related to organised crime, ensure that dockets are prepared quickly and that they are not full of holes. The unit is national, but I'm going to look exclusively at the Western Cape for at least the next three years," said Sonn.

ANC MP Willie Hofmeyr, who helped draft the bill, said he was confident the legislation would travel swiftly through both houses of Parliament and be promulgated by President Nelson Mandela before the end of the year. He ran through certain provisions of the bill. "If, for

(34) CT 6/11/98

## THREE LIKELY TARGETS



RASHIED STAGGIE

JOHN STANFIELD

MICHAEL BOOYSEN

Hard Living gang / The Firm

South coast gang / The Firm

East Bay gang / Boonpaan Crime Family

### KNOWN REGISTERED CASES INVESTIGATED BY POLICE

32 6 20

### CHARGES INCLUDED

Weapons, drug trafficking and murder  
Weapons, drug trafficking and obstructing police  
Assault, murder and attempted murder

### NUMBER OF CONVICTIONS

18 3 4

Weapons, assault and housebreaking  
Weapons, obstructing police and malicious damage to property  
Assault, obstructing police

### PRESENT STATUS

On the street  
On the street  
Under house arrest

example, a person convicted for proceeds of prostitution five years ago is now convicted on a minor drug-dealing charge — and can be proven to belong to a gang — then even if he gets six months in prison for the drug offence he can also be convicted of racketeering and face a 10-20 year sentence. This is technically known as 'compounding'.

"Then, more important for the crime bosses, it will also be an offence to manage or conspire with others to manage an organisation where other members of the organisation are perpetrating crime. If, for example, you can convict one person from the Hard Livings gang of racketeering, you could convict another person for managing him.

"The major advantage is that it will allow the prosecution to charge 10 or 20 people in one trial by linking them all to a gang. The fact that one guy can only be seen to have driven a car for the gang should be seen in the context that the gang commits murder."

The Proceeds of Crime Act allows that where someone has been found guilty of an offence, there is a presumption that all his or her assets are the proceeds of crime. The onus is on him or her to prove otherwise. However, this is dependent on a conviction.

"The civil forfeiture of criminal assets in the Prevention of Organised Crime Bill works differently," Hofmeyr said. "If, for example, the state can prove that a house in London Road was used for the commission of an offence, then it can apply to the court for an ex parte order to seize the house."



Newsletter 6/11/98

# SA as <sup>(34)</sup> corrupt as ever - Heath

By Russel Molefe

CORRUPTION in South Africa before the national elections in 1994 was as 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 both the provincial and national governments had taken to combat corruption, the special investigating unit was more intent 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 recoveries 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 curb corrup-  
VOV62 2AVA rlvreG CC



# BMW Chairman sounds warning about SA's crime

*Situation is being monitored* (34) CP 8/11/98

By ALI MPHAKI

THE crime situation in South Africa, and in particular the recent rape of two Swiss 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 1996 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 stabilization 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 1968, 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 pro-



**SUPPORT IS CONDITIONAL...** Thabo Mbeki's dream of an African Renaissance may lose BMW's practical assistance if crime in SA is not curbed.

duction of the 3-Series range of vehicles.

With the newly installed machinery and technology duly commissioned and the plant fully reintegrated 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 (34) 9/11/98

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 multibillion-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.

Omar countered: "Because the bill contains drastic measures, the task team looked extensively at the constitutionality of these measures and they are confident that they will comply with our constitution." He was supported in this view by all political parties.

Omar agreed effective enforcement was the most important issue in the fight against organised crime. That was why Ngcuka had set up the new elite Organised Crime Unit "in record time".

African National Congress MP Willie Hofmeyr said one of the biggest problems encountered in dealing with organised crime was a legal issue. It was very difficult to convict gang bosses because they were seldom directly involved in a particular crime. The bill, by introducing three new measures aimed at sophisticated organised crime, aimed to correct this.

The first is based on racketeering legislation used effectively against the Mafia in the US. It makes it a crime to manage any organisation if its members are committing serious offences.

This makes it possible to convict gang bosses by proving they are in a position of authority over those who are committing crime. It is not necessary to prove they are directly involved in a specific crime.

The maximum fine and jail term for racketeering has been set at R1bn and life imprisonment.

The second measure allows the state to use a civil action to seize any asset that has been used to commit a crime or is the proceed of a crime. Hofmeyr said the advantage of this was it was easier to use than a criminal trial as the state only had to prove its case on a balance of probability — "a 51% chance".

This new measure would, for example, allow the police to act against the many houses on the Cape Flats being used to sell drugs. Not only does it hit the gang bosses "in the pocket", but it also makes it more difficult for them to operate because the police can seize the houses, bars, nightclubs and even cars that gangs need to operate.

The bill's third measure introduces the "Al Capone" option by allowing the justice system greater access to information held by the receiver of revenue.



NGCUKA



# Pagad hits at anti-gang bill

*Organised crime legislation 'aimed at our group'*

(34) ARG 9/11/98

ASHLEY SMITH  
STAFF 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 Rylands on Saturday, the organisation's legal spokesman, Cassiem 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 drug fight.

"Every Mandrax tablet the drug merchant sells kills a child and kills a community. The Government must say with us, 'Kill the merchants, kill'," said Mr Parker.

Pagad spokesman Goolam Allie said the organisation had brought a new consciousness to South Africa about the illegal drug trade and how it was destroying communities.

Nothing would silence Pagad or stop the organisation from continuing its programme, he said.



Top table: senior Pagad members, including national co-ordinator Abdus-Salaam Ebrahim, second from left, at a mass rally in Rylands yesterday

LEON MULLER



Star 9/11/98

# Gang busters eye trust-fund rackets

(34)

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 wittingly 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 ac-

counts 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 body 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 became 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 it 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



George Fivaz ... in hot water as SAPS overspends by R116-million.

overspending of R40,5-million, and spending of RDP funds of R76,2-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 funds spending was similarly harsh: "Parliament makes funds avail-

able 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 for money was received".

The report noted that R105 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 R310 955 in 1997 to R693 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 messes and canteens and on the payment of rewards.

It also recommended that effective steps to 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, chairperson 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 Heath 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. Sang-

weni 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

Shaw 10/11/98

Shaw 10/11/98 (34)



# Local govt the front line of crime war

The prevention of crime will be more effective if it is linked to local government initiatives, writes Azar Cachalia in the wake of an international crime conference held in SA last week

**C**RIME prevention has reached a watershed in SA. While the National Crime Prevention Strategy has placed the issue on the agenda at national and provincial government level, the challenge now is to make local crime prevention a reality.

This new focus, while following international trends of crime prevention, represents a significant shift in government thinking around the issue. Criticism that crime prevention and policing in SA are excessively centralised are undercut by this localised approach.

Putting crime prevention on the agenda of local government was a central theme of an international symposium held in Johannesburg last week which was attended by more than 650 delegates and practitioners, 200 of them from SA. Lost among the news coverage of the truth commission and jobs summit, the conference may, however, have equally far-reaching consequences.

The road to the Johannesburg conference has been a long one, which follows a series of international conferences and meetings on urban safety and crime prevention that took place in Strasbourg in 1986, Barcelona in 1987, Montreal in 1989, Paris in 1991 and Vancouver in 1996.

But the situation must be contextualised in South African terms. Here, as in other societies, high levels of crime have accompanied the transition to democracy. But the change did not automatically bring with it a system of criminal justice or crime prevention immediately able to counter the problem.

However, a key outcome of the emerging policy debate in SA is to put crime prevention on the agenda of a range of role-players within our society. This is based on the recognition that many crime prevention (as opposed to policing) initiatives require the co-operation of actors across multiple spheres of activity.

Preventing crime demands a process of analysis to determine the

cause of specific types of criminal actions (and their costs for victims) as well as the co-ordination of resources and skills of a range of role-players to develop and implement appropriate interventions.

These requirements mean that crime prevention programmes are most likely to be effective if developed in the locality of the problem, rather than at national level.

This has been recognised in SA. The recently released white paper on safety and security follows the example of other countries around the world, arguing for a key role for municipal government in relation to crime prevention at local level. The conference also noted that local government is often best placed to co-ordinate and implement crime prevention programmes on the ground.

In SA, as elsewhere, city and town government constitutes the lowest level where planning can take the needs of local communities and particular crime problems into account, thus providing a potentially effective link between locally-elected officials, municipal departments and, in SA's case, the national police service.

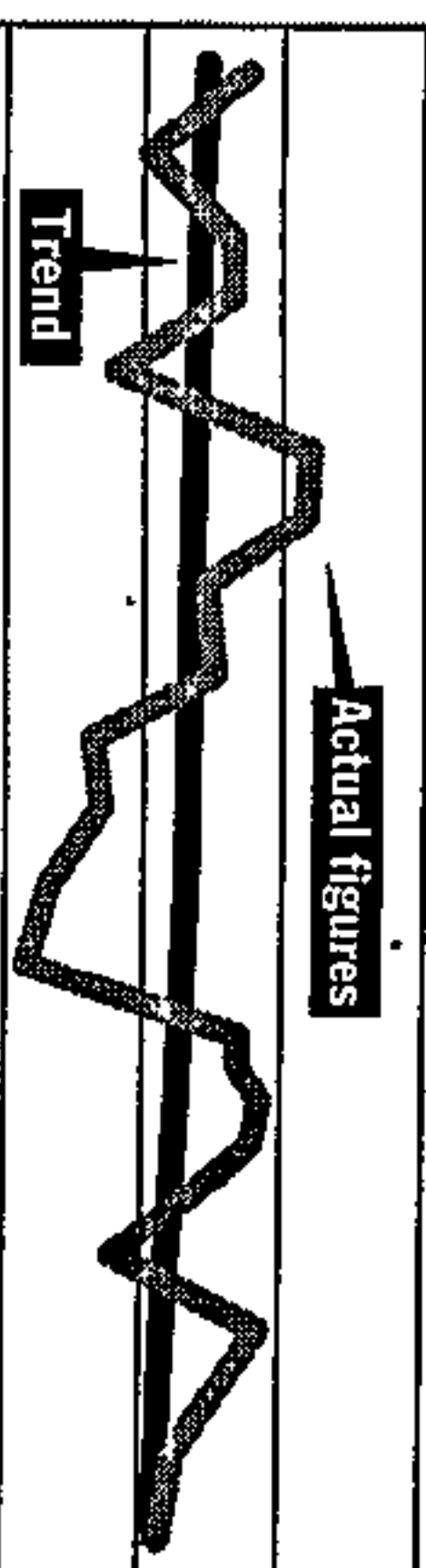
It should be recognised that while crime prevention strategies and approaches are only in their early stages in SA, much has already been learnt. This is particularly the case in the nascent Safer Cities programmes being established in Johannesburg, Cape Town, Durban and Pretoria. Such initiatives constitute important pilot studies to involve local government in crime prevention.

At the same time, these developments in SA have the potential to feed into — and learn from — an emerging global debate on urban safety. Over the past decade — as was clear from the run-up to the Johannesburg conference — there has been a growing trend towards concentrating the bulk of crime prevention effort and its control not nationally, or even provincially, but at the level of cities or towns.

The past five years have seen a proliferation of forums in which

## Local initiatives help to bring down crime

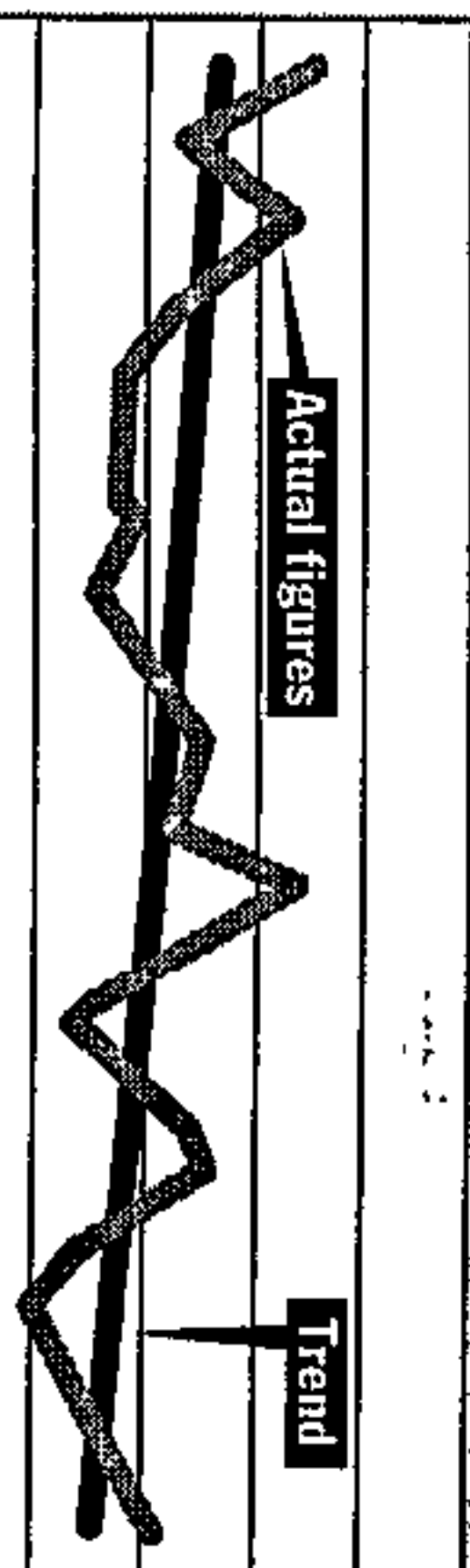
Johannesburg area: Highjacking of motor vehicles



Johannesburg area: Bank robbery



Johannesburg area: Residential burglary



KUBEN DAVID/BUSINESS DAY SOURCE: SECRETARIAT FOR SAFETY AND SECURITY

cities share experiences of optimal approaches to urban safety and security. SA's cities and towns can play an important role in developing these forums to take into account the particular problems of crime prevention in the developing world. But despite both an emerging poli-

cy consensus and growing justification for local government to play a much larger role in crime prevention initiatives in SA, much work still remains to be done as to how exactly this can be achieved. It is possible, however, to identify four areas where local government

may have a key role to play in relation to crime prevention.

First, many of the functions of local government have consequences for crime prevention. These range from more overt functions such as the enforcement of by-laws to the delivery of services which aim to ensure adequate quality of life for citizens. Thus, the key to crime prevention at local government level is well-managed municipalities effectively performing their service delivery functions.

Second, over and above the efficient provision of municipal services, local government has a key role to play in delivering crime prevention by aligning some functions within a crime prevention framework. Where, for example, would new lighting have the greatest effect on the prevention of crime or could new development projects be planned in such a way as to specifically facilitate crime prevention. Currently, however, the potential crime prevention functions of different departments within municipalities have not been recognised or clearly defined. That suggests that some communication and co-operation between the police agency and local government is required.

Third, co-operation between the police and local government should do more than just identify areas where local government intervention would have some effect. Local councillors, as elected representatives of communities, have a useful role to play in improving the accountability of policing at local level. While constitutionally, local government is not in a position to interfere in police operations, councillors are in a strong position to influence police priorities. This could be done in a number of ways depend-

ing on the particular needs or capacity in any area. For example, regular attendance by locally elected representatives on community police fora; the establishment of crime prevention forums between local government bodies and the police and the joint setting of priorities between local government and police.

Fourth, where capacity exists, local government has a key role to play in initiating and co-ordinating crime prevention programmes. Even if local government itself is only in a position to make a small financial investment in crime prevention interventions, a useful role can be played in bringing together different role players in the field.

All of these themes were discussed at the conference. The experience of cities and towns in other parts of the world as well as the emerging approach in SA meant there was much to learn from each other. In the longer term, however, the national government in SA has a key role to play beyond the conference in sharing experience of best practice for crime prevention.

The establishment of a crime prevention centre within the secretariat for safety and security at national level, as outlined by the white paper, will, in conjunction with provincial secretariats for safety and security, have a critical part to play.

The next five years will be an exciting time for crime prevention practitioners in SA. There is little doubt that the shared experience of crime prevention practitioners in Johannesburg both strengthened existing and initiated new crime prevention projects in SA, Africa and elsewhere around the world.

Critically, the focus on crime prevention in developing countries will have a longer-term effect on how crime prevention at local level is conceptualised and implemented — not only here but elsewhere in the developing world.

□ Cachalia is secretary for safety and security.

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# Lack of sanction at root of corruption in public sector

Govt lacks the technical expertise to build cases against the perpetrators

Linda Ensor

CAPE TOWN — The absence of effective forms of sanctions against those accused of corruption and fraud within the public sector was highlighted during the public sector anti-corruption conference yesterday.

During a commission on financial management and control chaired by Deputy Finance Minister Gill Marcus, financial and fiscal commission chairman Murphy Morobe said that while there was a lot of exposure of corruption in government, few of those accused were sanctioned. "The misdemeanours are exposed and then nothing happens."

Morobe said human resource development was important because, however perfect a financial management system was, it needed people to apply it and stick to the rules. "If not, someone's head has got to roll," Morobe said.

Public servants needed to undergo an induction programme introducing them to the ethics, norms and standards of the organisation. They should be bound by contracts of employment which could be used as a yard-

stick for performance assessments.

Finance officials from the provinces said the fact that those charged with corruption could remain suspended on full pay for years created the impression that the system was ineffective. Where there were disciplinary or court proceedings, the perpetrators usually got off scot free because of a lack of technical expertise within government about how to build a case against them.

To address this problem and ensure the punishment of miscreants, the government of Mpumalanga had decided to form an investigative unit to be staffed by experienced former policemen. Experienced magistrates would preside over the cases.

Provincial officials cited also the lack of internal controls and procedures in the public sector to detect and deal with corruption, and the low calibre of staff in the provincial finance departments.

Only about 50% of national departments had internal audit functions, the commission heard, and suffered a lack of basic information required for financial management.

Marcus warned that corruption in government permeated society and ultimately led to a loss of confidence in the institution.

The most common form of fraud in the public service was cheque fraud. Personnel in some departments had been bribed to sell state cheques to syndicates operating in this area, including the sale of blank cheques.

The banking services division of state expenditure had discovered 426 fraudulent cheques in the year to end-March with a face value of R24m. Fortunately, payment was prevented in most cases.

Themba Hlangani reports that the Post Office has dismissed more than 240 employees found guilty of fraud and corruption, while 90 members of the public have been arrested for similar charges since April. This was said by GM Vukile Mehana in Cape Town yesterday.

Mehana said a lot of corruption had been rooted out because of the co-operation management had received from trade unions and employees who were "not allowing them (criminals) to tarnish the company's image and put jobs in jeopardy".

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# State pours more troops into

# Skweyva set to boost staff of hard-pressed public

CLIVE SAWYER AND CHARLES PHILLANE  
Political Staff

The Government is deploying more troops in its war on corruption by quadrupling the staff of the embattled public protector's office.

The decision follows an appeal by Public Protector Zola Skweyva, who has a backlog of 1000

cases, some dating back two years.

Announcing the boost, Public Service Minister Zola Skweyva said his department was assisting in planning to enable the public protector's office to expand its service delivery potential in three to five years.

The decision coincides with a national public sector anti-corruption conference being held at Parliament, which is expected to be followed by a far-reaching review of the working of anti-corruption agencies and laws.

Proposed reform of the public protector's office involves the establishment of two new branches, one to investigate at the national level of Government, the other at regional level.

Approximately 70% of this expansion involves investigative staff, of which

the majority will be operative in regional offices in each of the provinces.

Dr Skweyva said the expansion of the office was "in line with the fact that the public protector has to be accessible to all South Africans".

The conference enters its final day today and will consolidate ideas emerging from commissions. These would lead to a programme

of action which will feed into the anti-corruption summit in February.

Justice Minister Dullah Omar, who will deliver the closing address today, could be asked to lead a review of Government agencies involved in combating corruption.

Yesterday delegates backed a call by Deputy President Thabo Mbeki for the urgent reinforcement of workplace ethics in the public service.

## Top managers urged to set good example

Top managers in the public service have been urged to set an example to subordinates through compliance with anti-corruption measures.

Government officials taking part in a public sector anti-corruption conference in Parliament yesterday said managers calling secretaries on cell-phones while they were nearby, or abuse of allowances, led to employees lower down abusing state property.

Some junior managers were promoted without the necessary skills. - Political Staff

*Mbeki seeks moral mettle, page 14*

## protector's office

There was also firm support for the announcement in Mr Mbeki's keynote address that existing anti-corruption laws were to be reviewed. Among suggestions at the conference yesterday were that police, 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.

**Corruption war**



## GOVT TO GET TOUGH ON CORRUPTION

# Zero tolerance for parasites

ET 11/11/98

**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 sub-

jected 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 pun-

(34)

ished 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 take society, and the public sector in particular, out of the "dark years".

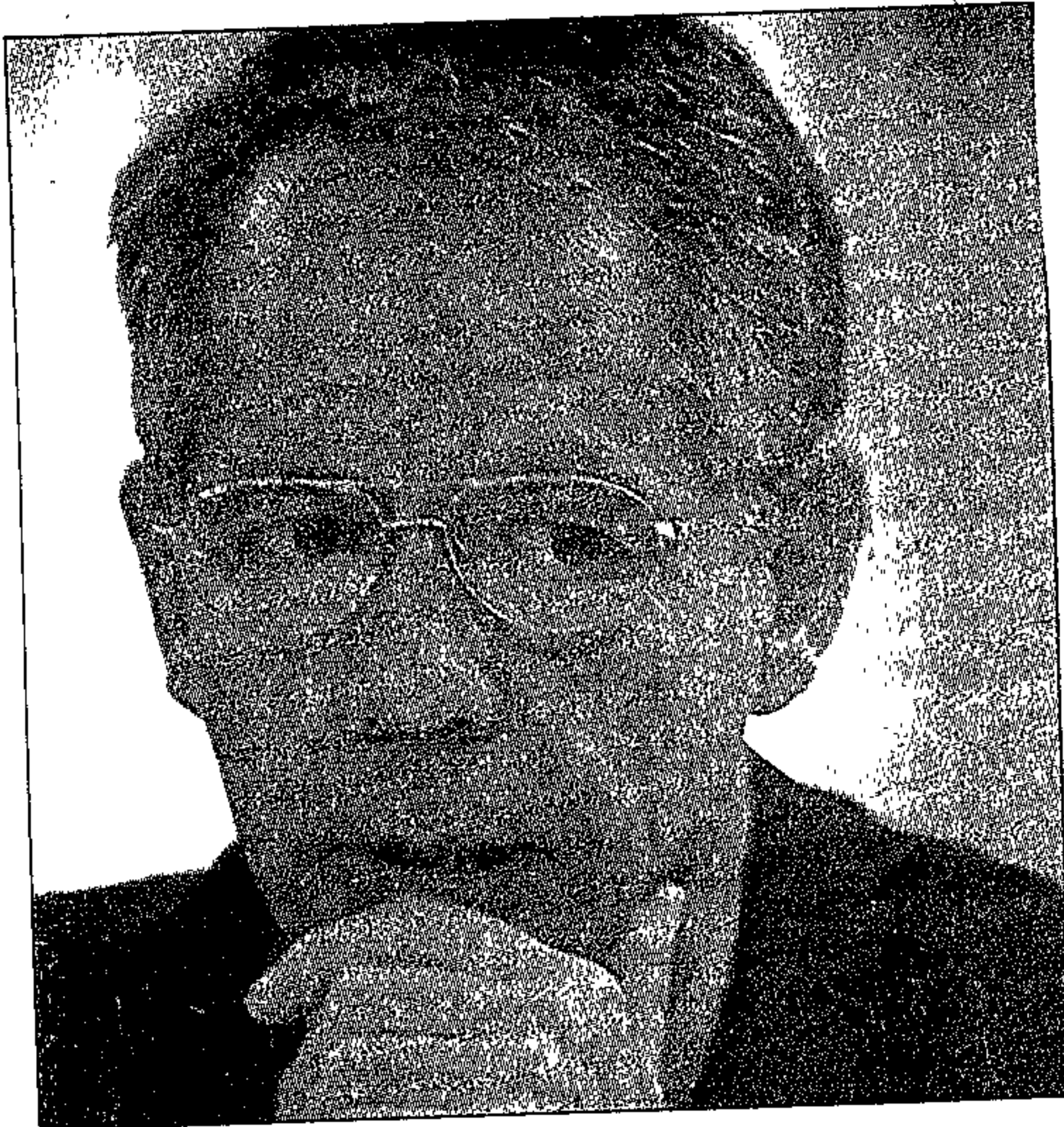
Public Service Minister Zola Skweyiya said the conference was held because of a need for co-ordinated action to enhance the government's anti-corruption measures.

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 Civics 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



# Crackdown urged on 'rotten officials'

(34) ET 11/11/98

WAYS had to be found to ensure that corrupt officials were caught and prosecuted, Safety and Security Secretary Azhar Cachalia said yesterday.

Speaking at a public sector anti-corruption conference at Parliament, he said corrupt civil servants committed crimes such as fraud because they thought they would get away with it.

This perception had to be changed. Cachalia said not all incidents could actually be classified as corruption because many officials — such as warders, police officers and prosecutors — were subject to intimidation and threats against themselves and their families by criminals in the areas where they lived.

The problem was worsened by those succumbing to corruption being open to further blackmail by criminals.

Justice Department director-general Jasper Noeth told the conference that a key area of concern in his department was the theft of warrant vouchers.

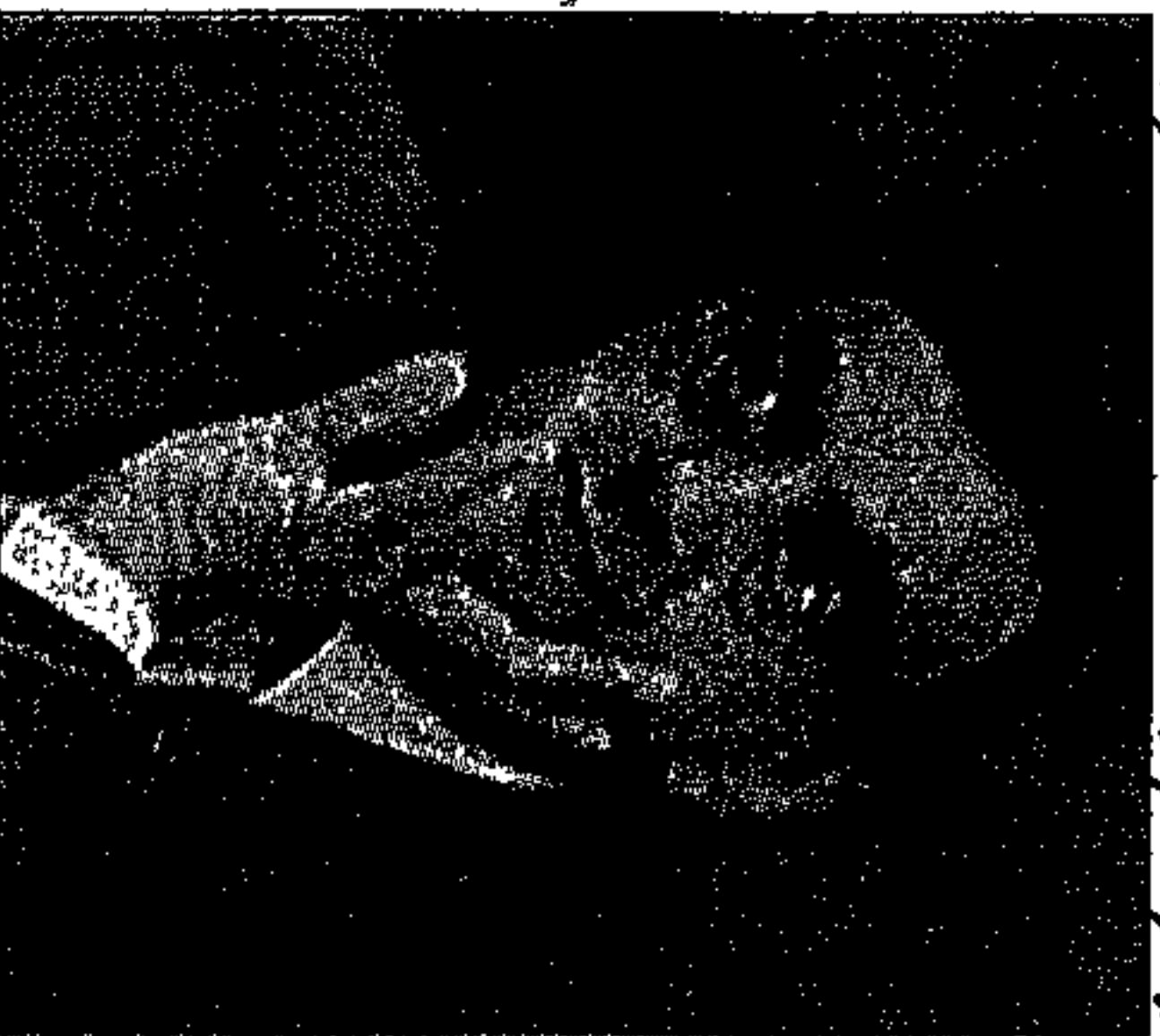
Although the department did not have an exceptionally large budget, it dealt with about R5 billion a year in bail money, maintenance payments and fines.



**'CHANGE PERCEPTIONS':** Azhar Cachalia

The money passed through the hands of lowly paid departmental clerks, and theft occurred frequently.

Prescribed procedures were also not strictly enforced, he said. Justice Minister Dullah Omar said that,



**IDENTIFYING PROBLEMS:** Dullah Omar

with a few exceptions, there was very little corruption among judicial officers and prosecutors.

He agreed that the main problem lay with the theft of warrant vouchers, and in the general handling of cash.

The problem of "disappearing case dockets" was drastically reduced with the introduction of new procedures.

Deputy national police commissioner Zoli Lavisa said key areas of concern in his department included medical aid fraud, fraudulent payments to "ghost informers", escapes from custody and motor vehicle clearance certificate fraud.

Senior officials from the department of correctional services told delegates that corruption in the department centred around escapes, smuggling and the fraudulent early release of prisoners by warders who "cooked" the books. Supervisors were also guilty because they failed to check that such releases were in order.

National Assembly justice committee chairperson Johnny de Lange said it appeared the whole system was weak, and the breakdown in discipline 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.

The conference is expected to focus on measures to counter these problems before it ends today. — Sapa



GOVT TO GET TOUGH ON CORRUPTION

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ET 11/11/98

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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 Health 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.

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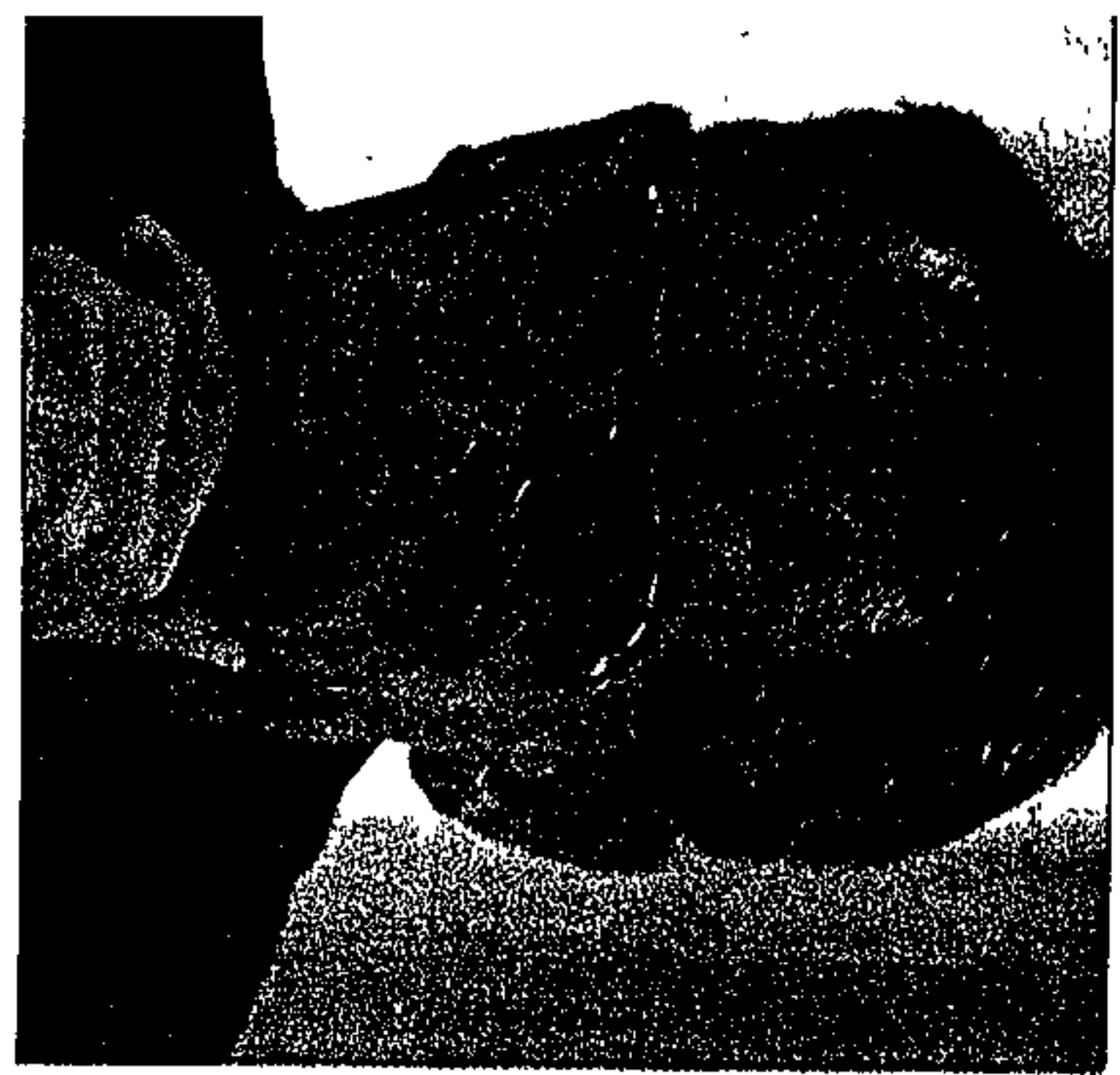
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## Top officials and politicians, headed by Thabo Mbeki, vow to put a stop to those illegally lining their pockets

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 the R5-billion his department dealt with in bail money, maintenance payments and fines was fre-

quently raided by low-paid departmental clerks, through whose hands the money passed.

Deputy national police commissioner Zolisa Lavisa 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 Stef 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 Johnny 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 Selby Baqwa said the quality of leadership and the ethics in the "global village" were important in eradicating corruption in a particular country.

► ... To Page 2

# Zero tolerance for

Saw 11/11/98

# Corruption



# 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 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, an-

nounced 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 six 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.

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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

PD 12/11/98



# Parliament approves law to make gang life unlivable

CLIVE SAWYER  
POLITICAL CORRESPONDENT

(31)

The hail of bullets which killed gangster Jackie Lonte was fired just two hours before Parliament got to the final stage of approving a law meant to stamp out his kind.

Not that the Prevention of Organised Crime Bill issues the state a licence to kill in the way that rival gangsters rub each other out: it is meant to make life unlivable for gangsters by making their whole lifestyle illegal. **ARGuing** So while the bullet casings were

being picked up at yet another Cape Flats crime scene, MPs were working on making the streets less safe for criminals and a little safer for the law-abiding.

But unless the money follows where the law is going, criminals need not worry too much about hard justice coming down on them.

That was the point of the speech in the National Council of Provinces by Western Cape community safety minister Mark Wiley. He noted that yesterday was Armistice Day, an appropriate date for declaring war on criminals. And he had a word of thanks for

the top Western Cape cops who went to the United States to research the measures on which the bill is based.

But implementation of the bill would remain a pipe-dream unless a commensurate amount of money was pledged to ensure it was implemented, he said.

The police in the Western Cape were 25% under strength. "Unless they are strengthened, there is a good of chance of the failure of the bill".

It was all very well to make it illegal to be a gangster, but the Western Cape had up to 100,000 gangsters and at least one of its prisons was 200% full. If police arrested gangsters for

being gangsters, where would they put them?

"Are we going to build more prisons?" Mr Wiley asked.

Steps were needed to reduce awaiting-trial periods and speed up the judicial process.

He cautioned that in the US authorities also had targeted gang bosses.

This hadn't stopped gang activity because the capacity of powerful gangsters to "influence" proceedings shouldn't be underestimated.

Opening yesterday's debate, Justice Minister Dullah Omar said the bill would make it possible to prose-

cute gang bosses who normally escaped retribution by letting small fry do their dirty work for them.

The seizure of assets being used for criminal activities would not be held up by the lengthy process of criminal trials.

Mr Omar warned people not to expect the bill to be an instant success. Replying to the debate, he acknowledged resources were crucial. The Cabinet was committed to ensuring adequate resources were available; and steps were being taken to reduce the number of awaiting-trial prisoners. The bill was approved unanimously.



# Those crime statistics: just how bad are they?

## Untangling a web of figures

In Brazil crime statistics are treated as a state secret even though passengers on aircraft flying into Rio de Janeiro are warned to protect themselves against the all-too-real phenomenon of street crime.

In South Africa, where a new commitment to openness has put more information into the public arena than previously, the reverse is true.

Here, police crime statistics are now posted on the Internet for all to see - and they make for sobering reading.

Statistics for the first six months of this year, recently released through Parliament, place South Africa top on the world list for rape, second for robbery with aggravating circumstances and third for murder.

These figures are derived from countries which report their crime rates to Interpol and are willing to put them in the international arena - unlike Brazil.

But whether we are comparing ourselves to Bogata in Columbia, or London in the United Kingdom, there is no cause for complacency.

A glance through the report for January to June 1998 reveals some startling facts.

For instance, the highest per capita murder rate in the country is not to be found in Johannesburg, but in Cape Town's eastern metropole, the term used by police to describe what is more commonly known as the Cape Flats.

The Eastern Free State has among the country's lowest per capita murder rates, in spite of recent publicity around farm killings.

And while the latest report shows a decline in crimes like murder and attempted murder, there are worrying signs that this downward trend will not continue.

Chris de Kock, head of the police crime information analysis centre, and a sociologist with 20 years' experience at the Human Sciences



ANDREA WEISS  
POLITICAL REPORTER

Research Council, says there are problems when making comparisons with other countries.

Definitions of certain crimes differ from country to country, and the reporting rates may differ from area to area even in the same country.

Crime information systems may also differ and, in some instances, crime rates may rise when systems are improved - as was the case in Belgium, where figures increased dramatically after its administration was overhauled.

For South African purposes, the current crime statistics have a base year of 1994, and an effort is made not to report bald totals but ratings of crimes committed per 100 000 of the population.

Problems of comparisons notwithstanding, violent crimes such as murder, rape, robbery with aggravating circumstances and assault are exceptionally high in South Africa.

Dr De Kock says there is a social explanation for the high levels of violent crime here.

Most of the 24 000-odd murders committed annually are in domestic situations and linked to the abuse of drugs and alcohol, not in crimes such as hijackings.

He maintains there may well be explanations for this in rural areas where the old "dog" system operated on farms.

Under this system farm workers were paid part of their wages in cheap alcohol.

urbanised, the pattern of substance abuse continues. In his view, a macho culture also contributes to a culture of violence.

South Africa is also believed to be urbanising at a rate six times higher than that in South American countries, a factor which sees people entering situations without traditional family support systems.

This can often lead to people joining gangs for friendship and support.

His centre aims to provide the information on which good decision-making can be based and has the role of information gathering, analysing crime patterns and crime prevention and the tactical analysis of organised crime.

Antoinette Louw, head of the crime, policing and prevention programme of the Institute for Security Studies, believes not enough is being done to counter perceptions around crime which can harm the economy seriously.

She says the business community may not want to know that South Africa's crime situation is comparable to other African or South American countries. Instead, business looks to developed countries as a point of comparison.

Ms Louw is eagerly awaiting the official release of the country's first national victim survey, a method of data-gathering which is likely to give a more accurate reflection of the crime situation.

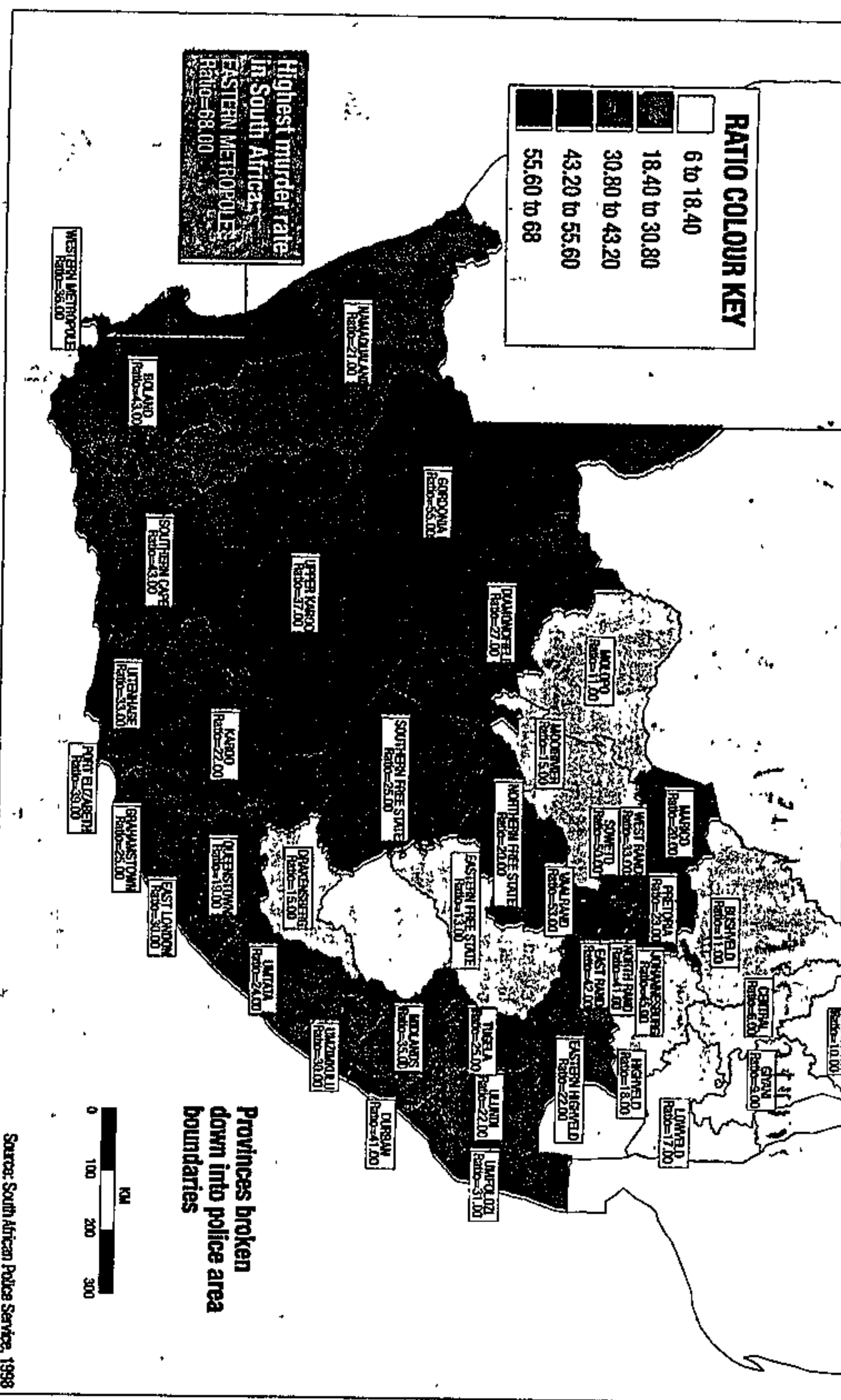
This is because police reports are always hampered by under-reporting.

The national survey will be comparable with victim surveys done in Britain and the United States.

Her institute has already done victim surveys comparing Johannesburg, Durban, Cape Town and Pretoria.

Among the findings were that Johannesburg was the safest city for Africans, but the place where you were most likely to be victimised if

South Africa: Murders per 100 000 people



**Shocking statistics:** this map shows countrywide figures for the number of murders committed per 100 000 people. The figures are broken down by police districts

You were white, Durban, the most dangerous place for Africans, was regarded as safer than Johannesburg.

Perceptions of police were poorest among Capetonians, while Pretoria was safest of all the major metropolitan areas.

In her view, the Government should be throwing more energy into dealing with perceptions around crime because this was the starting point for economic development.

"I don't know of a single Government initiative dedicated to dealing with perceptions - and that is a big mistake," she said.

In the four-city survey, she notes: "Anxiety about crime, even where it does not match the risk of victimisation, needs to be taken seriously by the Government and those concerned with crime reduction.

"It has social, economic and political costs which could not only threaten the stability of the economy and the democracy but could also hinder crime prevention efforts."

One of the most worrying aspects in South Africa is the level of violence linked to crime.

Ms Louw said that while property crime was high in developed countries, the percentage of violence linked to those crimes was low compared to our own situation. And while fighting property crime was an achievable target, lowering levels of violence was notoriously difficult to achieve.

Like Dr De Kock, she said the bulk of the victims of violent crime were poorer people in domestic situations. Because of this, they did not have as strong a voice as did the farmers who lobbied for a Government summit on farm murders.

The website for the police statistics is [www.saps.co.za](http://www.saps.co.za).

(34) ARG 12/11/98







SWIFT ACTION PROMISED

# Conference is no talk-shop — Omar

ET 12/11/98 (34)

**MAJOR** recommendations of the anti-corruption conference include setting up special courts and toll-free lines to report tax dodgers and corrupt police. **ANDRE KOOPMAN** reports.

**J**USTICE MINISTER Dullah 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.

Pravin 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.

Salie 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': Salie Manie

public responsibilities and their private interests. This would be extended to provincial legislature and also apply to local government officials, Manie said.

In another recommendation the 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 absent 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 Ertzen, 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 would 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

(34) Star 12/11/98

Agencies say they are better focused after high-powered conference

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 Heath, 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 almost every state department had some corruption, and this was affecting delivery and service.

Public Protector Selby 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 will be held in February to cement the national anti-crime 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 ridding 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 rededicate 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 ser-

vice 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 simpler financial and management control 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

► More reports  
Page 6



# New step to be taken in war (34) on corruption

By Ido Lekota

Sowetan 12/11/98

PUBLIC service managers would from now on 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 Frene Ginwala 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 51 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

BD 13/11/98

(34)

(~~34~~)

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 Balia, 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 Balia, 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, Balia said. For backers of the auditorial option, "only a proper financial management system can indicate whether a coun-

try 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'

(34) BD 19/11/98

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 1998/99 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 successes had already been achieved and great steps made in the investigation of other matters, it said, giving sev-

eral 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 (R33m); 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 Umtata 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 Sterkstroom 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.



# Wake-up call on corruption

MHG 13-19/11/98

(34) (10/29)

*Very few concrete proposals flowed from this week's corruption conference, writes Chiara Carter*

**C**reating an "inner police man" was how Minister of Justice Dullah Omar described the moral code South Africans needed to develop if corruption was to be weeded out.

Given the extent of the rot in the justice system as well as other government departments, Omar's metaphor was less than apt, but delegates to this week's government conference on corruption concurred that a new moral order was needed for public servants, as well as the public. And they managed to inch their way beyond citing lofty ideals, blaming the past and placing all their hopes on re-education.

That the conference struggled so hard to be more than the usual talking shop was an indication of how large a headache corruption is for the state. So was the attendance register, which was a who's who of Cabinet ministers, department heads and key figures from the police, justice, intelligence agencies, correctional services, inland revenue and specialised units, as well as the public protector's office. They said there was "a long way to go to establish clean, accountable and transparent government".

Delegates in six commissions and two panel discussions cited examples

and case studies of greed, crookedness and the culture of entitlement outlined by Deputy President Thabo Mbeki, who opened the conference.

The myriad problems officials listed about the justice system were the stuff of general knowledge — dockets disappearing, missing witnesses and vanished evidence, escapes and leaked information.

So bad was the situation, said South African Police Service anti-corruption unit head Stefan Grobler, that South Africa should consider emulating countries like Hong Kong and Malaysia where corruption investigations were handled by a single unit and there was presumption of guilt rather than innocence.

Also mentioned were pay-out frauds, including more than 31 000 invalid identity numbers remaining on the computer system and 426 fraudulent cheques worth R24-million found by the Department of State Expenditure last year. There were corrupt tax officials and syndicates working with members of the Department of Home Affairs.

There were serious concerns about the potential for fraud in the R36-billion procurement by national and provincial departments, as well

as procurement of goods and services by local governments and parastatals. Also of concern was the sale of state land by auction and the processes of rental accommodation. Nepotism, ethnicity and cronyism when hiring civil servants laid the basis for greater corruption.

Citing poor management as the main factor behind corruption, Mpumalanga Premier Mathews Phosa — himself no stranger to grappling with corruption in the public sector — spoke with conviction. Problems he identified included school feeding schemes, government fleet petrol cards, cheque thefts, civil servants with conflicts of interest, bribery, ghosts, fraud in capital projects, secret accounts, payments made to non-existent entities and unauthorised promises.

At the other end of the spectrum, some delegates argued wasting time and flinging litter were examples of corruption, but Deputy Minister of Finance Gill Marcus cried halt, arguing persuasively that delegates needed to prioritise and compile an action plan, not a wish list.

Speaker Frene Ginwala helped concentrate minds by pointing out that

only half the government departments surveyed earlier this year had an internal audit function. She said corruption flourished where there was no accountability for public servants, government officials and institutions.

About 648 entities should be held accountable for public funds, but only 34 reported to Parliament and 200 were audited by the auditor general.

Ginwala warned against "complicated opaque systems" where public officials were "gatekeepers". National crime prevention strategy deputy director general Bernie Fanaroff provided the nub of the strategy.

Fanaroff said there were three issues: law enforcement, encouraging compliance and prevention.

The conference ended with a lengthy statement intended to draw together the major strands of the discussions and serve as a basis for a broad conference on corruption scheduled to take place next February.

Transparency, public information and protection for whistle-blowers — measures until now not commonplace in the state system — were all highlighted as critical to getting the message across that the government in-

tended to be tough on corruption.

Ginwala wryly observed that discussion prior to the conference about keeping its deliberations behind closed doors was contrary to the public scrutiny needed.

That was not the only moment of irony. Judge Willem Heath pointed out that the steady rate of attrition at the conference was an indictment of delegates who had been mandated to attend but by lunchtime of the second day had vanished from the hall.

Those who remained came up with a working plan. Although there had been talk of rationalising the numerous agencies and units involved in anti-corruption work, delegates opted for the approach outlined by Judge Heath: that the best short-term move was to work with what existed and enable these agencies by providing additional money and skilled staff.

The conference agreed legislation needed to be tightened or changed and rules governing treasury regulations, tender procedures and management clarified and constantly revised.

Short-term measures identified included making sure that internal audit and anti-corruption units functioned, blacklisting companies and individuals with unsavoury practices, and disciplinary measures for public servants tightened and enforced.

Managers from the rank of deputy director upward are to be required to disclose their assets, as are councillors. Senior managers might have to sign performance agreements and will be held accountable for misspent or misappropriated public money.

Departments in the justice system have been asked to bring concrete proposals to the February summit, which will also look at longer-term moves.

**Some delegates argued wasting time and flinging litter were examples of corruption, but Deputy Minister of Finance Gill Marcus said that delegates needed to compile an action plan, not a wish list**



# Putting principle ahead of politics

(24) # CT 18/11/98

**DARREL  
BRISTOW-BOVEY**

*It's hard to imagine anyone stealing public money out of a sense of principled political outrage.*

**O**F ALL the mythical figures that weave their way through the legends and folktales and Saturday matinées of history, perhaps the most enduring, and certainly the most endearing, is that of the pure man — noble, untainted and true — striding uncorrupted through the darkling world, his heart closed to earthly temptation, his path unswerving, his intent ever righteous.

Sir Galahad, Sam Spade in *The Maltese Falcon*, Jesus, Buddha, Luke Skywalker — each faced temptation, each derived his strength, popularity and subsequent commercial viability by resisting it. All the world, except perhaps certain strata of Indian society, loves an Untouchable.

The latest hero to swagger bow-legged into the public imagination like a brief-cased and case-briefed Kevin Costner — 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 recovered more than R501 million of public funds between April 1 and September 30 this year.

Some of Heath's successful investigations uncovered rogues of such impoverished criminal imaginations it's a wonder they weren't spotted wandering around in striped jerseys and masks, clutching bags marked "swag". District surgeons were discovered exaggerating the number of patients they treated — one claimed to have treated four hundred people in an eight-hour working day. That's fifty patients an hour. The doctor was no brain 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.

Of course, the Heath unit is not the only graft-busting operation in the country. By July this year the Investigating Directorate for Serious Economic Offences was dealing with 32 inquiries, involving a total of R11,8 billion, with nine preparatory investigations involving another R306 million under way. Last week public service minister Zola Skweyiya announced that the office of public protector Selby Baqwa would be increased from 32 to 150 personnel, addressing a backlog of some 2 500 cases.

Business Against Crime and the Banking Council have agreed to fund a new business court which will fast-track cases of fraud and corruption — one of the few sponsorships in the country not provided by a leading cellphone company. Of all these and other bodies, however, it is Heath's unit that has captured the public imagination, for easily explicable reasons, and with not entirely desirable consequences.

High-level corruption is firmly in the public eye, and there is a sudden flurry of governmental initiatives aimed at quelling it. There are those punters down at the press bar, swilling back a double shot of cynicism and a twist of gall with their mid-morning gins, who insist that this simply means that there is an election next year and that corruption has been identified as a key campaign issue.

I prefer not to believe this, but at



Judge William Heath

**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.**

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 cobble together some annoyingly empty sloganeering. 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's hard to imagine anyone stealing public money out of a sense of principled political outrage. I doubt even Allan Boesak will try that defence.

There simply is no point in clouding the issue with tired point-scoring and defensive rhetoric. There is no practical reason to start comparing the new order with the old. It would be very difficult to determine which government had the higher level of corruption, and I can't think why we should care. This kind of niggling and shirt-tugging is almost as confoundingly unhelpful as those unfathomable sods who infest the letters pages of the newspapers, deriving a twisted, I-told-you-so pleasure at chronicling each new financial scandal involving black public officials.

The fact is that we exist — and have

for a while now — in an environment that isn't driven by strongly self-administered and self-regulatory codes of behaviour. This isn't because we are inherently less 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, the 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 rush in". That failure of morality is a result of the failure of the law, and the failure of that idea kept me from stealing Chapples and Archie comics from the corner café as a small boy — the idea of inevitable justice.

At least 50% 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 monitor financial management and build effective cases against wrongdoers. 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 huff and puff, the wheeze of political consumption around it.

Heath has captured the public imagination because he is a recognisable literary figure — independent, individual, heroically tracking down the bad guys and making 'em pay. It is easier to create a hero of an individual than it is of a department, or a process. The same applies when it comes to creating a villain. It was difficult to avoid noticing the tacky triumphalism last week in the white press's reports that Heath intended to institute civil proceedings against Nkosazana Zuma (and Olive Shisana, Hugo Badenhorst, Mbongeni Ngema and his company, Committed Artists) to reclaim more than R10,5 million lost in the *Sarafina 2* débacle.

The public misunderstood, but they weren't alone. The government itself overreacted, not for the first time. Mbeki publicly and ominously committed the full resources of the government to defending the minister, and his legal adviser, Mojanko Gumbi, leapt in with a hasty, defiant statement that the government was confident that Zuma had not misappropriated funds or personally enriched herself in any way.

The public leant forward in glee or apprehension. Once again the dragon Zuma was being challenged, once again the ranks of the dragon-harboring government were closing around her, but this time there was a dragon-slayer with a banner and a charger and armour that shone in the sun, a St George who wouldn't, shouldn't, couldn't be deterred from running her through.

This is the danger of the lazy habit of understanding events and processes in terms of the individuals involved in them — we tend to think at best like legends and folktales, at worst like a cheap soap opera. As Zuma herself implored in the National Assembly recently: "Forget about the person and look at the issues."

The Heath unit had no intention of implying that Zuma stole money — she may be many things that annoy the white public, including a highly successful black woman who doesn't give a toss about their disapproval, but there has been no suggestion that she is dishonest or dishonourable. Public protector Baqwa's 1996 finding that she wasn't involved in the tender process, and hadn't influenced any official in this regard, is unchallenged.

The Heath position is that she behaved "negligently or recklessly" with public funds. In July 1995 Zuma ordered the Aids play be commissioned and delivered for performance on December 1, 1995 — International Aids day. Heath contends she didn't ascertain whether there was state funding for such a play, or whether European Union funding could be used. She knew or should have known that the time-period involved was inadequate for a proper process of tender, and, critically, she omitted to put a cap on the cost of the production, resulting in wastage of just over R10,5 million.

It is this money that Heath seeks to reclaim. There is no naked villainy on Zuma's part, no cunning masterplan. What is at stake, and hopefully the government will realise the importance of the issue before making too many rash statements and committing too much public money to opposing it, is the principle of extending responsibility for corruption and financial mismanagement in a government department to the political heads.

If the case succeeds, ministers will be held responsible for theft that occurs in their department. It is, simply, a principle of accountability, and it requires courage and a ruthless clear-sightedness to apply it even-handedly, even in the face of political points-scoring and the rhetoric of blame-shifting.

Corruption is indeed, as Mbeki declared, "as old as government itself". In my readings I discovered a case of official corruption, recorded on the papyrus minutes of Ramesses IX's Royal Court at Thebes, around 1200 BC, bearing quite uncanny similarities to one of our own better-known cases.

Corruption will never be eliminated, but it can be curbed, managed, reduced. What that requires is vigilance on our part, and a strong commitment on the part of government to examine the issue, not the individual, to put principle ahead of politics.



# Government's plan on farm attacks takes shape

DD 19/11/98

(34) (S)

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

Nov 19/11/98

Permanent police units would be set up in rural areas to protect farming communities, divisional commissioner Andre 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 successes 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 90%.

Funds from the police budget had been reprioritised towards addressing farm attacks, Pruis said.

SA Agricultural Union executive director Jack Raath said much progress had been made since the summit, but the results were "not there yet".

Teddy Matsetela of the National African Farmers' Union stressed that farmworkers should not be excluded from the process. - Sapa



## CORRUPTION

# Multi-faceted dragon under attack

(34) CT 20/11/98

LYNDA LOXTON

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 profess rather than private interests to confess".

Departments were encouraged to develop codes of conduct, and it was hoped that the "Batho Pele" (people first) cam-

paign 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 Fanaroff, 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. Fanaroff 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 warted 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 subcommittee.

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 tipoffs

Northern Province anti-corruption (34) service widely used in first week

## AFRICAN EYE NEWS SERVICE

Northern Province corruption-busters have received 92 detailed tipoffs 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.

*Handwritten note:* 17/11/98



# Police 'are winning crime war'

## State acts to seize loot

CLIVE SAWYER  
POLITICAL CORRESPONDENT

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 20 000 illegal guns in the last nine months of last year and "high-density" operations targeting illegal weapons were under way in all provinces.

■ There is now a more than 90% success rate in catching criminals who murder farmers and commit hijackings, politically motivated murders and cash-in-transit robberies, with more than R47-million stolen in 154 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 robberies had failed and 197 after police investigations.

Mr Mufamadi said that 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 killers and others who committed serious crimes.

He suspected these successes were down-

# Mufamadi says cops winning crime war

From page 1

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, 801 firearms had been confiscated since the start of Operation Recoil 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 Ndlovu.

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 en masse 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.

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# Row over new crime figures

LINDSAY BARNES

STAFF REPORTER

ARG 3/4/98

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 later 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

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# Row over crime figures

From page 1

how the bungle could have taken place. ARG 3/4/98

Mr Frost said the province was also 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 Kaprey 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 Hernus 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 28.

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

ET(MR) 15/4/98

**THABO LESHILO**

BUSINESS EDITOR

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 R97 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 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 businessmen 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 1996.



# Illegal weapons flood S Africa

By Sharon Chetty

**I**N THE KILLING FIELDS of KwaZulu-Natal, literally tons of illegal weapons were distributed to paramilitary groups fighting an internecine conflict in the late '80s and early '90s.

Likewise, in several townships around the country, thousands of mostly youths on all sides of the political spectrum were armed when they went on the offensive against their rivals.

In places like Qumbu and Tsolo in Eastern Cape, armed confrontation continues, albeit under the complex guise of stocktheft and long-running feuds.

Recently Daluxolo Luthuli, a former Inkatha Freedom Party (IFP) hit squad leader, told the Truth and Reconciliation Commission that he and other perpetrators of violence in KwaZulu-Natal were given weapons by party officials, and the former KwaZulu Police, Military Intelligence, security branch and South African Defence Force.

Convicted security branch and apartheid hit squad leader Eugene de Kock has also confessed to fuelling the conflict in that province by supplying truckloads of arms and ammunition to the IFP.

Now that the political rivalry has subsided, the tools of the conflict remain unaccounted for but have without doubt moved into the hands of the common criminal.

And while the arms may have been distributed illegally, most of their origins – especially those from the former government – were legal.

Large numbers were also distributed by functionaries of the then "independent" Transkei, Bophuthatswana, Venda and Ciskei homelands.

No one knows how many illegal weapons there are and guesstimates range from 500 000 to four million.

And while the perception is that this country is awash with assault rifles which were previously the weapons of choice of the liberation movements, more deaths and injuries are caused by handguns.

Ironically, the largest proportion of the illegal weapons – about 20 000 a year – were also once legal but were either lost by or stolen from licensed

## Illegal possession of firearms and ammunition

Cases reported: January - December

	1994	1995	1996	1997
Eastern Cape	845	1 000	1 430	1 674
Free State	589	582	646	615
Gauteng	2 547	2 737	2 799	2 967
KwaZulu-Natal	4 541	4 392	4 334	3 867
Mpumalanga	591	563	691	649
North West	512	676	654	722
Northern Cape	89	176	150	162
Northern Province	445	391	658	603
Western Cape	977	1 369	1 524	1 618
<b>TOTAL</b>	<b>11 136</b>	<b>11 886</b>	<b>12 886</b>	<b>12 877</b>

Source: Quarterly Crime Report, SAPS Detective Services.

owners.

More alarming is the large number of weapons misplaced by or stolen from negligent members of the security forces and commercial security companies, says Superintendent Henning Brand, commander of the illegal firearm unit head office in Pretoria.

Brand's office coordinates the investigations and intelligence of 29 national units and lists KwaZulu-Natal, Gauteng and the Eastern Cape, and in particular the former territories of the Transkei and Ciskei, as problem areas.

### Instigators of violence

The Western Cape is also regarded as a priority, although the main instigators of violence there – the gangsters – are believed to be using mostly legally acquired weapons.

Although Brand says the smuggling of arms from across the borders (mainly from Mozambique) is still high, it is only the third-biggest problem.

"We have good relations with our counterparts in Mozambique and made good progress there"

He says thousands of weapons and hundreds of tons of explosive devices have been destroyed over the past three years since both governments agreed to cooperate in curtailing smuggling.

"We have made good progress and as soon as our informers tell us of weapons, we are able to work quickly to destroy them on the spot," says Brand.

But retrieving weapons inside the country is far more difficult and investigators rely heavily on informers.

"These weapons are not in caches waiting to be found; they have been distributed already, so the only way we can get them back is by infiltrating the communities and working with sources there."

Brand is convinced that the problem is "solvable" and believes that, as a start, stricter control of legal weapons will result in a drastic lowering of the number of weapons in circulation.

But the situation is complicated and will require far greater coordination within the security services and with other government departments such as Justice, says Sheena Duncan of the Black Sash and the lobby group Gun Free South Africa.

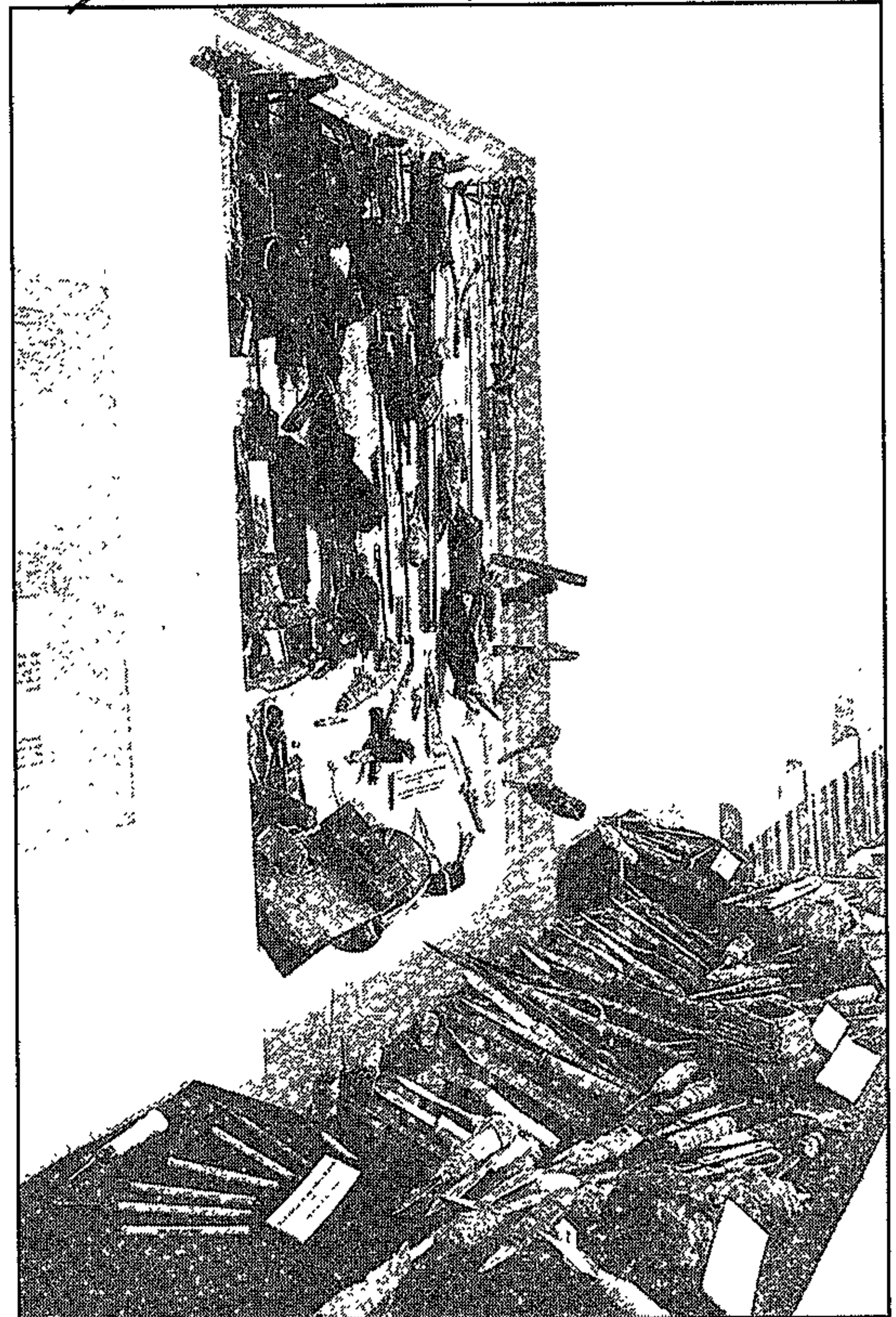
She has worked with two government inquiries, the Joint Investigation Team and the Committee of Inquiry into the Central Firearms Registry.

From the information they have so far collected, they have been able to work out some patterns. Their analysis has shown that in certain police stations, huge stocks of confiscated arms are not sent on to the Pretoria logistics unit for destruction.

Also, they have found several cases where guns have been stolen from the military or other official sources, but were not reported or investigated.

In other instances, police stations had not reported to the central firearms registry illegal arms that had been handed in to them.

However, Duncan says that while an attempt is being made to create a data base and collecting and analysing information helps in working out the parameters of the problem, the simple lack of resources in police stations makes communication difficult and



These confiscated weapons were displayed at a police station recently. Last year 12 877 cases were reported involving the illegal possession of firearms and ammunition.

can distort the bigger picture.

"Maybe police stations do report to the register, but it is not recorded. There are many who don't have fax machines and other equipment ... the reasons can be complex."

Internal communication in the South African Police Service is also poor, says Duncan.

Currently, an audit is being done to find out what weapons each government department, province and local authority

(besides the armed forces) possesses.

Such a count is crucial as arms turn up in unexpected places, says Duncan. Recently Water Affairs Minister Kader Asmal's ministry found more than 160 weapons licensed to them, six of which were missing.

"No doubt the Welfare Ministry also has its own weapons since it has to protect pension payouts. It is therefore vital that we find out who has what," says Duncan.

# Plans to get rid of the killer's tools

By Sharon Chetty

**W**HILE everyone agrees that a concerted effort has to be made to retrieve the loads of illegal weapons in circulation, the mechanics of doing so are still being worked out.

Internationally the proliferation of small arms is rapidly drawing attention of world bodies such as the United Nations, which asks member countries to sign a pact to fight against the scourge.

South Africa will raise the issue at the Non-Aligned Movement summit in Durban later this year and Organisation of African Unity members also have it on their agenda.

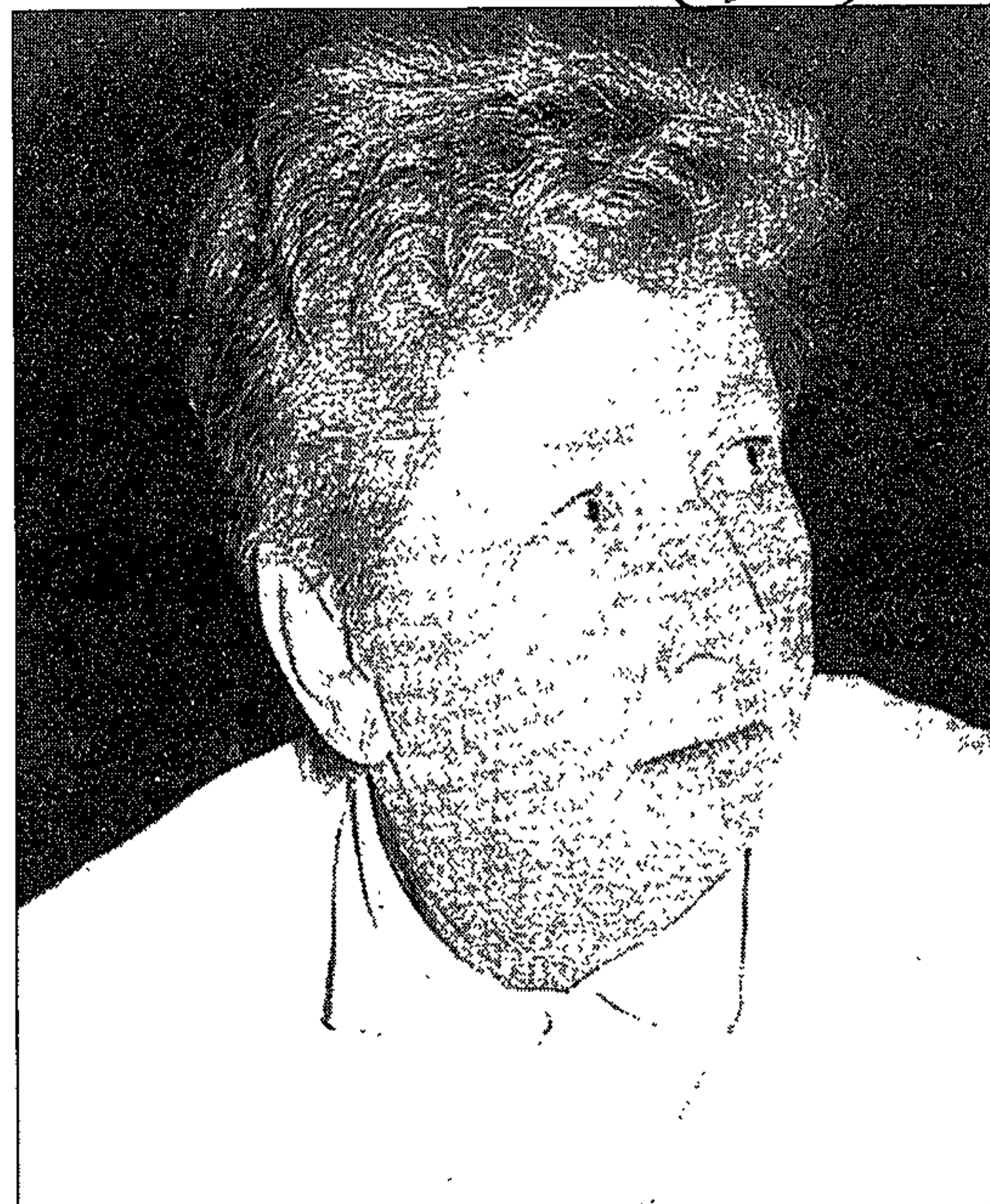
Small arms are regarded as particularly dangerous as they are easily concealed, become commodities of trade and are transported across borders and inevitably used in crime.

In South Africa, the high rate of violent crime has led to larger numbers of people owning guns in the belief that weapons will be an added security.

However, this merely perpetuates the cycle of fear as more civilians are being attacked for their weapons.

Also, given this country's violent and militaristic history and the general machismo, banning weapons now would be unrealistic, they say.

Several options are being weighed and the Safety and Security Ministry,



working with non-governmental organisations and other interest groups, is finalising proposals which are expected to soon be made public for debate.

Superintendent Henning Brand, the commander of the illegal firearm unit head office in Pretoria, has a simple suggestion: treat firearm licenses as seriously as drivers' licences.

Sheena 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 take a written and practical test for a driver's licence, then the same should apply to guns." At present 16-year-olds can have firearm licences.

Changes to the law have already been suggested by Gun Free South Africa (GFSA) and Parliament will hopefully debate the issue by early next year, says GFSA director Adele Kirsten.

She adds that there are already good provisions in the law but they are just not 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 Sheena Duncan of the Black Sash and GFSA, the logistics are difficult. If it is done nationally on only one day, it might be too big to handle.

In 1994, when the GFSA declared a day for people to hand over their

weapons without questions being asked, they got only 900 "bits and pieces".

Another suggestion is that the Government buys back the illegal weapons. But there is no money for that and the fear is that the money earned may be used to buy newer weapons, since there will be no bans on firearms and people will have access to guns anyway.

There is also the risk that unscrupulous gun dealers may try to profit by selling off old and unwanted stock.

Besides, there is no guarantee that criminals will come forward to give up their "tools of trade", warns Brand.

He believes that only a change in the heart and mind of people and when communities stop protecting criminals will there be a turning point in South Africa.

Duncan is more forthright and says leaders in civil society have to start encouraging people to examine what is going wrong in this society.

"Why is crime so vicious ... what's happening to this nation? There is something wrong with the national psyche," she says.

Government has to work to restore people's faith in organs like the criminal justice system.

Religious leaders also have to help people change their attitude so that they stop believing that weapons are a security, she says.



# Heists net R47-m but Mufamadi claims success in crime battle

**By CLIVE SAWYER**  
Political Staff

Cape Town – More than R47-million had been stolen in 154 cash-in-transit robberies in the past six months, Safety and Security Minister Sydney Mufamadi disclosed in Parliament yesterday.

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 Gov-

ernment 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.

(34) Star 23/4/98



# GUS ISSUES

## Swindler's list - or how SA lost R9-bn

ARG 24/4/98

(34) (2000)

*Known corruption only  
'the ears of the hippo'*

Judge William Heath, head of the special unit set up to eradicate corruption, delivers an interim report. He says that in 834 instances he can prove corruption amounting to more than R9,17-billion is involved and, according to him, this is "only the ears of the hippo".

There are instances of corruption with housing subsidies, government officials and politicians who buy state farms themselves for R7 500 and sell them for R750 000, district surgeons who lie about the number of kilometres they travel and how many patients they have seen, hundreds of schools that do not receive equipment that has been paid for, and more.

And, the judge says, it all stretches back as far as 1976, so that one cannot just blame it all on the African National Congress. But, since they have come to power, it does not seem as if the pace of corruption has abated.

There are irregularities with state tenders, premiers suspected of fraud; a deputy speaker who lied about a driver's licence; a provincial minister of safety investigated for driving without a licence and for perjury; a pensions scandal in the Eastern Cape; the chairman of the Central Energy Fund investigated for bribery and false pretences; gang members and robbers who give newspaper interviews without being arrested; crayfish quotas which smell of nepotism; former members of the Independent Broadcasting Commission who steal state funds and, without paying back the money, are again appointed to government posts at fat salaries; widespread corruption among police and prison warders, and so on.

The most important fact that emerges from the ongoing corruption, before and since the ANC came to power, is that it is ideologically neutral.

Whatever the high pretensions might be of the rulers of the day about where they wish to lead the country, those who are corrupt are being encouraged by another agenda: one of boundless greed, dishonesty and insensitivity to the hardship of others, which results in the shameless plundering of state assets at the cost of the general good.

They symbolise the antithesis of a working nation state that cares about the interests of its citizens and they undermine the development of a sense of national solidarity and duty.

Eventually, they make a communal sense of loyalty towards the state and the legitimacy of its institutions impossible.

In short, the average citizen does not give a damn for anything because he feels that nobody cares about him any more. In this way, the evil ripples of corruption are extended, because in this breeding ground it flourishes.

Corrupt people are literally citizens who do not give a damn about anything but themselves. If there are enough of them in a country, the country undoubtedly will founder.

It doesn't matter what lovely plans those in power have for building a nation, for human rights, affirmative action, equal education, economic growth or a thriving democratic culture. The cancer lies at the core of public administration.

The structural foundation of corruption lies in the extent of the state's interference in the general life of society. The greater the extent of interference, the greater the chances of corruption.

This is particularly so whenever more sectors of society are dependent for their economic activity on the support and co-operation of the state.

And it is here that the most malevolent legacy of the apartheid era lies. The state enthusiastically impinges in every conceivable manner on the private lives of its citizens.

But it helps very little for the government of the day to seek excuses, to say that "it is the apartheid legacy". It may be, but the realisation of the fact does not undo it; it continues.

To say "it was once your turn, now it is ours" may be true, but then corruption is merely extended and strengthened.

To say that "it is only white racism to constantly give attention to corruption under a largely black government" may be true, but if it is the same corruption as there was under a white government, the problem remains the same and corruption continues.

Corruption is corruption. To acknowledge the fundamental wrongness of it is not the same as looking for excuses. A government that looks for excuses for corruption prepares its citizens for trouble and itself for irrelevance.

The ANC government began well by giving a strong indication that greater freedom was going to be given back to society. But the dilem-

## INSIDE STORY

DR FREDERIK VAN ZYL SLABBERT reflects on corruption in South Africa and on how little is being done to prevent it

ma is that with greater freedom comes greater responsibility.

It is to the credit of the Government that it has appointed a special task group under Judge Heath to conduct a thorough investigation into corruption, and a Public Protector in the person of Advocate Selby Bagwa to react to specific allegations from the task group. But it is altogether inadequate.

It is not enough just to know about corruption. We must know what to do about it.

Are the guilty punished and the money recovered? What example are those in power themselves setting? Are people dismissed in shame, or are they promoted sideways and lightly rapped on the fingers? If provincial governments apparently spend money they do not have, who is held to account? And how?

What is the use of appointing a Public Protector and then not giving him an adequate budget with which to tackle his task? If R9-billion is lost through corruption, is half a billion rand a year too much to prevent it?

At the moment, Selby Bagwa and 12 officials in Pretoria must investigate all allegations of corruption throughout the country. It is a joke!

It is the responsibility of politicians to spend state funds according to priorities. In this way, they tell society what is important to them and what is not. It is no use appointing a whole lot of commissions and then allowing them to die from financial drought. It would be better not to create them at all than to create the expectation that they are going to carry out their instructions.

With rampant corruption, it is pointless to expect that commissions for human rights, gender equality, truth and reconciliation and so forth, can effectively carry out their instructions.

Judge Heath says: "There is general apathy among civil servants to work against corruption ... In cases where people do go to jail, they walk out wealthy because the public's money is never returned."

"Syndicates are operating in all government departments in all provinces and are flourishing ..."

"If it were not for the limit on funds and the ensuing shortage of personnel, wider irregularities than the R9-billion would be exposed."

Judge Heath says he can identify these corrupt people and document allegations.

Nothing could encourage corruption more than if he said this and nothing was done about it. He has made an open and official invitation to proceed.

But, lest we take satisfaction in the embarrassment of the Government and its representatives, citizens outside the public sector must also take a look at themselves.

Without the enthusiastic co-operation of the private sector, organised crime and the general amoral indifference of the average citizen, who regards bribery and favours as the normal way of advancement, corruption would die from lack of oxygen.

The most elementary ingredient of the moral renewal that President Mandela has pleaded for is the individual citizen's commitment to a moral communal order, the acceptance of the worth of our public institutions, a refusal to stand by idly when they are compromised. There is an intimate and mutual relationship between unpunished official corruption and public indifference.

It is our duty to expose the official excuses for corruption as the impotent nonsense that they are. It doesn't matter whether we are accused of racism, lack of patriotism and anti-revolutionary activity.

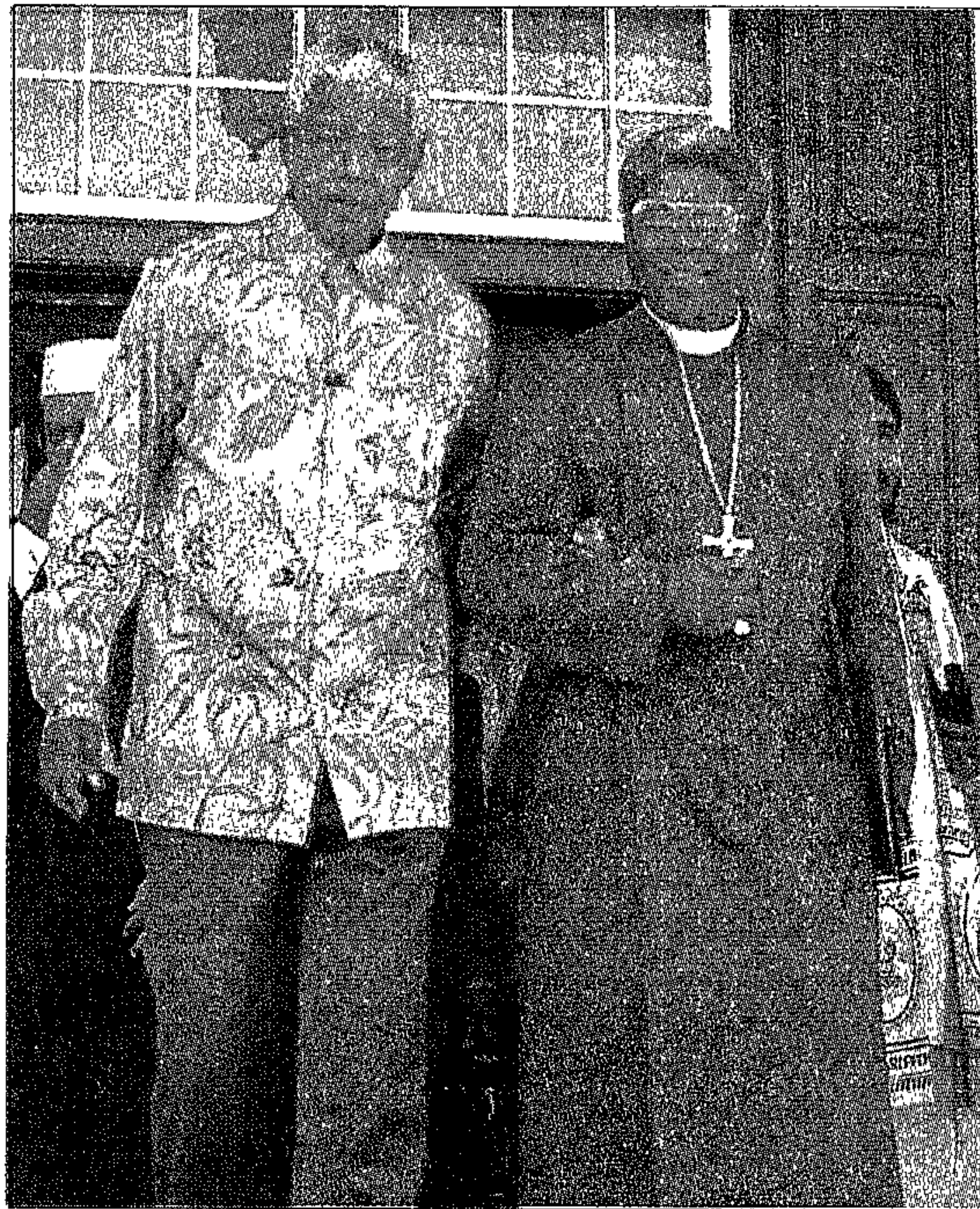
Nothing would strengthen the general feeling of loyalty and commitment to a new South Africa more than a government that combated corruption at every level and with every means at its disposal firmly and without compromise, and which made a call on ordinary citizens for help.

■ This is a translation of the article which appears in the latest edition of *Insig*

**'The average citizen 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'**





Partners in Peace: President Mandela met Archbishop Ndungane at Tuynhuys

## Clergy join crime fight

(34)  
ANDREA BOTHA

STAFF REPORTER

ARG 24/4/98

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.



# IT crime boom could cost SA firms at least R240m a year

CT (BR) 24/4/98 (34)

SHERILEE 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 Rapalus, 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, which has just completed a study of managing business risks in the information age in association with the Economist Intelligence Unit.



# Paradise for gun-toting thugs

*The flood of easily accessible firearms boosts levels of criminal violence in SA*

By PHALANE MOTALE  
Chief Crime Reporter

THERE is little doubt that the large number and easy accessibility of firearms contribute to the high levels of criminal violence in South Africa.

This is clearly evident in the incidence of violent robbery, rape, murder, assault and taxi violence. It is also true in relation to domestic and family violence.

At the end of 1994, 3,95 million licensed firearms were in the hands of 1,8 million licensed gun owners in South Africa - and nearly 20 000 guns are reported stolen each year.

The main external sources from which illegal firearms are smuggled into South Africa are Mozambique (sometimes via Swaziland), Angola, Namibia and Botswana.

It is estimated that there are about five million firearms for the security forces in South Africa. Many of these were mismanaged and subjected to weak controls under the former administrations, particularly in the former homelands.

Government weapons have also

been issued to civilians and have been stolen from armouries or from individual police officials.

There are an estimated 180 000 registered security officers in South Africa, at least 40 000 of whom are armed. There are also about 100 000 unregistered gun-its.

The firearms used by the private security industry are subject to the same risks of maladministration and theft as State-owned weapons.

There are a number of causal factors influencing the proliferation of firearms in South Africa.

A key issue is the ease with which criminals can acquire firearms. The availability of firearms is reflected by the number of licensed guns as well as by the estimated number of illegal weapons in circulation in South Africa. Illegal weapons are clearly linked to the history of military conflict in the subcontinent.

One also has to look at the effects on crime in a highly armed society. The expectation that victims will be armed and likely to fight back is a major factor in the degree to which excessive violence is used in committing crimes.

The use of firearms has significantly

increased the level of violence associated with crime in South Africa - thereby increasing the costs to society, both in terms of physical loss of life and injury, and in terms of the social costs of psychological trauma.

The Minister of Safety and Security, Sydney Mufamadi, is investigating ways of improving the legislative control of firearms, in collaboration with the National Conventional Arms Control Committee which is overseen by Cabinet.

The South African Police Service has initiated various operations to curb the smuggling and possession of illegal firearms and ammunition. The operations include improving intelligence capacity to identify smuggling routes, networks and suspects; and joint operations with the Mozambican police to clean up arms caches in Mozambique.

Thousands of weapons and millions of rounds of ammunition were located and destroyed during a joint operation by the South African Police Service and the police of the Republic of Mozambique from 21 July 1997 until 10 August 1997.

It was decided to conduct the joint operation as a large number of

arms caches still exist in Mozambique from which firearms and other armaments are smuggled into South Africa. These firearms are used in the ongoing taxi violence, armed robberies, vehicle hijackings and other crimes.

During the operation, a number of arms caches were located and destroyed. The weapons, ammunition and explosives included the following:

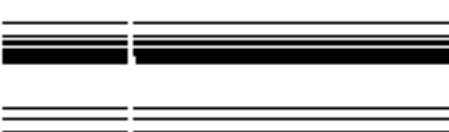
More than 5 500 machine-guns and automatic rifles, 78 pistols, 518 anti-personnel mines, landmines, 336 hand-grenades, 153 detonators, more than 3 726 mortar bombs, 79 rocket and mortar launchers, 2 340 projectiles (including 158 RPG-7s), 13 cannons, three million rounds of ammunition of various calibres and 3 674 magazines.

During September and October 1997 in Gauteng, 403 people were arrested for the illegal possession of firearms and about 1 403 firearms were confiscated.

One of the objectives of the operation was to stop the proliferation of unlicensed firearms. At least 72 suspects were held for firearm theft and 50 people were held for robbing people of their firearms.



**THE GUN SCOURGE**... Safety and Security Minister Sydney Mufamadi is investigating ways of improving the legislative control of firearms.





# The ups and downs of crime statistics

WILLEM STEENKAMP

(34) CT 27/4/98

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.

Screeds 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 50% 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 first faced 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.

Let I over said: "All to..."



## 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. 20 23 14198

Steps proposed by DP security spokesman James Selfe 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. (34)

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, Selfe 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

(34) ARG 30/4/98

**JOVIAL RANTAO**  
POLITICAL STAFF

**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.

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.



# 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 spokesman Mr James Selfe 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.

"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.

Sapa.

*Sowetan 28/4/98*



## MONEY LAUNDERING

# Launderers find a place in the sun (34)

SA proves a soft target for proceeds of crime groups

**M**oney 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". And 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 data bank 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 465 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.



**Ursula M'Crystal** . . . creating a link between private sector and the police



**Trevor Manuel** . . . delay to act as promised is proving costly

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'Crystal, 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 attorneys 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.

Ethel Hazelhurst



# Tough minimum sentences from today in war on crime

ARKS 1/5/98

(94)

## ARGUS CORRESPONDENT

Johannesburg - A new law that sets tough minimum sentences for serious crimes and more than doubles the maximum sentences which can be imposed in magistrates' courts comes into effect today.

The Criminal Law Amendment Act will allow a regional court to

impose sentences of up to 25 years or refer serious cases to the High Court for sentencing if its own jurisdiction does not allow an appropriate sentence. Until now regional courts could not impose a sentence of more than 10 years for one crime.

"We are confident that this legislation will be sending a clear message to criminals who are committing serious, violent crimes that the law is

going to be tough on them," said Paul Setsetse, a spokesman for Justice Minister Dullah Omar.

The provisions will remain in force for two years, after which the president can extend them if the crime rate has not decreased.

Section 51 of the new law sets minimum sentences for serious crimes such as murder, rape, armed robbery and crimes against rainforests tried in

the High Court or regional courts. It also allows the regional courts to impose a sentence of up to 25 years.

The law does allow courts the discretion of imposing a lesser sentence in "extraordinary circumstances" or if the criminal was a child under the age of 18 at the time the crime was committed.

A sentence imposed in terms of Section 51 may not be suspended.



# The truth behind falling crime figures

By PETA KROST

(34)

A *Saturday Star* investigation has revealed that police at charge-office level are refusing to open dockets 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 dockets.

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

Jan 21/5/98



# If you get mugged, don't bother reporting it

SAPS stats may be inaccurate as police refuse to open dockets for minor crimes

(34)

Star 2/5/98

BY PETA KROST

Police insist that crime levels have dropped – but their statistics may be inaccurate because, as 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 another example, Judy Klipin, 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 R40, 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.



IFP MP HENNIE BEKKER: Was criticised for not reporting attack

“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 and 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 said he was not surprised at the police's attitude, “after living in this country for a year”. He said while they had not expected their

robbers 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 ground level and, unfortunately, they are the ones with whom the public is in contact,” he said.

Klipin 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.”

Klipin 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 upset 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 IFP'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 go 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 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

GLIVE SAWYER  
POLITICAL CORRESPONDENT

The Democratic Party has issued a report putting forward 21 measures for tackling crime in the Western Cape, including greater use of part-time members of the defence force and expansion of the "rent-a-cop" scheme.

The report is to be forwarded to the provincial government and the police.

Drawn up after almost a year's research among police, community forums and even criminals, the report puts forward measures which could be put into effect notwithstanding provinces' lack of powers over policing.

It says the Western Cape government should lobby the Government to institute a system of performance-based incentive bonuses for police, which would increase pay and improve morale.

All police stations and support units should conduct management audits and present the results to the Western Cape legislature.

Procedures for using police reservists should be simplified and service as a reservist should be made more attractive.

The number of police stations should be expanded, especially in previously disadvantaged communities. The province should make clear recommendations to the national ministry about

this, said the DP report.

The police vehicle repair service could be improved by privatisation, and the cost and efficiency of police depots should be investigated with this in mind.

Station commanders should ensure that officers under their command drove police vehicles with proper caution, and take disciplinary steps when this failed to happen.

The province should provide funds and facilities to promote multilingualism among police members, or should lobby the Government to do so.

The police should establish a tourist branch staffed by specially trained multilingual officers.

There should be a full audit of police training, with the help of the province.

A training plan should be drawn up and publicised so that all officers knew what training was available and when.

The DP report urged the defence force to plan for much more use of part-time forces in the fight against crime.

"It is seven times cheaper to call up a member of the part-time forces than a similarly-ranked member of the full-time forces."

Negotiations on extending the rent-a-cop scheme to areas including Mitchell's Plain should be encouraged and brought to a positive conclusion.

The "one-stop" crime reporting and victim empowerment centre planned for Bonteheuwel should be "rescued from bureaucratic tangles", the report stated.

It said the Department of Justice should give serious attention to improving the witness protection programme.

The Western Cape legislature should consider recommending to the National Council of Provinces that it support legislation aimed at gangs and gang-related activities.

The province should establish an integrated support system for crime victims, even if only on a pilot project basis to start with, the report stated.

(314)

AR 4/5/98



# Police say they aren't getting big-enough budgets to fight country's crime effectively

Authorities are working in the dark because they don't have specific figures

By **CLIVE SAWYER**  
Cape Town

Police are R600-million short of the money they say they need to keep basic policing going this year, while plans for municipal police services could remain just a pipe-dream unless new sources of funds are found.

Safety and Security Minister Sydney Mufamadi and SA Police Service chief executive Meyer Kahn have held talks with Finance Minister Trevor Manuel to ask him to make up the shortfall.

In an ironic spinoff, the amounts to be allocated to provinces for policing cannot be finalised until these talks are complete, meaning that members of the National Council of Provinces (NCOP) must debate the safety and security budget

without knowing how much their provinces are getting.

Yesterday the departments of safety and security, justice and correctional services all gave evidence on their budgets to the NCOP committee on security and justice, each department detailing their difficulties in making ends meet.

The Department of Safety and Security said its calculations were that R13,8-billion was needed to continue the most essential services of policing.

In this year's main Budget, the department received R13,2-billion, of which R3,4-billion was to be used for administration, R7,3-billion for crime prevention and response, and R2,4-billion for detective services.

This left a shortfall of R615-million.  
Phillip Powell, IFP delegate

from Kwa Zulu Natal, described it as ironic that, for the second year running, the council would have to debate the budget without knowing the details.

Mohseen Moosa, chairman of the security and justice committee, said that without specific figures, delegates would be

## Municipal police plan hits snags

able to have only a general discussion.

He was also disappointed that resolutions approved at provincial anti-crime summits were not yet carried through into budgets.

In its evidence, the Department of Justice said it was still finalising how it would spend

the R2,1-billion allocated to it.

The medium-term expenditure framework used for budgeting and setting priorities in all government departments states that the department will get about R2,4-billion.

Estimates were that the department would get R2,6-billion in the 2000/01 financial year.

Justice deputy director-general Hassan Ebrahim said that if one took away judges' salaries and various commissions, including the Truth Commission, about R1,6-billion was left of the budget for the department's core functions.

Ebrahim said he was happy to report that core functions had been given about 70% of the justice budget.

Meanwhile, legislation tabled in Parliament yesterday which will enable the establishment of municipal police services

may prove difficult to implement.

The Police Services Amendment Bill allows municipal councils to apply for permission to set up police services, incorporating their traffic police, for duties including enforcement of municipal by-laws and regulations, and crime prevention.

But Pierre Uys, executive committee chairman of the Cape Metropolitan Council, said the metropolitan councils and Cape Town's six local councils had vowed to stand together in their response to the legislation.

He said a major concern was that the municipal police services would have to be funded solely by the councils themselves.

"There's no money to take on a new function," Uys said.



# Moves to save youth from crime

CAROL CAMPBELL

SPECIAL WRITER

ARG 7/9/98

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  
SECURITY WRITER

ET 7/5/98

(34)

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 ISS 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 (15%).



# Creative thoughts on crime alone just not enough

(34)

RAY 8/5/98

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Creative thinking is helping the criminal justice system do more with less.

But a question mark hangs over whether innovative measures on the streets, in the courts and in the jails will be enough as the inadequacy of funds given to the criminal justice system hits home.

This week the state of battle in the war against crime came into sharp focus from sources as diverse as provincial attorneys-general's reports to Parliament, Democratic Party proposals to fight crime in the gang-plagued Western Cape and policy speeches by the ministers of Correctional Services, Justice and Safety and Security.

Justice Minister Dullah Omar offered some cause for hope towards the end of the week with his announcement of legislation to outlaw membership of gangs or any other criminal organisations.

After last weekend's episodes of gang-related slayings, all eyes were on Government and Parliament to be seen to be doing something.



LEON MULLER

Aftermath: the scene after the Woodstock shootings in which five people were killed

Hours after the Woodstock murders, the DP released disturbing results of a year's research into the state of policing in the Western Cape, which found it to be grossly under-resourced and under-funded.

and urged more than 20 measures to ease the situation, including more funds for the joint police defence

force Operation Recoil.

In statements in Parliament in response to MPs' questions, it also became clear that statistics kept by the criminal justice system did not seem to mesh with the realities of crime.

Safety and Security Minister Sydney Mufamadi was unable to tell Parliament how many people had been

murdered in car hijackings, because such figures are not kept separately; hardly useful if the 490 MPs charged with law-making cannot have their questions answered.

But the police's problems went beyond mere keeping of statistics.

Mr Mufamadi accompanied police chief executive Meyer Kahn to see

But unless the money is found to pay for more police, more police overtime and more troops to back up policing in operations like Recoil, finely worded laws may not be enough if they cannot be enforced.

And it is quite likely that the legislative package Mr Omar announced will prove of some comfort to the thousands of people living in fear of the next time the bullets fly.

It will enable courts to make informed decisions about bail by providing a range of information, including community ties and job and salary information, as well as previous convictions and other police information.

The system screens and tracks alleged offenders, and provides court-based services to witnesses, making it less likely that accused will be able to escape the justice system, intimidate witnesses or simply not return to court when expected.

successful projects in Mitchell's Plain and Johannesburg. Pre-trial services uses technology in the form of an offender database and case-tracking system, helping to cut costs by reducing the unnecessary detention of poor, low-risk accused.

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# Creative thoughts on crime alone just not enough

**GAME SAVER**  
POLITICAL CORRESPONDENT

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## Force Operation Recoil

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Finance Minister Trevor Manuel to plead for more money to make up a deficit in the funding that police say is needed to maintain even the most basic level of policing.

Mr Mufamadi's criminal justice cabinet colleagues might as well have joined him. Western Cape Attorney-General Frank Kahn, in his annual report to Parliament, labelled as "insufficient" the less than 1% of the national Budget that is set aside for the Justice Department.

Mr Omar could boast of some achievements, in spite of this under-funding. In his policy speech to the National Council of Provinces, he outlined achievements in creating a more efficient court management system, as well as steps to use automation to reduce the administrative burden of fines and maintenance payments.

Good news from the treasury was that the creation of additional posts in the Department of Justice had been approved. He was also able to announce the expansion of the successful pre-trial services office.

The third such office is being opened in Durban today, following

RAY 8/5/98

successful projects in Mitchell's Plain and Johannesburg. Pre-trial services uses technology in the form of an offender database and case-tracking system, helping to cut costs by reducing the unnecessary detention of poor, low-risk accused.

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Notes from the editor

INDIFF



# Omar aims to halt organised crime in SA

*Sowetan 8/5/98*

By Ido Lekota

**T**HE 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 Corruption Organisations 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.



**CRIME**

(34)

## Adding flesh to the bones

But details are still thin

RM 15/5/98

**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 Wilhelm



# Report finds crime rate

# will rise

**Tangeni Amupadhi**

**W**hile 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 2005.

HSRC statistician Diaria 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 23% to 2005, burglaries will increase 5% to the year 2000 and 15% to 2005 and the incidence 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 Mufamadi 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 119 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 Helman, an SAIRR researcher. More than 90 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 bribery.

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.

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M+G 8-14/5/98



## NEWS

# Judge lifts lid on cheque fraud that costs SA billions

The absence of proper controls makes it very easy for officials to commit cheque fraud in virtually every national and provincial government department.

This was the finding by Judge William Heath, the head of the independent Special Investigation Unit appointed in 1996 to uncover corruption and recover state assets and funds. The unit is investigating 92 600 cases

involving more than R6,2-billion. To date, about R640-million has been or is in the process of being recovered.

Briefing the National Assembly's justice committee yesterday, Judge Heath said the unit had found cheques simply "lying around" in departments around the country.

Officials requisitioned cheques and took them without filling in the register, or simply stole a number of cheques

from those sent from central Government. Some good control measures existed, but they were simply not implemented or adhered to, making them useless, Judge Heath said.

He said fraud operations appeared to be run by syndicates, with members inside government departments stealing the cheques and runners taking them to the banks, where they were cashed over the counter by other syn-

dicate members. Talks had been held with government departments and banks in an effort to implement proper control measures, but, in many cases, the measures were being ignored.

Judge Heath cited a recent case in which cheques were stolen from the office of the Eastern Cape premier, taken to KwaZulu Natal and cashed for R70-million. More than a 1 000 cheques were still missing. — Sapa

34) ARG 16/5/98



# Cheque fraud, lax controls 'a pattern in govt'

VUYO MNTUYEDWA  
PARLIAMENTARY BUREAU

(2047) (94)  
CT 18/5/98

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 R640 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."

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# Crime hits poor countries the hardest <sup>(34)</sup>

Star 18/5/98

World leaders fear organised gangs  
could cripple entire economies

By TYRONE SEALE  
Birmingham

**T**ransnational 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 communique yesterday that international crime posed a global threat that could undermine the 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, this 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



DYLAN MARTINEZ / REUTERS

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-Saharan

Syndicates using African states as prime sites for trafficking, UN study finds

By Rich Mkhondo  
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 123 000kg for the US. African seizures of heroin totalled 169kg 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.

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SAW 18/11/98



By Sowetan Business Reporter

AFRICA has been second only to the United States in some organisations that have experienced fraud in the last 12 months.

Similarly, African companies are at the top of the list of those who have suffered more than five frauds in the last year. This is one of the findings of an Ernst & Young survey entitled "Fraud - the unmanaged risk", in which senior executives from major organisations in 32 countries worldwide took part.

The African countries that took part were Kenya and South Africa.

# South African, Kenyan companies high on list of fraud casualties

with local respondents by far the majority. Mike Savage, partner in charge of Ernst & Young's Fraud Investigation Group in South Africa, attributes the high incidence of fraud in this country to inexperience. "Our economy has been protected for many years," says Savage. "Now that it has opened up, some

organisations have become easy targets for organised crime syndicates. "There is an increasing trend for employees to be identified by these syndicates and then bribed or coerced into colluding." The increasing emphasis on good governance and transparency, and a growing intolerance of criminal acts in our society, are factors leading to a

greater fraud exposure and corruption. Vulnerability to fraud from within organisations is not, however, peculiar to South Africa. The survey shows that 84 percent of the worst frauds were committed by companies' own employees, nearly half of whom had more than five years' service. Of those crimes, 60 percent were committed by management.

"Long-serving employees have the opportunity to assess the organisations' attitude towards fraud, the controls in place to prevent it and the ways to circumvent those controls," Savage points out. "The very high incidence of employee fraud suggests that companies are not designed to detect the enemy within the organisation." "This survey shows that it doesn't matter where you are in the world, the risk of falling victim to fraud is just as high," says Ernst & Young, one of the world's leading firms of business and financial advisers.

*Sowetan 18/5/98*

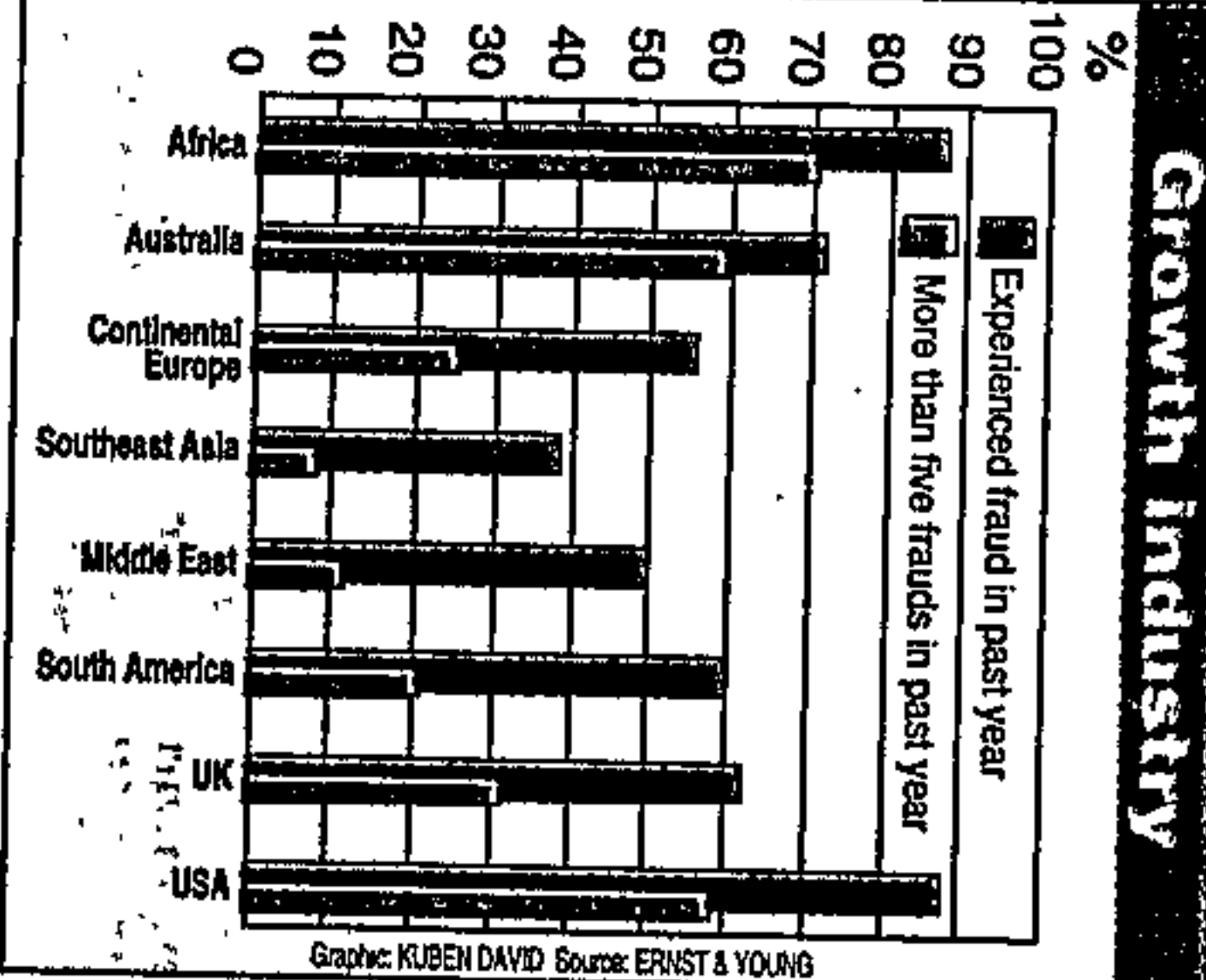


# Study exposes the management of fraud

170 19/5 198

(314)

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## Business Day Reporter

AFRICA is second to the US in the number of organisations which have experienced fraud, according to an Ernst & Young survey.

The survey also shows African companies are top of the list of those which have suffered more than five incidents of fraud in the past year.

African countries participating in the survey were Kenya and SA, with most respondents from SA.

Entitled "Fraud: the unmanaged risk", the survey, in which senior executives from major organisations in 32 countries worldwide took part, showed that a quarter of respondents felt it was

likely that they would suffer fraud by an employee in collusion with organised crime groups.

African respondents topped this list at 60%, followed by Australian organisations at 33%.

The survey showed that 84% of the worst frauds were committed by companies' own employees, nearly half of whom had more than five years' service.

Of these crimes, 60% were committed by management.

Mike Savage, partner in charge of Ernst & Young's Fraud Investigation Group in SA, attributed the high incidence of fraud to inexperience.

"Our economy has been protected for many years," he said.

"Now that it has opened up, some organisations have become easy targets for organised crime syndicates."

"There is an increasing trend for employees to be identified by these syndicates and then bribed and coerced into colluding."

The increasing emphasis on good governance and transparency and a growing intolerance of criminal acts within society were leading to a greater exposure of fraud and corruption.

"Long-serving employees have the opportunity to assess the organisations' attitude towards fraud, the controls in place to prevent it, and ways to circumvent those controls," Savage said.

fraud suggests that companies' controls are not designed to detect the enemy within the organisations."

Some SA organisations were, according to the survey, fighting back.

One local respondent is quoted in the survey as saying: "We strongly believe that proactive fraud prevention measures are necessary in order to reduce fraud."

"We have successfully used computers to identify unusual transactions and situations and constantly query staff on such issues."

"This is effective in identifying crime and in creating a sense of uncertainty in the minds of staff who might be tempted to collude with crime syndicates."



ums were now more aware of security requirements.

On Monday, a mock theft of artefacts on Metrorail's Edutrain sur-

brate International Museum Day.

Pupils, teachers, provincial Cultural Affairs Minister Kobus Meiring, members of the Directorate for

## Bill to hit crime bosses

CLIVE SAWYER  
POLITICAL CORRESPONDENT

ART 20/5/98

**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.



# Farmers rage as the murders

(74) / Apr

# mount

20/5/98

## Freedom Front urges Mandela to set up commission of inquiry into rural attacks

BY NORMAN CHANDLER,  
RYAN CRESSWELL AND SAPA

**E**ighteen 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 SAAU, 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 upsurge in 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 Constand 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 car-

ried 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 Delafield (65) and his wife Verina (52) stated that the killings were in revenge for the killing of six-month-old Angelina Zwane by a Benoni plot 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 "outrightly and with contempt". He said the PAC suspected "political intrigue" by forces who hated and feared the party.

PAC secretary-general Michael Muendane 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, SAAU president Chris du Toit said his union would be asking international agricultural organisations and major companies investing 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.



# Draft white paper on crime sets new priorities

Emphasis has now shifted to better service delivery and improve the quality of criminal investigations

OWN CORRESPONDENT

There is no simple solution to the problem of crime. This premise is the driving force for the new Safety and Security Draft White Paper released in Pretoria by Minister Sydney Mufamadi yesterday.

This policy document plots the course for the fight against crime over the next five years, moving away from the priorities first identified when the African National Congress came to power in 1994.

Policing then was highly centralised, paramilitary and authoritarian.

While these characteristics ensured the police were effective under apartheid in controlling the political opponents of the Government, it meant they were poorly equipped for crime prevention and control in the new democracy, the paper says.

The Government's first priority in 1994 was to change this, creating a legitimate police service out of the 11 forces which existed under apartheid, instituting civilian control, moving police into areas they were previously not serving (in 1994, 74% of the country's police stations were situated in white suburbs or business districts),

and working with communities through community policing forums to establish trust.

The emphasis has now shifted towards improved service delivery. This will be done in three ways: improving the investigative capacity of the police, implementing targeted visible policing, and meeting the needs of victims.

One of the primary areas for policing in the next five years will be improving the quality of criminal investigations.

## Document plots 5-year course of action

This means allocating sufficient resources to detection and developing the skills and techniques of personnel. Among the proposals are:

■ Increasing the number of detectives. The white paper found that international comparisons of the ratio between the number of detectives and the total number of cases under investigation suggest that the detective components of the SAPS are understaffed.

■ Training. The document says

detective training currently lacks practical application and there is little structured mentoring for detectives.

The appointment of large numbers of new investigators will require an extensive and practical training programme. ■ Management. The management of the detective function must be enhanced to improve deployment and performance. ■ Crime intelligence. The collection, analysis and management of crime intelligence must be improved.

■ Specialised investigation units. The white paper proposes these should be continued, but only where the crime problem is sufficiently serious but not such that it would be more cost effective for all members to be skilled in its resolution.

The draft policy paper also proposes targeted visible policing focused on preventive patrols, directed patrols (a police presence in a specific area for a limited period or for a particular purpose), sector policing (the assignment of police officers to smaller managerial sectors on a full-time basis) and high-density policing (the saturation of specific areas).

Under the section on improved service to victims, the white paper urges a more con-

siderate approach to victims.

International experience has shown that effective management of both direct and indirect victims and witnesses of crime is a vital part of successful police investigations.

The paper proposes that questioning of victims and witnesses be carried out with respect for the dignity of the individual, that priority be given to the protection of witnesses and victims, and that consistent report-backs on the progress of investigations be carried out.

The paper adds that the key to improved safety and security is crime prevention.

Crime prevention, and particularly social-crime prevention, not only targets the causes of crime, but in the longer term does so in the most cost-effective way, the document says.

Recent research shows a host of social issues contributing to crime.

These include gender inequality, inadequate support to victims of crime, youth marginalisation, economic underdevelopment and inequality, poverty and unemployment, and the institutionalisation of violence in society.

It should be noted that high levels of crime often accompany transitions to democracy,

the paper says.

Without an adequate focus on crime prevention, the criminal justice system will remain overburdened.

International experience suggests that it is more cost effective in the medium to long term to invest in projects which prevent crime than in spending more on the institutions of policing, courts and correction.

As part of the effort to improve crime prevention, the

## Prevention seen as crucial factor

white paper proposes a national crime prevention unit which will co-ordinate crime prevention activities between national, provincial and local governments.

The white paper also proposes more autonomy for local and provincial governments in crime prevention strategies.

Provincial government has a key role to play by initiating and co-ordinating social-crime-prevention initiatives with the provinces.

This role involves co-ordination of a range of provincial functions and role-players, such as health, education, welfare, transport and local government, to achieve more effective crime prevention.

At provincial level these programmes should focus on assisting local government and communities most at risk.

In addition, the white paper invites civil society to play a role in resourcing, supporting and even conducting local social-crime-prevention programmes.

On a national level, the paper proposes institutional changes which will improve civilian control of the police.

In terms of the proposals, the secretary for safety and security will be appointed the accounting officer (effectively director-general) responsible for the department's budget while the national commissioner will assume executive command of the SAPS.

Planning for the implementation of the white paper's proposals will be completed during the consultation process. Costing for each specific programme will be included in the final draft, which will be presented to the Cabinet for approval later this year.







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## Call for 'custodian' to help in the fight against economic crime

(314)

26/5/98

Unauthorised expenditure: Page 5

**Linda Ensor**

CAPE TOWN — A "custodian for economic crime" should be created in the public sector to co-ordinate the activities of the various institutions involved in fighting it, Auditor-General Henri Kluever recommended in his report on national government accounts for 1996/97, released yesterday.

Kluever announced that far-reaching amendments to the Auditor-General Act were being considered to boost the powers of its forensic audit unit

established to investigate economic crimes in the public sector. The amendments would give the unit powers to subpoena, search and seize.

Presenting his report to Parliament's standing committee on public accounts, Kluever said the work of the Public Protector, the Health Special Investigation Unit and the Office for Serious Economic Offences was presently being undertaken in an unco-ordinated manner.

"It is essential that all these role-players co-operate in the fight against economic crime. This is not only important during formal investigations, where the role-players may work together, but also in an informal manner where information can be shared."

Departments should also be equipped to deal appropriately with the perpetrators of economic crime.

The forensic audit unit was created because of growing concern about the level of economic crime in the public sector and the lack of progress in curbing it and in dealing with the perpetrators. Its task was to assist in preventing, de-

tecting and investigating these crimes.

International and local research indicated it was more cost-effective to concentrate effort and resources on preventing, rather than investigating economic crimes and an anti-economic crime strategy had been implemented.

Kluever was concerned about the state of financial administration in the provinces, which often mispent the large transfers made by central government. "Parliament might have to exercise some kind of control over these transfers," he said.

The World Bank's representative to SA, Judith Edstrom, said that among 22 African countries surveyed, only SA had an auditor-general's office that was effective.

It was measured in terms its independence, staff skills, application of international auditing standards, internal quality control systems, regular external quality control review procedures and the availability of its reports to the media and public.



## 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 organ-

ise, and highly organised crime coming in from the outside," says Tommy Hiesby, 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

(34)

Continued on Page 2  
PD 27/5/98

## Crime (34)

Continued from Page 1

in car hijackings 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 tech-

niques, Mufamadi said.

Kroll had flown in some of its most senior managers to launch the seminars. They included: Norb Garrétt, 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.



IN BRIEF

(34)  
**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 Maritzburg.

Leitch said the murder victim rate among South Africans was 13 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.

BD 27/5/98



# LIAMENT & POLITICS

## 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 resulted 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

ET 27/5/98

(34)



# Conviction rate shows crime pays, says DP

(31)  
By JOVIAL RANTAO

Cape Town - Statistics released by the SA Police Service 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 24 684 murder cases reported last year, 11 352 were prosecuted and only 3 609 convictions (14%) were achieved.

In reply to a question from Douglas Gibson (DP), Mufamadi also said police had won convictions in only 205 (1,6%) of the 12 895 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 residen-

tial properties were reported last year. Of these, only 30 548 resulted in prosecutions and 10 845 (4,4%) resulted in convictions.

Of 86 454 burglaries from business premises, only 12 885 ended in court, where 4 865 (5,6%) 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 mischievous 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.



ANALYSIS

# Why so many South Africans turn to a career of crime

Jonny Steinberg finds SA effectively invites many to find a vocation in the place that thrives beyond the rule of law

DD 28/5/98 (34)

WHY has the transition from apartheid to constitutional democracy in SA coincided with an escalation of recorded crime? This question is often asked, but many people are reluctant to voice it for fear that the answer will bring some chilling and reactionary implications in its wake.

There is undoubtedly a connection between democracy and crime, however, although a complex and at times oblique one.

Living in a constitutional democracy entails more than having the opportunity to replace our rulers from time to time. It is more than the rule of law and the guarantee of due process. Since its inception in the US more than 200 years ago, constitutional democracy has always seduced its citizens with a promise which no other form of society has made: that all will have the opportunity to live a particular type of life, one given shape and meaning by a self-chosen career.

Only the foolhardy would deny that democracy in SA is failing many of its citizens on this score. One estimate holds that only one in 10 school-leavers finds a place in the formal job market each year, let alone a job which brings with it the promise of a career.

Yet it would be foolish to look exclusively to our own country's history for the source of the problem. The crisis of the career is a global one. The past 30 years have witnessed a galloping advancement of technology which is incessantly changing the nature and structure of work. Each wave of innovation threatens the knowledge and skills of the present with redundancy. From the machine set to the office secretary, few have been left unthreatened by the creative advancement we see around us.

Add to this the fact that the global economy is more open and less regulated than since the end of the First World War. Under conditions of fierce competition, flexibility has become the catchword of the 1980s and 1990s. Entire sectors expand and contract in response to market fluctuations, with the result that the new and more temporary forms of work contracts are proliferating. The old-fashioned, tenured job is fast becoming something of a rarity.

While the changes around us have produced a number of winners, there have also been many losers, and the distress signals can be heard far and wide. In the US, a massive nationwide movement has risen in defence of masculinity, and is an expression of anxiety as strangely surreal as it is large. More ominously, the 1990s have seen neo-fascist movements in France, Austria and eastern Germany rise to mainstream status, as many delusionally blame their vocational instability on the presence of dark forces and strange tongues.

In contrast to Europe and the US, the crisis of the career in SA is unlikely to find expression in an organised political form. Politics here remains exclusively about the demise of apartheid and, among blacks at any rate, the former liberation movement is just about the only show in town. Vocational anxiety is bound to find other outlets here.

It would be rash and simplistic to say escalating crime in SA is fuelled exclusively or primarily by democracy's failure to deliver on its historical promise of the vocational career.

But a brief glance at the ethos, the style and the vocabulary of crime is

food for thought. Many of the colourful tales of characters in the criminal world are yet to be told to a mass audience, but those that have carry the stamp of a familiar story: rags to riches, from

the gutter to the mansion; in short, the old, romantic story of the self-made career.

There is some substance to the stories criminals tell about themselves. It is extraordinary that there are men who began life in poor, illiterate zones of rural Natal and went on to become wealthy taxi barons in the cosmopolitan world of the Reef. The few tales of hijacking syndicates which have come to light



Highway robbery: police search for clues after a cash van was robbed

also illuminate a path from a deprived childhood to the summit of an empire.

Crime syndicates in SA are, by and large, highly organised enterprises and criminals speak of their work in a language borrowed from business. As economies of crime infiltrate certain communities, so the criminal life becomes canonised as a form of self-expression, articulated in the familiar narrative of a career.

The question still remains, if the crisis of the career is one many democracies face, why crime in SA but a masculinity movement in the US?

The simple but important answer is that we do not yet have the sort of criminal justice system required to lubricate the economic life of a democracy.

Under apartheid, the rule of law in black areas meant enforcing harsh labour contracts and restricting freedom of movement. It was never about underwriting business transactions, or bringing due process to commercial disputes. The demise of apartheid brought large tracts of our country into the world of commerce, but the institutions required to underwrite and regulate the transactions of this new world did not grow alongside it.

It is not difficult to see that violence in the taxi industry, for instance, is a hideous way to enforce contracts and to renegotiate agreements in the absence of the rule of law. We are seeing in SA on a smaller scale what is happening in Russia pervasively — the proliferation of market transactions without the reg-

ulative law enforcement infrastructure of a market economy.

South Africans, like citizens of other democracies, are struggling to forge careers for themselves. But whether we pursue this struggle inside or outside the parameters of the law is increasingly an accident of birth. If you are born and bred in a zone of economic life in which state institutions are impotent, pursuing a career may well entail taking up the cudgels of a criminal enterprise. Our young democracy is losing many citizens simply because one of the vital institutions of democratic life remains unevenly dispersed.

If all this is right, there is a piece of common wisdom which must be wrong. Documents like the National Crime Prevention Strategy draw a sharp distinction between the hunt organs of crime deterrence on the one hand, and the soft world of crime prevention on the other. Giving a youth a job, so the argument goes, is both cheaper and gentler than throwing him in jail.

But if the coercive institutions of commercial life are unevenly spread, giving a youth a straight job may be an impossible task. If he lives in a world where the state cannot underwrite the contracts it is asking him to sign, then our crime prevention strategy is obviously wrong-headed.

Crime deterrence is, in this context, an intimate part of crime prevention. Every zone of economic life which the criminal justice system wins back is a zone in which people can begin the difficult task of pursuing a career within the bounds of the law. As things stand, our country is effectively inviting many to find a vocation in a precarious state of nature which thrives in the twilight zone beyond the rule of law.



# 'Scepticism over crime statistics misplaced'

Wynndham Hartley

CAPE TOWN — Two independent organisations have supported the contention that a downward spiral in national crime levels has begun and that the statistics of the SA Police Service (SAPS) on reported crime are more reliable than commonly believed, Safety and Security Minister Sydney Mufamadi said yesterday.

In an introduction to his budget vote in the National Assembly, Mufamadi said the SA Institute of Race Relations' latest report confirmed that crime levels were on their way down and that a committee of inquiry headed by the head of Central Statistical Services, Mark Orkin, had found that public

scepticism over SAPS' statistics was misplaced.

Mufamadi said these developments should not "make us complacent or feel triumphant" but boost the faith that was needed to "take the continuing search for a better future to new heights". He said that during his budget speech last year he had promised an improved management structure for the police service. CEO Meyer Kahn's appointment was part of this plan, Mufamadi said.

He paid tribute to the "regenerative impact of his (Kahn's) insightful inputs" and thanked him for what he was putting back into SA.

He said one of the world's leading risk mitigation companies, Kroll Asso-

29/5/98

(34)

ciates, was training members of the intelligence community, police officers and selected members of the prosecuting authority in "the management of complex criminal investigations and cutting edge investigative techniques".

He came under fire from opposition parties claiming there was not enough money or police officers to successfully combat crime. National Party MP Piet Matthee charged that there was a R500m shortfall in the SAPS budget and that the minister had failed to say how this would be made up. Joseph Chiole of the Freedom Front said there were 35 000 too few police officers. Of those available, many could not drive and were poorly trained.

Velaphi Ndlovu, of the Inkatha Free-

dom Party charged that the special investigations' task team in KwaZulu Natal did not investigate members of the African National Congress.

Meanwhile Sapa reports that police commissioner George Fyvas yesterday reported significant successes in the fight against crime, but that experts said police statistics did not reveal the true picture.

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 Fyvas would like us to believe," he said.



# 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 com-

missioner Fivaz would like us to believe." <sup>(34)</sup> ARG 29/5/98

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



# EX-CIA bosses to fight SA crime mobs

## Government hires crack investigators to help root out syndicates

**ST 21/5/98**  
**MICHAEL SCHMIDT and CRAIG DOONAN**

THE government has hired a former Central Intelligence Agency chief and a former US drug-enforcement tsar to crack down on crime syndicates, which are siphoning billions from the South African economy.

The two Americans, former CIA congressional director Norb Garrett, and Tom Cash, the former head of the US Drug Enforcement Administration's operations in South America, are members of London-based Kroll Associates, which has helped bring some of the world's most notorious criminals to book.

The company secretly held its first seminar with South Africa's security chiefs this week.

Under a year-long contract in South Africa, seven of the firm's most experienced investigators — many of whom have held top law-enforcement posts around the world — will train the country's top policemen, intelligence agents and justice officials.

Kroll, which investigated Imelda Marcos's hidden wealth, will initially train 50 officers at the National Intelligence Agency's academy in Matikeng, in North West province.

The Minister of Safety and Security, Sydney Mufamadi, said yesterday the decision to hire Kroll had been prompted by the severe economic damage done by some 190 criminal syndicates operating in and through South Africa.

He would not disclose the cost of the contract. "It's estimated the country is losing R17-billion a year in revenue from our ports because of their porousness," he said. "Compare that to my R13,2-billion police budget and you see how these syndicates are running the country into the ground. Organised crime has an estimated turnover of R9-trillion a year globally, so you can imagine the devastating impact that has on economies. It's a global problem which requires a global approach."

The chairman of Kroll's Europe and Africa office, Tommy Helsby, said international drug syndicates working in South Africa were organising local gangsters. As a result, more sophisticated techniques were needed to attack these syndicates.

Kroll would develop a programme "to give the intelligence and law-enforcement agencies access to cutting-edge techniques in investigating complex crimes", Helsby said.

Among the seven instructors in South Africa are Garrett, who spent 30 years with the CIA, and Cash, who brought for-mer Panamanian dictator General Manuel Noriega to book.

The former head of Hong Kong's Crime Intelligence Service, Steve Vickers, is also in South Africa to help deal with the threat from triads — the Chinese Mafia.

Also in the country is Anthony Rowell, a top former British intelligence officer.

Helsby said this week's seminar involved a briefing from members of the most experienced law-enforcement and intelligence agencies in the world.

He said that "rather than simply dealing with the thugs which rob banks, we are training people to deal with what happens to that money."

"When thugs on the street get organised, when they hook up with the US Mafia in the Colombian drug cartels, in the Chinese triads, that's when you have a new level of threat. That's when (governments) come to us for help."

Helsby said Kroll became involved with the South African government while working for clients who were considering investing in this country but needed to know if there was an infrastructure to control the threat from organised crime.

Mufamadi said organised crime had flourished during the Cold War, when governments were too distracted by geopolitical issues to fight crime. "In our case, successive National Party governments allowed a criminal culture to take root in the law-enforcement structures because this helped them avoid sanctions and get additional illicit funds to fight the liberation movements."

He said criminal enterprises identified people who used to work for intelligence and who could be bought because they bore grudges against the new government.

Mufamadi said the SA teams would, in turn, educate their Kroll instructors — Interpol had commended the country for its innovations and level of regional co-operation in combating crime.



'CONTROL LENDING OF WEAPONS'

# Wiley moves to close loophole in gun law (34)

**SECTION EIGHT** of existing firearms legislation allows gun owners to lend their weapons to virtually anyone. Security Writer **WILLEM STEENKAMP** reports.

**E**IGHT 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 protagonists 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, childstealing, 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

jail term of more than six months, or conspiracy, incitement or attempting to commit schedule 1 crimes.

Scrapping section 8 would inconvenience "a few hunters", but the law 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 (Saga) saw the matter differently. Saga Western Cape chairperson Jerry Dolman said his group had told lawmakers last year that scrapping section 8 in its entirety would actually promote the sale of guns.

Dolman said Saga supported several alternatives, including scrapping 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.

CT 2/6/98



## Farmers take murders issue to global platform

Louise Cook

OB 4/6/98

(94)

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".

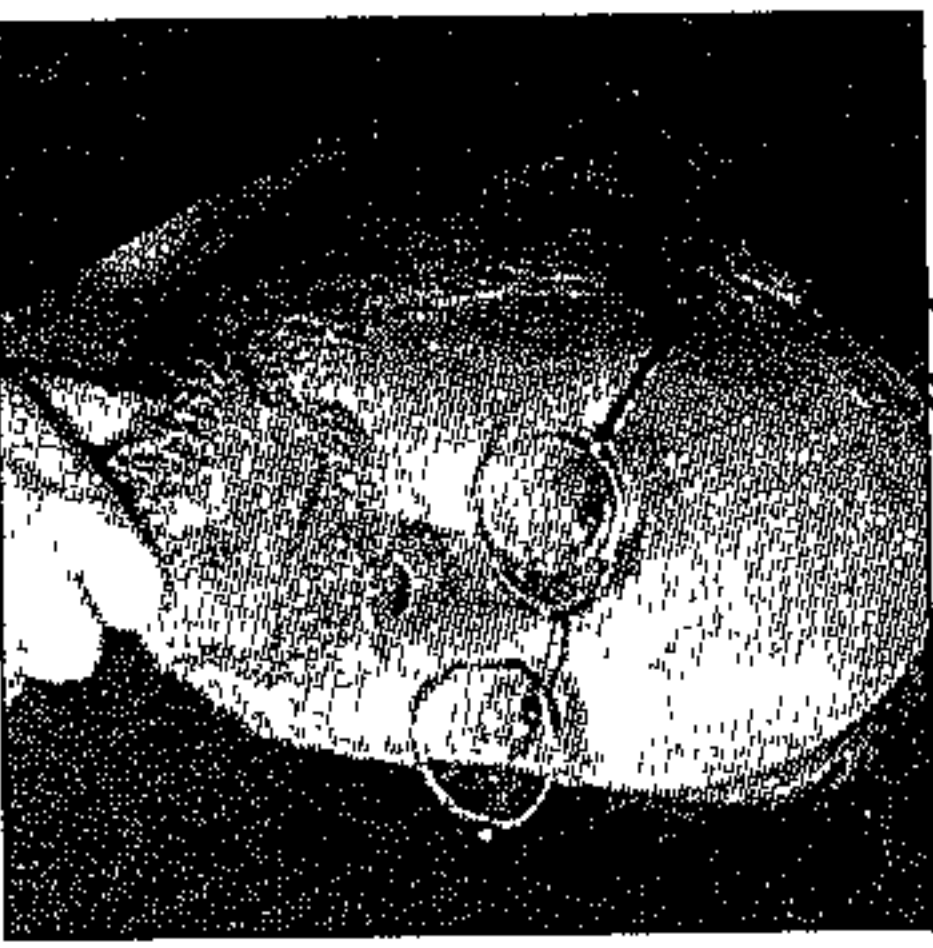
Union director Hans van der Merwe said the union's board did not take any decision to call for trade sanctions, but that the SA crime rate had the same effect as sanctions. Derek Hanekom, the minister for land and agriculture, condemned the union for even proposing sanctions as an option.



**Man in the hot seat**

**Kahn's three models to bring down SA's horrific crime figures**

*SAN 5/6/98*



**Police chief is confident the battle will be won, writes Ryan Cresswell**

**M**ervyn Kahn, chief executive officer of the South African Police Services said there are three obstacles to bringing down crime in the country to acceptable levels.

They are the socio-economic and socio-political situation, the transition of society, and structural problems.

Making himself comfortable with a cup of coffee in the conference room of his offices in the Wachthuis in Pretoria this week, Kahn went on to say that the view taken by senior management in the SAPS is that the first two would have to be left for time to heal.

The former head of SA Breweries said: "Our democracy is but an infant, our transitional problems will decline in impact or disappear in time.

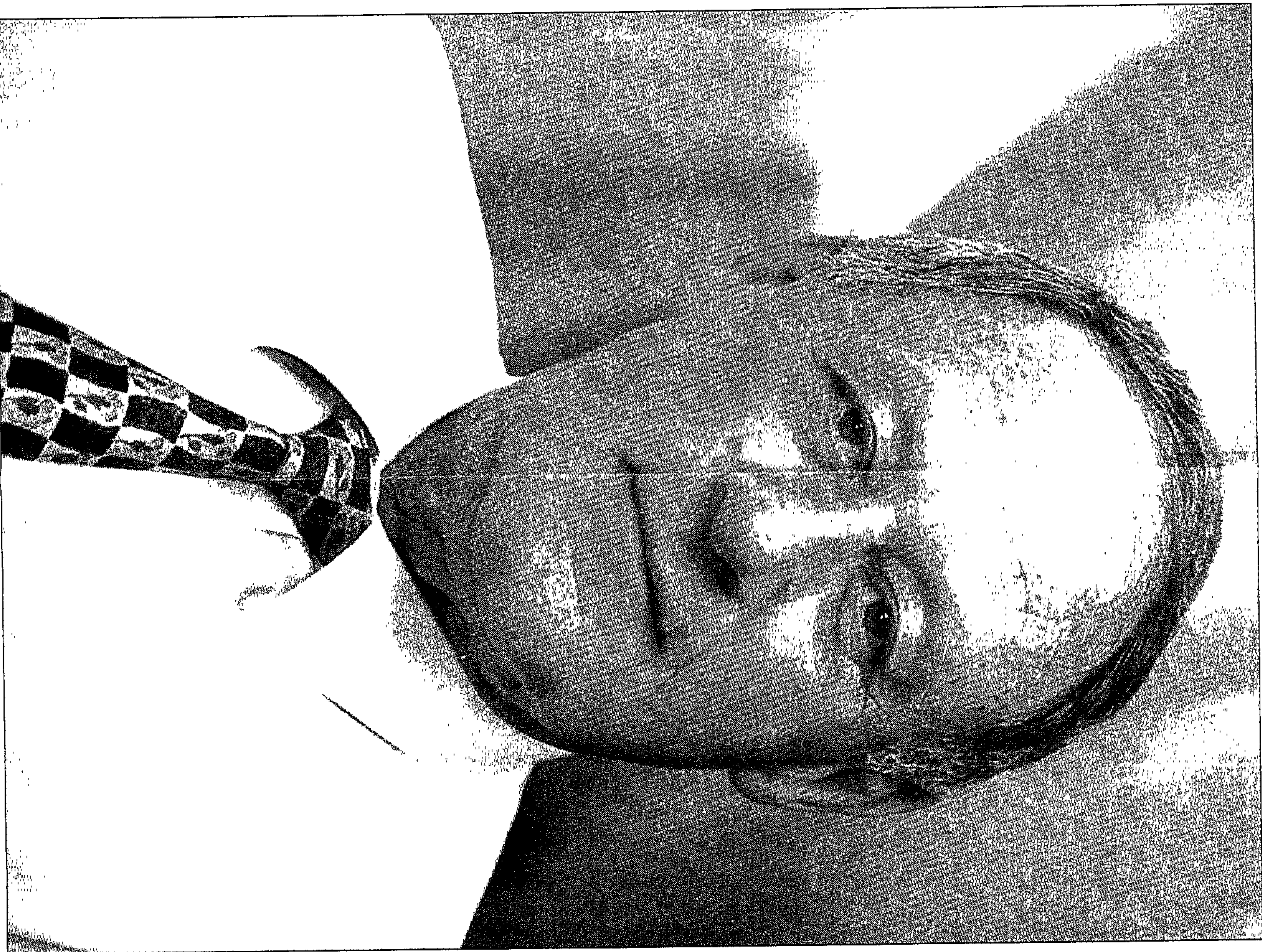
"And in all honesty, one has to argue that despite the problems we are having in our

out creating models." The SAPS had determined that three types had to be created.

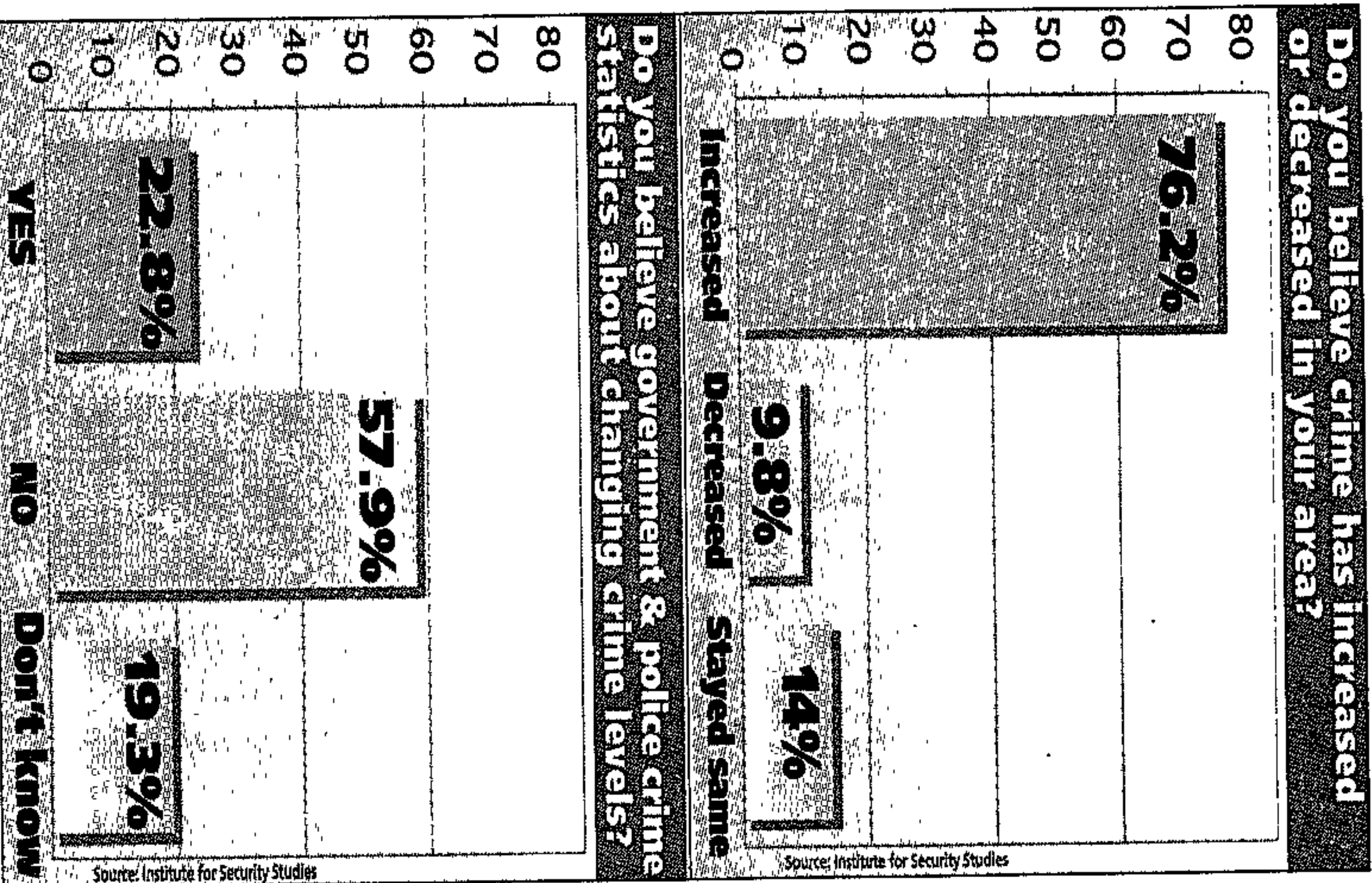
Firstly, a policing model for a metropolitan area, secondly a policing model for a rural area and thirdly a policing model for specific functions like those done by the murder and robbery or anti-hijacking units.

"What we are currently doing on all three is creating these models. We are creating them in terms of ideal structures, the ideal resources required, the training and development that goes with that, the material resources required, with an emphasis on crime prevention and finally the use of crime pattern analysis to make the most productive use of our resources."

He said Johannesburg and the Cape Flats were being used as the metropolitan models because the crime levels were above the national average and tested the strategies to the full.



THYS DULLAART



"That is why we are under-equipped and under-sourced; that's a fact, but we cannot continue that way.

"We have effectively under-resourced between one and two billion rands in the last five years," added Kahn.

He explained that this happened when the different police forces were integrated after the end of the apartheid era, but there was now a five-year strategy that had no shocks and very little risk, and that would gradually bring back the 75% to 25% ratio.

Kahn said this involved a detailed monthly manpower plan and plan for acquiring resources. He also said it was

"We are making progress. And even I, as an arch-cynic and harsh critic, can see the progress, and I am very settled and very comfortable."

He said the mind-set of policemen was being changed and a code of conduct had been signed by every member of the force.

**Even I, as an arch-cynic and critic, can see the progress**

"For the first time it determines the rules of the game and tells people what was expected of them. It will also form the basis of performance appraisal into the future."

He said pre-determined punishment for violations of



such, sooner or later growth is going to return to South Africa on a sustainable basis. All those factors are going to alleviate the situation.

"But what we need to do is energetically address the structural problems because by doing so we will be creating a foundation for effective law enforcement into the future."

Kahn said to do this the force's management had designed and developed a strategy for reconstructing the police service. There was a well planned, affordable, workable and flexible programme that had all the "great ingredients" needed for a strategy.

The elements of the strategy comprise how the operations are done, how resources are allocated and the changing of the conduct and behaviour of members of the force. Each of these three major aims has a number of smaller programmes flowing from them.

Kahn said: "Nobody can embark upon a long journey with-

difficult ones because it makes sense, if you are going to go on a learning experience, you may as well go with the difficult because the learning experience is going to stand you in good stead in extending the model throughout the country."

Smaller programmes formed part of these models and he was proud that the anti-bank

report: Jac ... Meyer (a) n worries (t) at the who e force is frequently blamed for the actions of a corrupt few. The vast majority, who put their time and often their lives on the line, for little reward, deserve the thanks and applause of all South Africans'.

theft strategy and anti-heist strategy were working well in Johannesburg. He added that certain crimes had been prioritised within the metropolitan model.

Kahn said the rural protection plan involving army com-

mandos was an integral part of the rural model.

He promised that the models would be complete by the end of this year and would then be spread throughout the country.

Kahn was also open about the current situation in the

force. "What we currently have in place is an under-trained, ill-equipped and under-resourced police service."

But he added that there were about 20 programmes to improve all these factors.

Kahn said in 1994 the hu-

man resource costs of the old SAP was 75% of the budget and the operating resource was 25%, but for many reasons by the end of 1998 human resource costs had risen to 84% and operating costs had dropped to 16%.

But he said positive things were already starting to happen in the force.

resources that were available were not being as productively used as they could be, because a few stations had too much and some too little.

He said the models would scientifically indicate what the ideal station needed.

But he said positive things were already starting to happen in the force.

work would be a feature.

"All this is totally integrated and interdependent. I think it is smart, I think it is do-able by police management and I know in my heart of hearts that it is going to make an enormous difference."

Kahn was also worried at how the whole force seemed always to be blamed for the things done by a small minority of corrupt members.

"Tens of thousands of police members put their time and often their very lives on the line each day, and they are seldom adequately rewarded.

"Quite frankly they all deserve South Africa's hearty applause and thanks," said Kahn.

The police chief said it was impossible to be totally confident about the future of law enforcement because the deep root causes of crime were still around. "But if you are asking me if I am confident about the strategy, categorically, yes is my answer."

## Few people believe the statistics police provide

By Ryan Cresswell and Gill Gifford

Crime will probably stabilise at high levels and begin to slowly decline over the next 10 years, according to the Institute for Security Studies (ISS).

Dr Mark Shaw, head of the crime and police programme for the ISS, said both the South African expertise and evidence from other societies in transition suggests that this is the most likely course crime will take in the country.

He said other, less likely possibilities, were that crime would continue

to increase at current levels until it peaked in five to ten years or it would stabilise and then decrease over the next five to ten years to levels lower than those before 1990.

Shaw said the consolidation of democracy in South Africa was leading towards stabilising crime levels, but there was a danger high levels could remain a permanent feature unless adequate measures were taken.

"Short of massive social and economic disruption, crime will not increase at the same rate after the core

period (from 1985 to 1995) of the political transition," he added.

Shaw said stabilisation was probably not the result of more aggressive policing or a more efficient criminal justice system, because investigations and prosecutions were weakening and fewer people were being convicted.

Shaw said reducing crime in a transitional society meant new forms of governance and control would be required.

Meanwhile, a recent research sur-

vey conducted by the ISS, showed people generally tend to disbelieve official crime statistics collected and released by the SA Police Service.

"When people were asked whether they believed crime statistics and official statements about changing crime levels, the majority of respondents showed little compunction in saying no," Shaw said.

He said the survey completed in April, was reflective of South African society and results could be attributed to perceptions that official statistics

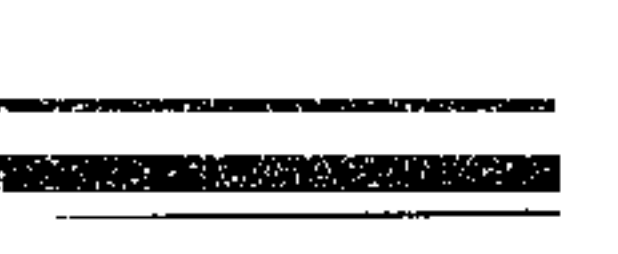
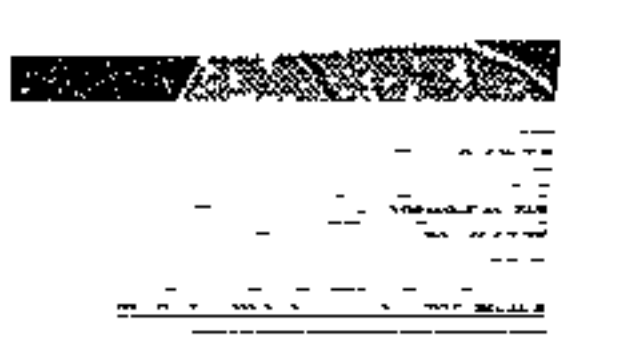
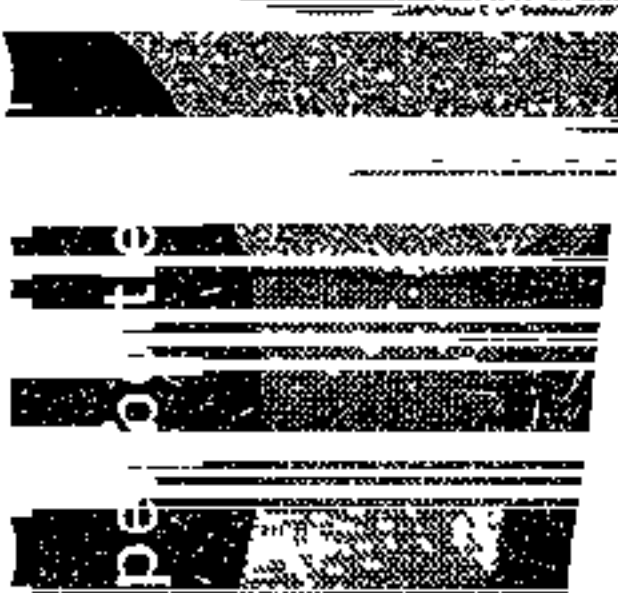
(deemed by Shaw to be generally accurate) never seem to match people's personal experiences or that of their friends and neighbours.

"And because crime statistics continue to be interpreted less than accurately for political purposes," explained Shaw.

He added that the opinions could pose a challenge to government and policy makers as scepticism over crime data makes it difficult to sell the public any success in reducing crime.

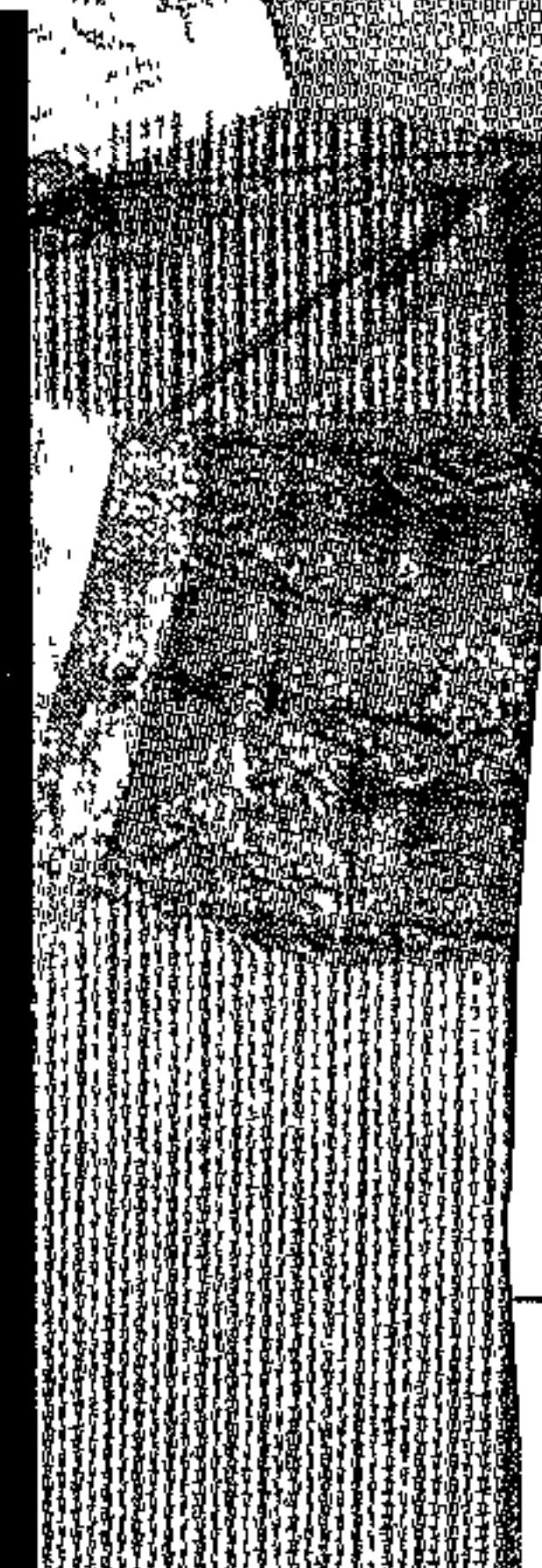
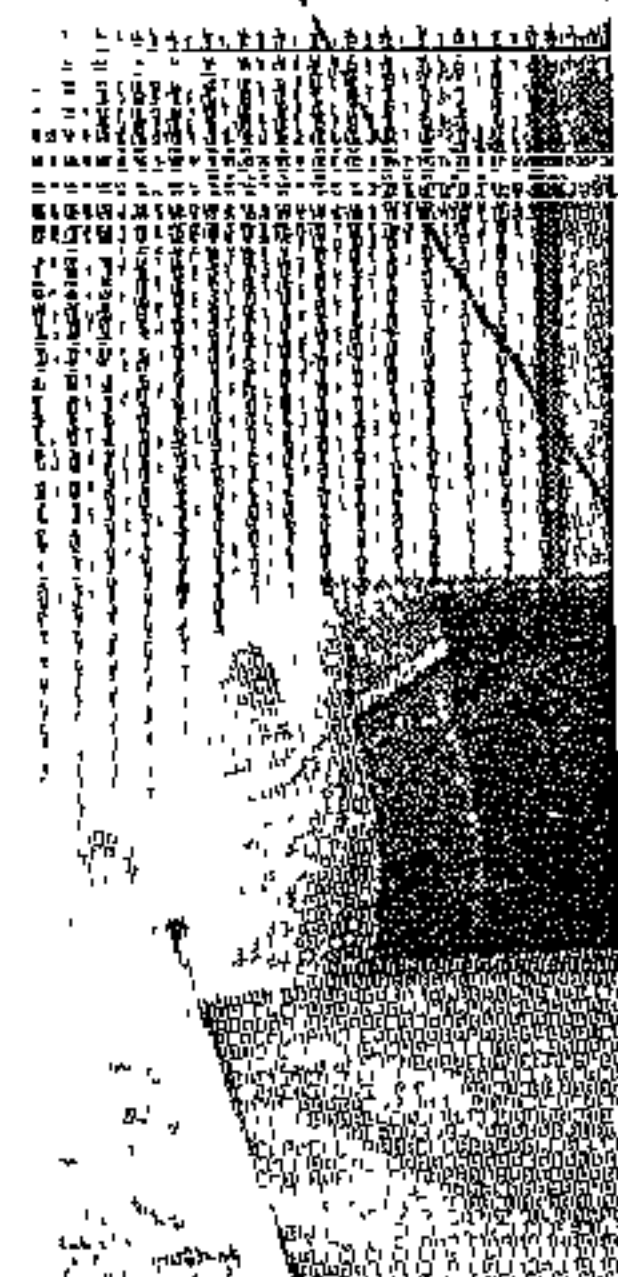
"This is likely to be compounded in the run-up to the election in 1999."

per bottle  
9.25  
D BROWN SHERRY  
SEDGWICK'S



Calata and Nicolo Mhlauli of the United Democratic Front on June 28 1985.

They are General Nico van Rensburg, Major Herman du Plessis, Captain Izak van Zyl, Lieutenant Eric Tay-





# Kahn's crime-busting brew

Man in the hot seat says his new policing models in Johannesburg and Cape Flats are bearing fruit

By Ryan Cresswell  
 XNW 5/6/98  
 (110)

**P**olice chief executive officer Meyer Kahn says strategic metropolitan policing models in Johannesburg and the Cape Flats are coming along so well that police will start to spread similar models across the country early next year.

In an interview, the former South African Breweries chief executive poached by the Government to reorganise the police force remained optimistic that effective measures could be put into place to fight crime, and said the fruits of new policing efforts were starting to show.

"We are making progress. Even I, as an arch-cynic and critic, can see the progress. Among the successes claimed by Kahn were the anti-bank robbery and anti-heist strategies put into place in Johannesburg.

Outlining major problems facing the police force and new strategies to fight crime, Kahn challenged the perception that the force was riddled with corruption, saying the entire SA Police Service was blamed for the actions of a corrupt minority.

Kahn denied claims by some experts who said he underestimated the problems facing him when he took up the position. "I expected a difficult and massive job," he said from his office in Wachtius, the police headquarters in Pretoria.

June is something of a watershed month for Kahn. In February he said he aimed to achieve progress in setting up a working anti-crime model in Johannesburg by the middle of the year, or he would not remain in office.

This week he said: "Fortunately, I can tell you that the model is on track and is slowly but surely being implemented. It will be operative by the end of June - not necessarily in its total refinement - so when they do phone I will be in office."

But most South African crime hotspots, including those in Johannesburg and the Cape Flats, remain fiery.

Professor Karthy Govender, head of the department of public law at Natal University in Durban, said Kahn, like most of the Cabinet, had probably underestimated the task of dealing with crime.

Dr Mark Shaw, head of the crime and police programme at the Institute for Security Studies, also thought Kahn had been too enthusiastic at the outset.

Govender 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, and police members who had concentrated resources on security matters for many years.

"We still need some results soon. When things changed (in 1994) we thought the right wing would be the biggest threat to the constitution, but it has turned out to be crime," Govender said.

Shaw said Kahn had introduced a better management ethos among officers and had improved the morale at station level. He added that crime appeared to be stabilising, except for certain violent crimes such as rape.

"The challenge is to make this (improvement) sustainable," he said.



# Kahn's anti-crime <sup>(34)</sup>

## model 'taking shape'

CT 5/6/98

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 or 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 operative 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 fiery.

However, the experts were also quick to explain the difficult circumstances Kahn has been operating in and describe the success he has had.

Karthy 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.



**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 Mafikeng.

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

# 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)

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 trainers so that skills are spread right throughout the services."



**T**HIS seems an appropriate occasion to talk about the importance of values such as integrity and truthfulness in building a nation and consolidating democratic governance.

We are emerging from an era that epitomised the opposite — the deceit, corruption and criminality that sustained apartheid.

As we face the future, we must find ways of overcoming this legacy to ensure that mutual trust becomes one of the cornerstones on which we build our nation.

This is difficult enough to achieve in homogenous societies with a history of conflict; in South Africa, it is an almost super-human challenge — as we have witnessed in the difficulties the Truth and Reconciliation Commission is facing in fulfilling its mandate.

The importance of values such as integrity in the process of nation-building was raised in Parliament this week by a prominent international visitor, Chief Femeke Anyaoku, the secretary general of the Commonwealth.

Anyaoku drew on his wealth of experience, in his home country, Nigeria, and elsewhere, to stress the importance of establishing a culture of integrity as the basis of social and economic development. In particular, he stressed that this endeavour must start with government taking responsibility for rooting out corruption at every level of national life.

I wish to take up Anyaoku's theme, and to begin by defining corruption in the broadest sense as the misuse of office for unofficial ends. This usually involves secretly receiving benefits to influence a decision that is supposed to be made in the interests of others, uninfluenced by private gain. It includes a whole catalogue of crimes ranging from bribery, extortion and influence peddling to nepotism, fraud and embezzlement.

The rejection of this kind of behaviour is not culturally determined. While virtually every country reviles and prohibits it, some have been far more successful at curbing it than others. It is important for us to examine why, and to apply appropriate lessons to our own situation.

But first it is necessary to set aside unhelpful stereotypes.

**Corruption:** is not confined to the developing world or countries in transition. Allegations of corruption have recently and regularly surfaced in the politics of countries as diverse as Russia and Ja Jan, Britain and Italy.



FOR DEMOCRACY'S SAKE: Dr Mamphela Ramphele, the vice-chancellor of the University of Cape Town, who emphasises integrity and trust

Picture: TERRY SHEAN

# LESSONS for a corrupt SA

*The evils of the past do not justify corruption today, nor exonerate us from the responsibility of taking action, MAMPHELA RAMPHELE says at the Paton award ceremony*

(31)  
ST 7/6/98

era. Although the unit has so far recovered R10-billion in state assets, according to media reports, Judge Heath says there are still more than 90 000 cases under investigation.

He has also revealed that a high proportion of fraud is masqueraded by organised syndicates and that a shockingly large number of people view public funds as fair game for corrupt schemes.

This is the legacy of our past. It did not begin in 1948 when the National Party came to power. Its roots lie in the central assumption on which colonialism and imperialism were based: the "entitlement" of a settler population to extract and exploit resources ranging from labour to mineral wealth, and to enjoy the benefits of exclusive

elephant in the system. The complicity and deceit emanated from the very top.

Nor is it surprising that the scourge of corruption remains deepest in those parts of the country most profoundly influenced by bantustan policies — the Eastern Cape and the Northern Province.

The apartheid government knew how to buy patronage, and how to create a culture in which people were prepared to sacrifice principle for the price of feathering their nests.

However, it is important to stress that the evils of the past do not justify corruption today, nor exonerate us from the responsibility of taking effective action. I believe we are in a stronger position to do so now than ever

leadership to clean government is a crucial national asset. International experience shows that once leadership is contained, the battle becomes a phoney war in which strategies are devised to catch the small players while the big fish go free.

Second, there is a greater degree of public outrage against corruption today than ever before in South Africa.

Most black South Africans felt they had no option but to tolerate apartheid-era corruption. They are less likely to accept the same behaviour from the government they voted into power.

Conversely, apartheid supporters, who were prepared to turn a blind eye in order to sustain minority rule, tend not

optimistic is that significant anti-corruption machinery is already in place at the national level: we have a Constitutional that establishes the foundations on which to build the rule of law, due process and multiparty democracy. We have the offices of the auditor general, the public protector and the Independent Complaints Directorate. We have an independent media. We have Judge Heath's special investigating unit, the Office for Serious Economic Offences, the police anti-corruption units and the National Crime Prevention Strategy.

We have the right policies and many of the right mechanisms. The question is: how do we make them work where it really matters? Again, international experi-

prevent corruption rather than on trying to catch the culprits.

Robert Klitgaard, a former professor of economics at the University of Natal, has worked out a simple but powerful equation to explain corruption. Corruption, he says, equals Monopoly plus Discretion minus Accountability. In algebraic terms it is written C = M + D - A.

"Whether the activity is public, private or non-profit, whether you are in Washington or Ouagadougou, you will tend to find corruption when someone has monopoly power over a good or service, has the discretion to decide whether you receive it and is not accountable".

Klitgaard says. He and other analysts agree the best way to counter corrup-

Monopolies must be reduced or carefully regulated. Official discretion must be carefully defined and monitored. Transparency must be enhanced. The likelihood of being caught must rise, and the penalties must be very high.

We need to study how to devise appropriate management systems in areas particularly vulnerable to corruption in South Africa (such as licensing departments and the police). We need to apply these strategies in selected case studies, analyse the results and act on the lessons we learn.

Above all, our opposition to corruption must go beyond rhetoric. This is important for the future of democracy itself. Corruption, says Professor Phillip Heyman of Harvard

a rationalisation to abandon democratic practices in favour of various forms of authoritarianism. Almost all coups in fragile democracies are rationalised as a strategy to deal with corruption.

The opposite, of course, is true. Only a democracy offers the constitutional mechanisms and public accountability necessary to counter corruption. Another major risk that corruption holds for democracy is that it breeds cynicism and alienation in ordinary people. If a society reaches the point where people believe they are losing out if they don't indulge in corrupt practices, the rule of law gives way to the law of the jungle.

Corruption does not improve the economic prospects of ordinary people — it destroys them. For the few who become millionaires, millions become impoverished. The greatest risk corruption poses to an economy is that it destroys the relationship between effort and reward. Anyaoku stressed this point in his address to Parliament and added: corruption has to be rooted out, not because the World Bank, the International Monetary Fund or other donor agencies or governments say so, but because only with the eradication of corruption can we begin to link reward to work. That is the most central basic principle in economic and social development.

The Deputy President Thabo Mbeki, took up this theme in his budget debate this week when he said: "As much as we were our own liberators, so are we all the architects of our destiny. The time has come to call and impose a halt to the abuse of freedom in the name of entitlement said to arise from our having been the victims of apartheid, especially by those elements among the black elite which have a voice."

This is precisely the message that should be emanating from the government. There is a real danger that claims to "entitlement" could sow the seeds of a new form of corruption by an emerging elite using its former "victim status" to justify personal enrichment while failing to implement policies that secure education, skills and productive employment for the majority.

The South African public desperately needs to see the deputy president's words followed up by tough, uncompromising action. It is up to government. But it is also up to all of us, whoever we are, to turn these words into deeds.



...earned in 1953... name it was Jan "Bull" Pickard, who died last Saturday, aged 70, after battling Parkinson's disease for almost 20 years.

Whether playing top-class rugby, administering the game or building a business empire, he was always vigorous in his style and outspoken, and combining shrewdness and cunning with a dominating presence.

Born in Piketberg on December 25 1927, Jan Albertus Jacobus Pickard was educated at Paarl Gymnasium and at Stellenbosch University, where he obtained a BSc in agriculture.

On the rugby field, he was a rampaging lock forward, intensely physical, bold and brave in his appearances for his beloved Western Province and for South Africa.

Pickard was a big man given to big gestures. Once, at Ellis Park, he took umbrage at the Transvaal union refusing to allow the visiting Western Province team's manager to act as a touch judge as was the practice then — so he locked the provincial team's dressing-room door and refused to allow his team to emerge until his demand was acceded to.

A legendary altercation between him and Northern Transvaal's Salty du Randt was apparently the reason both were overlooked for the captaincy of

# obituary

## Jan Pickard

*Rugby player, administrator and businessman*

Pickard had become a stalwart of Stellenbosch rugby before joining the Hamiltons club in Cape Town.

He was a member of Basil Kenyon's Springbok touring side to Britain and France in 1951/52 and earned his first Test cap against Australia in 1953. He played in four Tests.

Under Pickard's captaincy, Western Province won the Currie Cup four times in the 50s. In 1981, with the Western Province union in the doldrums, Pickard was persuaded to make himself available as president.

He engineered an immediate transformation as the province entered a golden era in which they won the Currie Cup on five successive occasions, from 1982 to 1986.

As president of the Western Province Rugby Football Union and a member of the International Rugby Board, Pickard exercised enormous influence at every level of the game.

mittee and tours committee. In the dying days of apartheid sport, he worked hard for the development of rugby in disadvantaged communities.

He masterminded the unification of Western Province rugby in 1991 when the ANC-aligned Western Province Rugby Union broke away from the National Olympic Sports Congress to join forces with his Western Province Rugby Football Union.

It was predictable and inevitable that he would clash with Louis Luyt, his northern counterpart and bitter Transvaal rival. The two shared many qualities: both were big, bruising rugby players, blunt, direct and outspoken, both were ambitious and successful in the administration of rugby, and both had controversial business careers. And they were both quintessential Africans with a love of their land and their language.

At one stage it was claimed Luyt had snubbed Pickard by

game from a presidential suite at Newlands and failing to attend the post-match party. Said Pickard, "if that is to be Dr Luyt's attitude, won't miss him if he doesn't come to Newlands again." Later, they made up.

His forays into business centered on household appliances, textiles, liquor and financial services. His companies, Union Wine and Picardi Holdings Group, were often in the news.

Their share prices were volatile, and they were often featured in complex arrangements, hostile bids, the passing of dividends and differences with minority shareholders. Graham Beck eventually acquired Union Wine, while Bill Venter took over the remnants of the Pickard holding company after the family, led by Pickard's son, Jan junior, retained some furniture interests plus, according to one estimate, about R13-million.

At one stage, Pickard controlled six listed companies. As he fought Parkinson's in his final years, Pickard went to Sweden for brain surgery in a procedure that eases the dissection of tumors of constant size.

He set up and financed the Jan Pickard Neuro Science Foundation to enable other South Africans to benefit from the procedure here. He is survived by his wife, Ingrid, four children and 11 grandchildren.

Steve Muthoo

In 1979 Stephen Gray wrote an influential study on Southern African literature which attempted to anchor an emergent national culture within the matrix of certain core, archetypal myths (the frontier, the explorer, the Hottentot Eve, the colonial hunter).

"Every aspect of Southern African literature that could possibly be taken into account had made its first rudimentary appearance by 1899," he argued at the time.

Not surprisingly, Gray's own earlier collections of poetry also took their creative, if often ironic, reference points from these archetypes. Nearly 20 years later, this new collection, is different.

Perhaps the foundation myths no longer stand up to the realities of our new situation?

"In exile spent my years dictating lines, / Oral ones and

for a majority government. Ironically, this creates an opportunity for us to shape a national consensus and forge effective strategies to achieve clean government.

There is, however, a negative force working against this: the defensive use of the "race" fallacy by black people involved in corrupt practices and the silence of those who fear being labelled "racist" for criticising. We must get rid of these hangups if we are to build a society founded on integrity, and

● The third reason to



# book of the week

JEREMY CRONIN

## Uncertain master of empathy beyond SA's literary archetypes

The poem cycle is, incidentally, also a marker of what has become of one of those archetypes — that Gray once



of the most basic rights of the indigenous population. Against this background, the emergence of a Eugene de Kock, who has come to symbolise apartheid's depravity, is no accident of history.

It is also no coincidence that most of the charges the former Viakplaas commander faced in court were for crimes of corruption. He abused his position to indulge in every conceivable wrongdoing, often for personal gain, from fraud to perjury and murder, because he believed he could not be held accountable. He was not a lone, rogue

● We have national leadership, symbolised by President Nelson Mandela, committed to integrity in government. Leaders set the tone in all societies. I believe our government has not taken enough advantage of the tone set by Mandela to establish a "zero-tolerance" policy on corruption. You clean a staircase by starting at the top. Sometimes, however, the sweeping should be a lot more vigorous, particularly in scandals like the Motheo Housing contracts and the Central Energy Fund. Nevertheless, the commitment of our

tive in character, work well. This is especially the case with one of the finest poems in the collection, *Child at Lake Como*.

The poem comes with a photograph, from the postcard plate, we are told, of an old concertina Kodak camera.

It is 1950 and a young, skinny boy "the baggy shorts, the flapping white shirt/ shoulders pinched... elbows on the rails of a promenade, back to us, stares out into the lake.

Behind him, just behind him, are the consequences of war, an Italy emerging from fascist devastation.

"Before him, innocent, the forked lake extends like a long dowser's rod."

As the boy stares dreamily out, the poet, who is, of course, the boy some four and a half decades later, stares into the same distance

with participants the world over. There are many "Third-World" bribes, both in the giving and receiving of illegal favours;

● Exists in both the public and private sector. Indeed, the private sector is involved in most government corruption the world over; and

● Is not a new phenomenon in South Africa.

The special investigating unit headed by Judge Willem Heath has uncovered staggering levels of corruption, most of which has its roots in the apartheid

Ramphele's speech at the Alan Paton Award on Friday night

ularly dangerous in a fragile democracy because it provides

systems that avoid this combination of circumstances.

we must place the emphasis on management systems to



# Concern over SA crime grows

Melanie Sergeant-Haape

BD 8/6/98

(34)

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 Magugu 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.

A host of initiatives were under way to get help from Germany's police force.

A number of top police officials from Germany's states, such as Rhineland-Palatinate, had visited SA to investigate how they could help — whether with new software systems, or with training and education in SA's police force. Co-operation has also included visits by SA Safety and Security Minister Sydney Mufamadi, who visited the state of North Rhine Westphalia, as well as MECs for safety and security who had been briefed by senior police officers in Germany.

It is understood that SA delegations have been invited by police forces from many of Germany's largest cities.

The Hanns Seidel Foundation — belonging to the leading party, the Christian Social Union — has been instrumental in helping with the SANDF's restructuring and several delegations have met in Germany and in SA in a bid to help beef up SA's police force.

One source said: "A huge amount of technology and expertise has been exchanged through these and a number of other initiatives, and we believe that ongoing attempts to harness international know-how can only improve the situation in SA."



W CAPE IS CRIME HOT SPOT

# SA winning war on violent crime

CRIME STATISTICS have dropped substantially across the country in the past four years, but those in the Western Cape have risen, putting it at the top of the list as the country's crime hot spot.

MOST national violent crime levels have dropped substantially since 1994, says a report released by the South African Institute for Race Relations (SARR).

Murders down by 14,6%, attempted murder down by 4%, robbery with aggravating circumstances down by 23,5%, vehicle theft down by 10,1% and drug-related crime down by 15,7%. But although crime levels have dipped substantially on a national level, the Western Cape now tops the list for the most violent crimes.

The Western Cape recorded 80,2 murders for every 100 000 of the population last year, eclipsing Gauteng as South Africa's crime hot spot.

The province also shows the highest increase in murders in South Africa since 1994. There was an alarming 17,3% increase in comparison to

Gauteng and Kwazulu-Natal, which saw their murder rates drop 8,4% and 24,2% respectively. A detailed report on provincial ratings by the SARR shows that the Western Cape also figured in the top three for all categories of serious violent crimes in 1997.

Despite the bloody spate of multi-million rand cash in transit heists, the SARR report shows that cash in transit robberies are down a massive 50% since 1994, while bank robberies are down by 26,6% over the same period.

Rape (including attempted rape) is up by 14,5% nationally and indecent assault by a huge 21,9%. Criminal analysts, however, ascribed the increases to a greater awareness and a subsequent higher reporting figure.

One of the most disturbing aspects of the SARR report is the decreasing rate of successful prosecutions and convictions. According to 1995-96 statistics released by the Central Statistical Service, the number of convictions dropped for the fourth consecutive year, while the number of prosecutions dropped for the fifth year running.

A reflection of this trend is that while the number of reported rape cases increased by more than 160% between 1988 and 1996, the number of rape cases which went to court decreased by 28% and the number of successful convictions by 30%.

The report outlines two reasons for the trend: The South African Police Service is badly trained and understaffed and its recent emphasis on crime prevention has meant neglected detective functions; and that the national experience level of prosecutors is on average only 31/2 years. — Staff Writer

## SELECTED PROVINCIAL CRIME RATINGS

Province	Number of reported cases per 100 000 of the population	Change per 100 000 of the population	Province	Number of reported cases per 100 000 of the population	Change per 100 000 of the population
<b>Murder</b>			<b>Burglary: Business premises</b>		
Western Cape	80,2	+17,3%	Western Cape	405,4	+10,3%
Gauteng	76,1	-8,4%	Northern Cape	357,5	+3,4%
Northern Cape	71,6	-3,2%	Gauteng	255,9	-12,7%
<b>Robbery: Aggravating circumstances</b>			<b>Burglary: Residential premises</b>		
Gauteng	421,9	-18,0%	Gauteng	1 052,7	+3,5%
Kwazulu-Natal	175,5	-6,9%	Western Cape	1 013,3	+16,3%
Western Cape	136,3	-19,5%	Northern Cape	651,8	+1,1%
<b>Rape and attempted rape</b>			<b>Theft of motor vehicle and motorcycle</b>		
Northern Cape	201,8	+14,4%	Gauteng	728,8	-4,0%
Gauteng	171,4	+17,6%	Western Cape	240,4	+0,2%
Western Cape	170,5	+24,0%	Kwazulu-Natal	188,2	-4,8%
<b>Assault with intent to inflict grievous bodily harm</b>			<b>Drug-related crime</b>		
Northern Cape	1 738,9	+14,6%	Western Cape	280,2	-9,6%
Western Cape	817,8	-3,8%	Northern Cape	206,1	-0,9%
Gauteng	632,6	+29,5%	Free State	126,7	-21,1%

## Flats crime-fighting plan ready

JOHANNESBURG: The strategic metropolitan models for policing the Cape Flats and Johannesburg should be in force by the end of this month, says police chief executive officer Meyer Kahn.

He expects models for other areas to be introduced from early next year. "The model is on track and is slowly but surely being implemented," Kahn said from his office in Pretoria. "It will be operative by the end of June — not necessarily in its refinement, (but) when they do phone, I will be in the office."

Some experts think Kahn proba-

bly underestimated the problems in fighting crime when he accepted his appointment. But Kahn denies he has been taken by surprise. "I expected a difficult and massive job," he says.

June 1998 is something of a watershed month for the former chief executive of SA Breweries. In February he said he intended to make progress in setting up a crime-fighting model in Johannesburg by mid-year, failing which he would not remain in office.

Professor Kathry Governor, head of the department of public law at Natal University in Durban, said

Kahn, like most members of the cabinet, had probably "underestimated" the task of dealing with crime.

Dr Mark Shaw, head of the crime and police programme at the Institute for Security Studies, thought Kahn had been "too enthusiastic" when he started out. However, he had had no real choice because of politics surrounding his high-profile appointment, Shaw said. He and Governor emphasised that Kahn was working in difficult circumstances and had several successes to his credit.

Governor said the crime fight was hampered by the recent amalgama-

## NATIONAL CRIME TRENDS

Type of Crime	Jan-Dec 1994	Jan-Dec 1997	No per 100 000 of the population	Change Jan-Dec 1994 v Jan-Dec 1997
Murder	-66,6	56,9	56,9	-14,6%
Attempted murder	67,8	65,1	65,1	-4,0%
Robbery with aggravating circumstances	210,8	161,2	161,2	-23,5%
Common robbery	80,5	121,8	121,8	+51,3%
Rape (including attempts)	105,3	120,6	120,6	+14,5%
Indecent assault	9,6	11,7	11,7	+21,9%
Cruelty and ill-treatment of children (excluding sexual offences, assault and murder)	6,8	5,5	5,5	-19,1%
Assault with intent to inflict grievous bodily harm	521,9	542,4	542,4	+3,9%
Common assault	481,0	466,8	466,8	-2,9%
Burglary (and attempts) on business premises	221,1	204,9	204,9	-7,3%
Burglary (and attempts) on residential premises	566,0	576,7	576,7	+1,9%
Theft of motor vehicles and motor cycles	258,9	232,7	232,7	-10,1%
Theft out of motor vehicles	453,3	407,6	407,6	-10,1%
Other theft	949,3	896,9	896,9	-5,5%
All fraud, forgery, malappropriations, embezzlements, etc.	155,3	147,1	147,1	-5,3%
Drug-related crime	117,5	99,0	99,0	-15,7%
Carjacking	30,5	30,1	30,1	-1,3%
Hijacking of trucks	8,7	9,9	9,9	+13,8%
Robbery of cash in transit	1,0	0,5	0,5	-50,0%
Bank robbery	1,5	1,1	1,1	-26,6%

tion of forces with unequal training and experience. Police had concentrated resources on security aspects for years and the force largely lacked the training to deal with a constitutional democracy.

"We still need results soon," he said. "When things changed, we thought the right-wing would be the biggest threat to the Constitution, but

it has turned out to be crime."

Shaw said Kahn had introduced a better management ethos among officers and had improved morale at police station level.

Also, the incidence of crime, except for certain violent offences such as rape, appeared to be "stabilising". The challenge was to make this sustainable. — Own Correspondent



# CAPPEAROUS ISSUES

# Crime crisis: 'police powerless'

## Impossible to control epidemic without community - expert

### INSIDE STORY

The crime situation in the country has reached epidemic proportions and the police are not in a position to combat it effectively.

This claim was made by Toffie van Vuuren, senior criminology lecturer at the University of South Africa, who said South Africa was one of the most violent countries in the world.

"The police, for many reasons, are not in a position to combat crime effectively and it is therefore important for them to manage crime and to make use of all the community resources possible to assist them."

Writing in the police journal Pollex and Praetor, Mr Van Vuuren said South Africa's economic growth rate had been lower than the population rate since 1989, which had resulted in an unemployment figure of about 5.5 million.

"For the unemployed, crime has become a way of survival and for the police a matter of grave concern and frustration as they have little or no



South Africa is one of the most violent countries in the world but law enforcement agencies can do little to change this, says a criminologist. But the police say they are winning the war. Special Writer **GLYNIS UNDERHILL** takes stock

control over the root causes," he said. Mr Van Vuuren said South Africa's reputation internationally was indicative of the disorder here, and the disrespect for human lives.

"There is an outcry by the South African community that the Government must take drastic steps to improve the safety of its inhabitants by using the existing private and policing structures in the prevention of crime," he said. Victims of violent crimes endured

weeks of physical pain and years of psychological agony, drug abusers financed their habits by stealing, while businesses suffered massive losses and some went bankrupt from employee theft. "Television and newspapers thrust the pain of crime victims into our lives daily. In response, we seek refuge from our fear behind the imagined safety of locked doors and many of us avoid what we believe to be high crime areas.

"The impact of crime is real but surprisingly, associated costs are difficult to measure and, where measurable, are often not well documented. The result is a public picture depicting the cost of crime that is as much a myth and exaggeration as it is a fact."

The psychological, social and economic costs of crime in South African society are extreme, he claims. "In order to address the crime problem, billions of rands are spent on police protection, the court system, correction, probation, parole and private security. Despite these expenditures, South Africans suffer multimillion rand losses due to crime every year."

There was little doubt that the South African Police Service had a proud record of reactive policing. "If this statement sounds unduly harsh, it is intended to be so because the police have grossly neglected their proactive responsibilities. If police resources and time could

have been spent on preventing crimes rather than reacting to them, substantial savings could have been passed on to all citizens in the form of lower taxes, he said.

But Joseph Ngubeni, spokesman for national police commissioner George Fivaz disagrees.

The picture is not all doom and gloom, he says, and police intelligence capabilities have improved to make crime prevention a reality.

"The fact of the matter is that crime is either stabilising or decreasing, with the exception of rape. (This) emanates from a police report which is released on a quarterly basis by the Minister for Safety and Security.

"The report, released by the Crime Information Management Services, enjoys both legitimacy and credibility. From opinion-makers who are consulted before the report is released.

"We agree that the root causes of crime must be addressed. For this reason the Government has put in

place the National Crime Prevention Strategy, in which more than one department is involved.

"It is therefore not true that the police are failing to do their work properly, given the high rate of arrests made by police on a daily basis. It is also devoid of any truth to suggest that police only react to crime. The SAPS is on record for having prevented crimes from happening.

"It must be pointed out that crime intelligence has improved to such an extent that proactive action is possible to prevent pending crimes.

"However, the SAPS is not naive to disregard the unacceptably high levels of crime in South Africa. There is still a lot to be done to bring the levels down.

"We emphasise that not only the police, but also other stakeholders, must be involved to remove not just the symptoms but also the root causes. The latter is not the responsibility of the police."

ARG 8/6/98 (34)



# Citizens not impressed with official statistics (34)

GLYNNIS UNDERHILL

ARG 8/16/98  
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 downturns in crime did little to build public confidence in official crime statistics.

The findings are presented in a new paper, *Of Crime and Country*. It reports crime trends in South Africa between 1980 and 1997, and possible future scenarios.

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 1980 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

Mzwandile Jacks

(34) 10/9/98

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 business 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 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

CLIVE SAWYER  
POLITICAL CORRESPONDENT

AR 11/6/98

(34)

**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 103 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 56,2% 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 53,1% 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 95% 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.



## 'Fight against corruption under-resourced'

2015/16/98 (34)  
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 R7,5m 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.



20 17/6/98  
NP reacts to  
farmers threat  
on sanctions

(34)  
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 nonaction 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

(34)

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 NBS/Boland (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 cars, 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

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# Organised crime in SA is as green as the organised crime fighters

FOUR years after its formation, detectives in the organised crime unit are beginning to put together a vivid picture of SA crime syndicates.

Much of what they are learning suggests that the presuppositions that shaped organised crime-fighting in the mid 1990s were flawed and that the very structure of detective units might require revision.

"Four years ago we were fumbling in the dark," said an undercover agent in the unit. "We went out looking for godfathers running huge and sophisticated corporations. But they do not exist."

Evidence from across the country suggests that most organised operations take the form of complicated networks involving a myriad small and specialised organisations.

"In four years I have never found a single organisation running a composite hijacking operation," said a source in the vehicle theft unit. "One organisation will take cars off the streets. A separate group will specialise in changing the colour and identification of the cars, a third group bribes the licensing department and a fourth will reintegrate vehicles into the consumer market or export them. At each stage there is a market transaction between specialised businesses."

Networks are by definition diffuse and opaque and are thus notoriously difficult to dismember.

"When you are at the coal face, you think you are doing well," said one source. "A small, specialised organisation can be cracked after two or three arrests. But whether you've achieved much is open to question. First, you know very little about the rest of the network. And second, any number of other specialised organisations, ones we know nothing about, can come in to fill the gap."

SA's crime fighters must make use of the window of opportunity provided by the fact that organised crime in the country is still relatively new, writes Jonny Steinberg

Wilfried Schärff, the associate professor of criminology at the University of Cape Town, said the networked character of organised crime in SA was a new phenomenon and was shaped by growing contact with international syndicates.

"The emergence of the network is an international response to successes in organised crime-fighting," said Schärff. "International organisations are now refusing to do business with large, hierarchical structures because they are insecure business partners."

"The more organised crime opens up to the rest of the world, the more local organisations need to adapt to what is recognised as 'best practice' globally."

The replacement of hierarchies by networks is an endemic problem for intelligence-gathering and detection. But other problems faced by SA police may be a result of an inappropriate deployment and distribution of investigative skills in the police force itself.

The past few years have seen the proliferation of crime-specific investigation units. Johannesburg alone boasts four fraud units, a diamond and gold unit, a commercial crime unit and separate structures dealing with firearm theft, murder and robbery, truck theft, vehicle theft, organised crime, domestic violence and bomb disposal.

Each of these operates from separate offices, keeps its own data and works outside normal command structures. Station commissioners who preside over normal policing have no responsibility for crimes under the jurisdiction of a specialised structure and are obliged to hand over dockets.

Is this an appropriate institutional design for fighting organised crime? "It is very unusual for one organisation to stay in the same line of business over time," said a source in police intelligence. "As a rule, groups are fluid and versatile. An organisation that imported drugs yesterday may well be exporting trucks tomorrow. We would spend our time far better tracking organisations and people than tracking particular crimes."

Wilfried Schärff concurs: "Police intelligence on a single organisation in the Western Cape will be dispersed among four or five closed and inaccessible data bases," he said. "There is competition between a myriad discreet pockets of resources. We urgently need a single, accessible data collection system."

Is the issue here just one of inappropriate institutional design, or is there a deeper problem? Some argue that the establishment of crime-specific units is simply a reactive and panic-stricken form of problem solving.

"When there is a spate of a particular crime, everyone asks the commissioner what he is doing about it," said a detective working in intelligence. "And so the police establish a special, crime-specific unit and say, 'well, this is what we are doing about it'. But whether this is the best way to tackle syndicates is another question entirely."

However, others argue that the fragmentation of detective work is the symptom of a deeper malaise. "The pressure to form specialised units comes

from a general skills shortage in the police," said Mark Shaw of the Institute for Security Studies. "It is essentially about pooling a scarce resource — skills. The problem is that it compounds the problem at station level. Local stations are left even more depleted and thus less able to undertake sophisticated work."

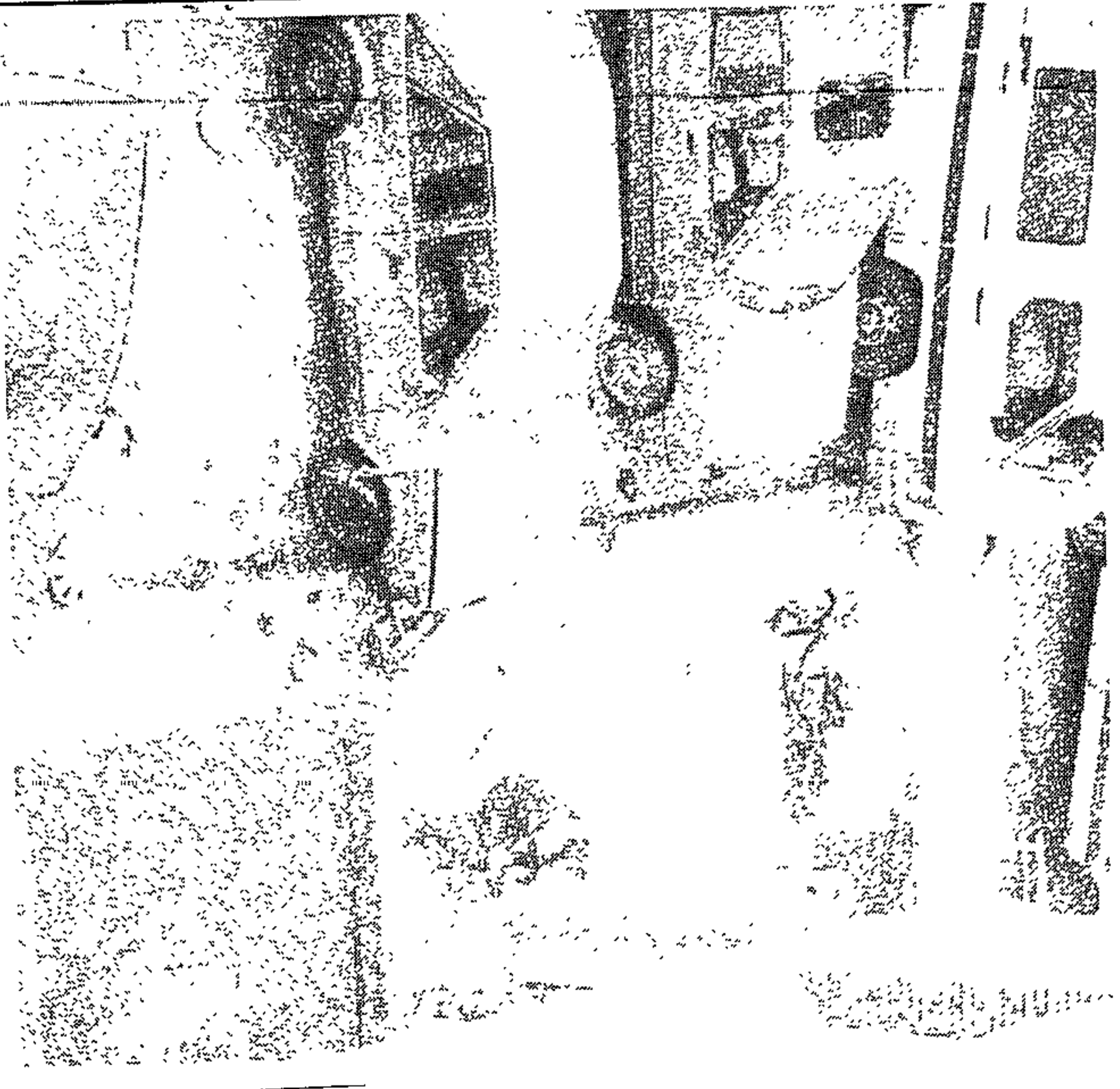
Given the fluid and versatile character of syndicates, weak policing at station level is a serious problem.

"You can have as many specialised detective units as you like," said Schärff. "If you are weak at station level, criminal organisations can operate with impunity in that area."

While the malleable character of criminal organisations in SA demands a flexible and diffuse distribution of investigative skills, a premium on skilled human resources in the police is shaping a specialised and fragmented structure of inappropriate structure to the task at hand.

The debate about institutional design is simply a symptom of another more serious problem. It is common cause that under apartheid, crime intelligence, forensics and legal expertise were neglected. The result is a police force that does not yet have the resources to police organised crime efficiently.

If there is any comfort to be derived from this, it is that organised crime in SA is as inexperienced as organised crime-fighting. The race is on between police and syndicates over who manages to learn faster.



SA does not yet have to cope with the type of organised crime which unleashes assassination attacks on top law enforcement officials. Picture: AFP



## Zuma urges WHO director to focus on public health

Josey Ballenger

20 30/6/98

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 drugs 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

20 30/6/98 (34)

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 though the late registration of births.

He is still to appear in court.

Makwela said the department's anti-corruption unit had made inroads in its investigations into corrupt officials. It had also led to the arrest of officials in Soweto and at the Harrison 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'*

ARG 3/7/98 (34)

CAROL CAMPBELL  
SPECIAL WRITER

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 rands 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-

rica, 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

From page 1

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 cell-phone numbers, hack into private networks and create mayhem.

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# Crime expert rejects New York's method

MAN 4/7/98

(34)

## Much lauded 'broken windows' approach seen as quick fix that ignores causes

An international crime prevention expert has slated former New York commissioner William Bratton's "broken windows" theory on curbing crime.

Irvin Waller, founder of the Canadian-based International Centre for the Prevention of Crime, called Bratton's method "a temporary, quick-fix strategy which merely postpones the inevitable long-term plan to deal with the causes."

He likened building more prisons, employing additional police and locking up more and more petty criminals to building hospitals and employing more surgeons to combat Aids or cancer.



**Peta KROST**

Waller's solution is to have a crime prevention unit of top government officials in charge of finding the real sources of crime and combating them, while ensuring that the criminal justice system becomes more accountable.

"This is not a soft option, it is a hard-nose option," he said. "There would be a marked reduction in crime within three to five years."

In 1996, Bratton told South Africans that he had noticeably reduced crime in New York partly by punishing people for even the most minor crime, such as urinating on the street or breaking a

window. More prisons were built to cater for increased prisoners.

It sounded impressive - lock up anyone who steps out of line and you will scare people off crime.

Waller opposes this view, saying it may bring down crime for a while, but inevitably these people will be released - having learnt much better methods of committing crime. He does not believe that throwing piles of money at the police or putting more people into the police force to respond to crimes will help in the long term.

Waller's solution, which is incorporated in the Safety and Security Ministry's draft white paper, is to tackle the root causes of crime while improving the accountability of the criminal justice system.

Waller's organisation brought together the governments of Britain, France, Belgium, the Netherlands and Canada in research into preventing crime, and he says many of his methods have been tried and tested.

He was invited to South Africa by Azhar Cachalia, head of the Safety and Security Secretariat, to help improve the national crime prevention strategy on this, his fifth visit. Waller has a Cambridge doctorate in criminology and was the

equivalent of the safety and security minister in Canada for eight years, before resigning because he felt the government was not doing enough for victim support.

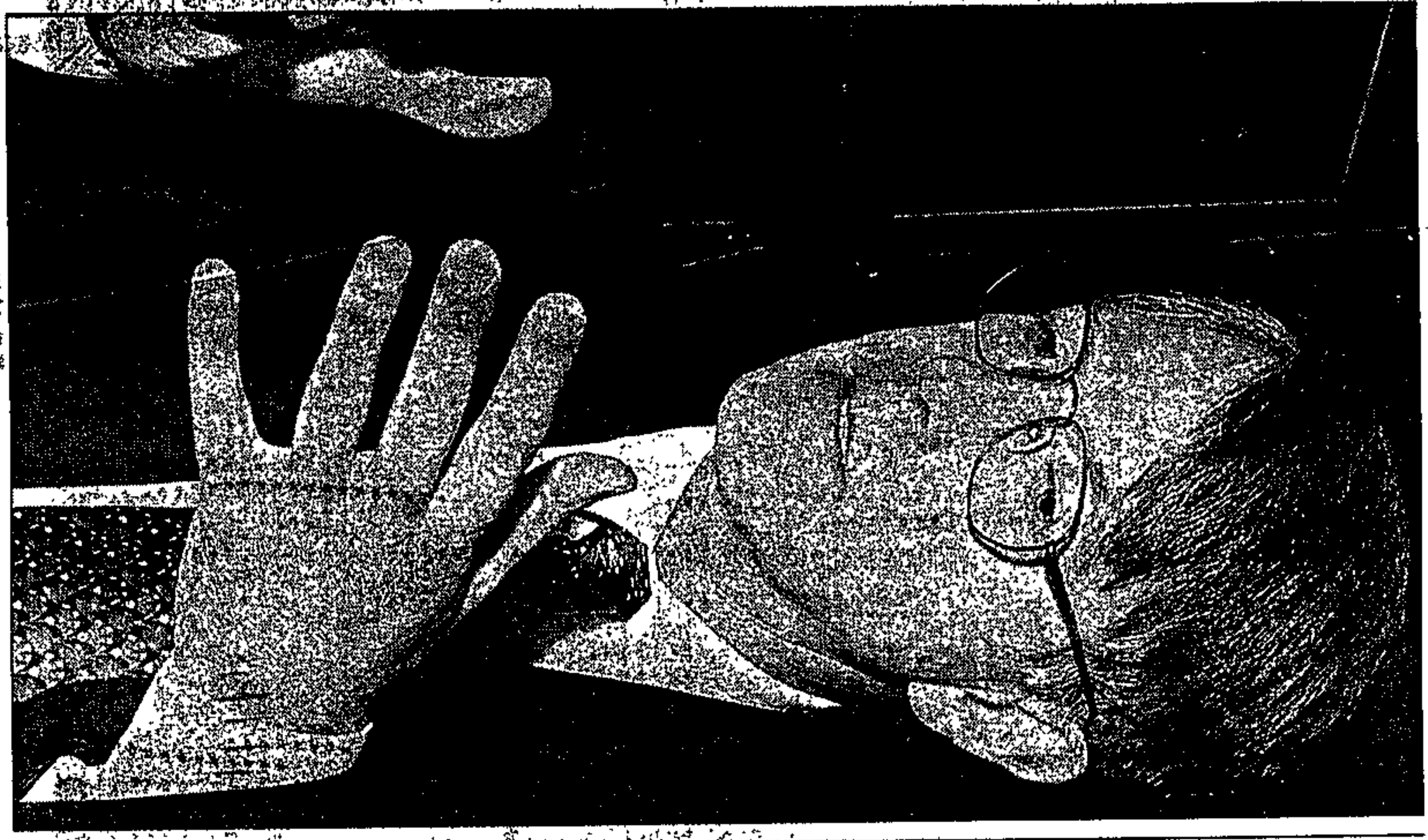
To reduce the crime problem, South Africa must reorientate policing towards the reduction of crime, treat victims like clients of the system, and make crime prevention the priority, he says.

To do this, Waller says, a national crime prevention unit needs to be established within the secretariat that would be responsible for social crime prevention strategies and bringing about improvements in the criminal justice system.

"This unit will be a group of top government officials whose mandated responsibility is to transform what South Africa does to prevent violent crime, especially low-visibility crimes like those against women and children," he says.

The unit would strengthen ties between all governmental departments, including welfare, education and health, and together each department would do what it needed to do to change people's values so that they would not want or need to commit crime.

Minister of Safety and Security Sydney Mufamadi has given the



**DIFFERENT APPROACH:** Irvin Waller expects a marked reduction in crime within three to five years. Photograph: KENNETH MULLER



## Union seeks further talks on farm deaths

(34) (8) 00 7/7/98  
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 Klipplaatdrif near Middelburg in Mpumalanga 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 Mufamadi 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 Dyani (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 (34) BD 8/7/98

SA DID not have the capacity to police money laundering effectively and proposed anti-money laundering legislation was being promulgated 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.

While the Law Commission report recommended that the centre be given investigative authority, Council of SA Banks spokesman Claire Gebhardt Mann said yesterday the centre should leave investigation to police detectives.

However, a source in the financial sector said the debate over who should be given investigative authority was "a nudge-and-a-wink situation".

"In reality, everyone is aware that the capacity of both the police and the finance department to do this sort of intelligence work is extremely limited.

"The draft act follows agreed international guidelines to the letter. It is simply about pacifying international financial markets. If we do not have legislation which looks good on paper, the international financial community will ostracise us."

Other sources were less cynical. "Those who say this is the only reason to pass legislation are missing an important opportunity. The centre must be given substantial investigative power. The crux is whether it will sift through the huge volume of reports it will receive and act on the right ones."



# Rural attacks are out of control, say farmers

SAPA 9/7/98

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 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

~~(34)~~ (34) CT (BE) 9/7/98  
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-1990s, 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 3,5 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 ad-

mired 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 R26 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

(34)  
ST 12/7/98

**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 Stander, 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 Schlenker confirmed that an investigation had begun, and that the unit concerned was the agency set up to investigate corruption.

Schlenker 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 Sikhakhane-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."



# How Big Brother keeps crime off streets

Police announced this week that the murder rate in New York had plummeted a further 25%. In just six months.

Overall crime is down 10% over the same period, making for the best crime figures since 1965. Similar news in South Africa would be greeted with euphoria.

I could probably wheel out some grand old theories (demographics, economics, the policing of guns and drugs) to explain New York's good fortune. But I think they would miss an essential component of this remarkable phenomenon: Rudolph Giuliani, New York's enigmatic Republican mayor.

Under Mr Giuliani, New York has introduced a swathe of "quality-of-life" measures aimed at removing all forms of unlawful, anti-social or even simply unpleasant forms of behaviour from the city.

These measures sit somewhat uneasily with America's famous commitment to individual liberty and personal autonomy. For example, Mr Giuliani has declared war on begging in subways and banished from the streets the "squeegee men" - people who wash your car windows at traffic lights.

He has also made it impossible to go down to the local bar for a drink without producing identification proving that you are over 21 (even if you are clearly over 30).

Mr Giuliani has also set his sights on jaywalking, street vending, hooting and even impolite taxi drivers. And just in case you might think he is paranoid, he's recently announced plans to build a \$15-million (R93-million) bunker in central Manhattan which can withstand hurricanes, earthquakes and terrorist attacks.

He maintains it's a "crisis centre" but critics argue that it's a perfect illustration of his totalitarian inclinations. Not every initiative introduced

It is probably not surprising that this article - the first from

Contributing Editor **PAUL VAN ZYL** - is about crime. Van Zyl, a young

South African lawyer, is working and studying in New York. And it is now widely known that New York

has achieved extraordinary success in its crime-fighting efforts, some of them controversial - like the mayor's 'quality-of-life' policing

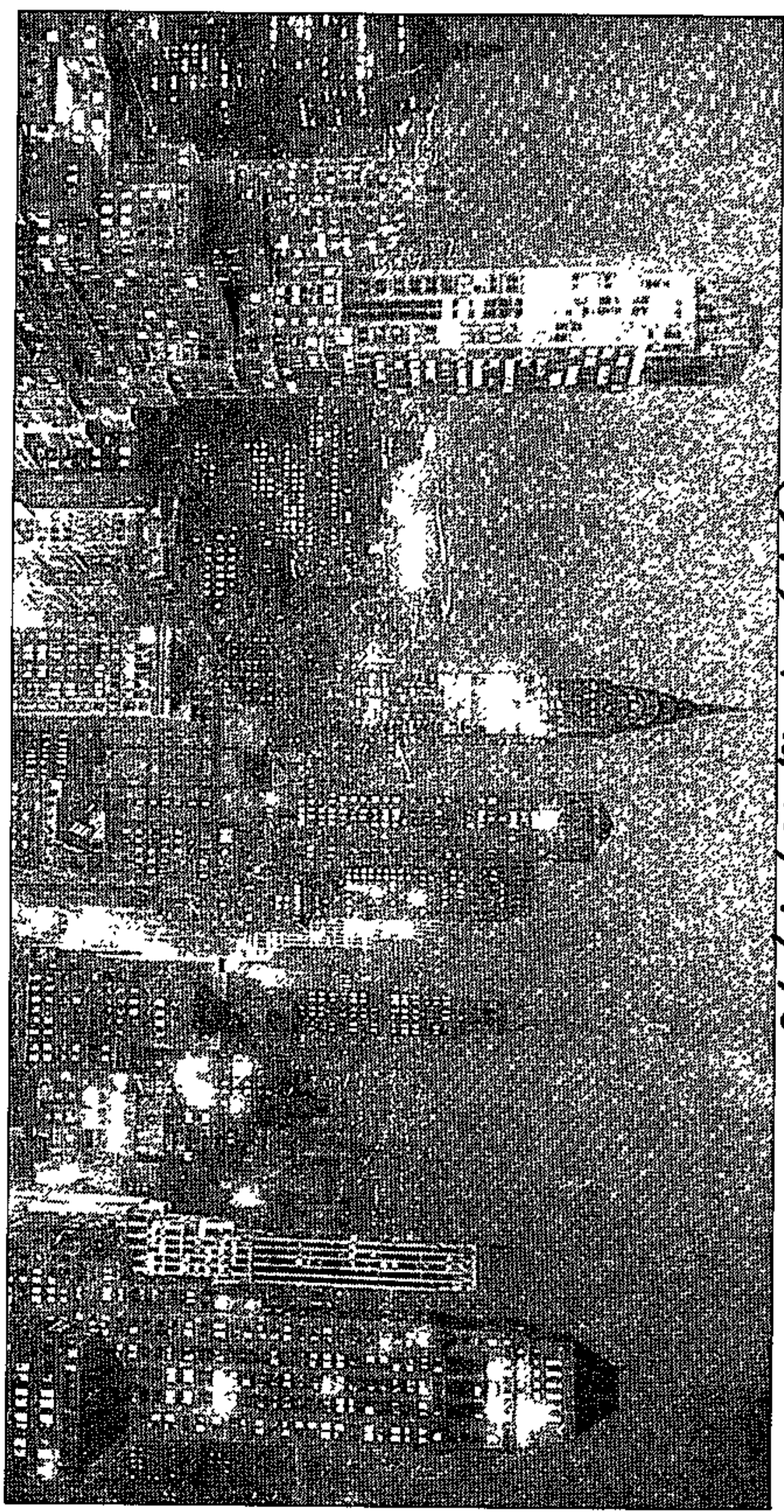
under Mr Giuliani is as seemingly benevolent as his "quality-of-life" reforms.

For example, the New York Police Department has just announced that its officers will now be armed with hollow-point bullets. This type of ammunition has been banned as inhumane by the Geneva Convention because of the severe damage it causes to internal organs.

However, recent studies show that 80% of bullets fired by American police miss their targets, prompting the New York Times to argue that what the police really need is target practice - not deadly ammunition.

Only time will tell whether this heavy-handed approach to law enforcement will prove more effective than the low-key "quality-of-life" policing which has become Mr Giuliani's trademark. For what it's worth, my own view is that "quality-of-life" policing exerts a more subtle (and insidious) influence on people which plays a crucial role in the fight against crime.

Consider the following comment from a South African psychiatrist, now living in New York, whom I recently met for dinner: "Every time



Always awake: New York at night - now a safer city after the introduction of zero-tolerance crime-fighting methods

I even consider jaywalking, I think of Rudy Giuliani."

He's right - and it's not just the jaywalking. Every time I travel to work or to play I know that even minor laws are strictly enforced on the subway. Every time I enter a bar or a nightclub I think of the liquor laws.

In short "The Law" has intruded into parts of my everyday life in which it was never present in South Africa.

I must now constantly police myself for fear of being policed - and that's where Rudy Giuliani wins. What he calls "improving the quality of life", Michel Foucault, the famous French philosopher, calls "Panopticism".

It boils down to the same point: make people feel that they are constantly being observed, monitored and policed (even if they're not) and sooner or later they'll begin to

regulate themselves.

Perhaps there's a lesson here for South Africa, but I suspect that our authoritarian past is too recent to allow us even to contemplate a "zero tolerance" policy for petty crimes.

There is certainly something Orwellian about the policing of minor misdemeanours - but what if Big Brother proves effective in keeping crime off the streets?

My own ambivalence about New York policing is best summarised by the toasts I recently proposed in a small Greenwich Village bar. The first toast was to Rudy Giuliani for making New York a safer place for all who live in it. My second was to Michel Foucault, who helps to remind us of the price we pay for it.

Contributing editors to the Cape Argus, whose articles are featured periodically on this page, are: Ahmat Dangor, writer and acting chief executive, Independent Development

Trust, Fanie du Toit, Dutch Reformed Church student pastor, University of Stellenbosch; Hennie Kotzé, Professor of Political Science, University of Stellenbosch; Antjie Krog, poet and writer; Pieter le Roux, Institute for Development Studies, University of the Western Cape; Malegapuru Makgoba, research professor in molecular immunology, University of the Witwatersrand; Mahmood Mamdani, A C Jordan Chair of African Studies at the University of Cape Town; Sipho Maseko, senior lecturer, department of political studies, University of the Western Cape; Trevor Oosterwyk, lecturer in history, University of the Western Cape; Leila Patel, welfare and development consultant; Gavin Pieterse, deputy chair of the National Black Economic Empowerment Commission; Wilhelm Verwoerd, lecturer in political philosophy, University of Stellenbosch; Paul van Zyl, South African corporate lawyer, New York.

(34) ART 15/4/98



# Firms unite against white-collar crime

## Central database to pool info

(34) ARG 16/7/98

**JOHAN SCHRONEN**  
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 Fann 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 roll in pooling information about crime, whether the perpetra-

tors are their own employees or outsiders," he said.

"A climate of awareness and co-operation 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 Fann.

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 insure 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 658-7218.



# Statistics show crime is down

BD 16/7/98

(34)

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 1998," 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

86/17/198  
Sawyer

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 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-bearers.

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".

## 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 other close associates.

The bill sets strict limits on who may complain about an alleged breach of the code.

The public protector would investigate complaints, and the protector 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.

(Sawyer) (74)



# No defence like self-defence

**Tangeni Amupadhi**  
reports on the Groot Marico  
farmwatch system

**O**om Leon du Plessis stops mending a fence on his Nootgedacht farm in the Groot Marico to tell about the night he was robbed and almost killed.

It is almost noon and time to stop work, have a sip of *mampoer* 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 siege after a spate of vicious farm attacks which have left at least 80 farmers dead in more than 700 attacks this year alone. Farmers' unions say no fewer than 500 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 fence, 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 headed 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 had a gun 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 farmwatch and Marico Commando — an 1800s Boer-style paramilitary civil defence unit whose members are trained soldiers — had blocked off all roads and combed 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 30 cells covering 10 000km<sup>2</sup> 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 cell-phones because they are quicker for communications and their lines can't be cut by the criminals," Du Plessis says.

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**Watch yourself: Leon du Plessis heads up one of Groot Marico's 30 farmwatches.**  
PHOTOGRAPH: TANGENI AMUPADHI

The farmers call each other every morning and evening, and try to see each other at least once a day. Most practice target shooting two or three times a week.

"The farmers themselves are the first line of

defence," says Wilhelm Rocher, 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."

Du Plessis and his neighbours believe the attacks are pulled off by common criminals, dismissing the notion of a political motivation to the killings.

Unsurprisingly, they do not float the less common theory that rightwingers may have masterminded some of the attacks to encourage support for their cause.

Although farmwatch groups were officially started as a joint venture among the farmers, commandos and police, there have been reports of unexplained killings of suspected robbers.

For instance, two weeks ago in Makwassie, an area neighbouring Groot Marico, farmers and commandos shot dead three suspects who reportedly pounced on Willie (69) and Elizabeth Kühn (65). More than 100 farmers and commando members were mobilised in less than 30 minutes.

All roads were cut off and five 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 Willie Kühn 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."

Herman Vercueil, 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.

Vercueil adds: "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 were handed to the police.

Rocher says of the effectiveness of farmwatches: "The criminals are in a hurry to grab what they want because they know there is a time limit."

"Actually they would rather go to areas where there is nothing going on in terms of security measures."

Inspector JF Nel of the Swartruggens police station concurs: "Farmers react quicker. We have to travel for 45 minutes sometimes. Before we get there, the situation is under control."



# SA crime rate one of worst in world - report

By Gershwin Chuenyane

SOUTH Africa is one of the world's crime capitals despite a slight decrease in crime during the first quarter of this year as compared to the last four years, a report by the South African Police Service (SAPS) has revealed.

Robbery and illegal possession of firearms had increased during the first quarter of this year, according to the

report compiled by the Crime Information Management Centre (CIMC) of the SAPS detective service.

The report reveals that the two categories of crime - robbery and illegal possession of firearms - represent 3,3 percent of all serious crime reflected in the first quarter of the year.

The increase in the apprehension of people illegally possessing firearms is regarded as a "good sign" in the report, as this crime is heavily dependent on

police action for detection. In other words, most cases of this crime are identified during police actions such as roadblocks, which means the police are actually doing their work.

## Serious crime

Six of the 20 categories of serious crime, representing 24,3 percent of all the serious crimes listed, decreased during the same period while 12 crimes

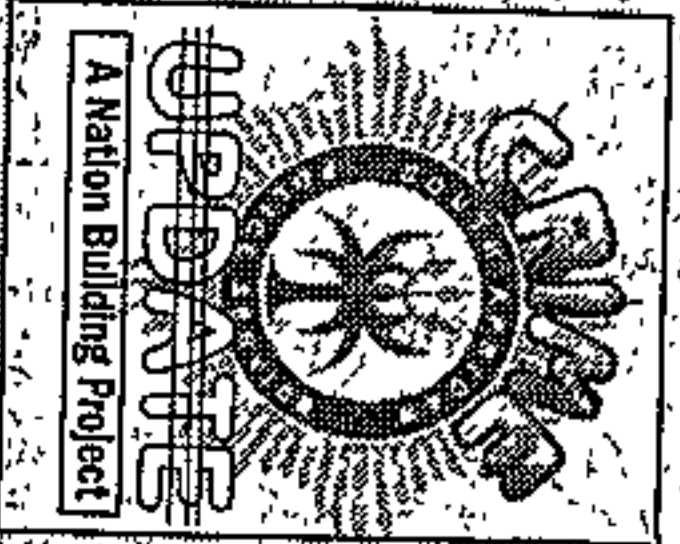
categories, involving 71,6 percent of the cases, accounted for in the report, stabilised.

Despite the decrease and the stabilisation observed with regard to many crime categories, the incidence of crime in South Africa is high compared to most other countries listed in the Interpol report, about half the world's countries, the report says.

It is also suggested in the report that the term "white collar crime" increased too

should rather be replaced with the term "commercial crime" to enhance clarity.

Commercial crime experienced a sharp increase in the number of cases reported to the cognate crime component of the police, and the values involved increased too.



The Director  
South Africa



# Hell no - SA's safe, says Dangerous Places author

ARL 18/7/98

(34)

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 960-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 "doom 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, adrenalin 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 sur-

vive minibus taxis and other transport, addresses for terrorist 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."

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# Crackdown on corruption

## at ministerial ethics code

(34) ~~(30-11)~~

**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-bearers.

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.
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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 or delay 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.

Crackdown on Corruption  
Bill spells out strict



# The Big Apple cuts to the core of crime

## How crackdown gave New York residents back their freedom

"How Big Brother keeps crime off street" was the title of an article about New York's plummeting crime rate published in your newspaper on Wednesday, July 15.

In it, Paul Van Zyl, a South African lawyer working in New York, admits to a grudging respect for Mayor Rudolph Giuliani, the man responsible for bringing New York's notorious violent crime under control.

But Mr Van Zyl then decries as "insidious" and "Orwellian" the zero-tolerance crime-fighting strategy that Mr Giuliani and the New York Police Department have used to produce New York's best crime figures since 1965.

Mr Van Zyl should think again. I am a lifelong New Yorker, and like everyone who lived in New York before Mr Giuliani's zero-tolerance policy, I remember the bad old days of runaway crime, and I saw how crime nearly wrecked New York. I remember, for example, the little piles of broken auto glass that lined the streets of my neighbourhood - courtesy of the crack addicts who broke into cars to steal the radios, which they would barter for their next fix.

**'New Yorkers were ready to admit that the crime problem had become intolerable'**

The police, who had thousands of murders, rapes and muggings to contend with, simply could not be bothered with something as trivial as car radio theft.

I also remember feeling that the city was simply out of control.

Consider, for example, New York's infamous "squeegee men", who would force motorists stopped at traffic lights to submit to, and then pay for, an unwanted window washing. Motorists who refused to pay were pelled with insults and sometimes rocks.

But the squeegee men were only one of New York's social pathologies, and by no means the worst.

Far more serious was the burgeoning open-air drug trade, which turned spectacularly violent in the early 1980s with the arrival in New York of crack cocaine. Soon whole neighbourhoods became accustomed to nightly gun battles between rival drug gangs. Inevitably, innocent New Yorkers were caught in the crossfire. Drug-related violence became so bad in many areas of

### INSIDE STORY

The crime level is down in New York - but Big Brother has nothing to do with this - writes CHRIS SPRIGMAN, who is a lecturer in the faculty of law at the University of the Witwatersrand

New York that the public schools installed metal detectors and began to instruct their students in "gunshot avoidance techniques".

The drug trade, and the many thousands of addicts it produced, was also connected to an explosion in the crime that New Yorkers particularly fear - mugging. Crack and heroin addicts desperate to feed their habits - and often well-armed - made walking the streets of New York a dangerous gamble.

Central Park, New York's beautiful urban oasis, became impassable after night-fall. So too did New York's Hudson and East River waterfronts and the city's famous subway system. Muggers particularly preyed on women and the elderly, but no one was immune. And many muggings, for no apparent reason, turned horribly violent.

By the early 90s, the City of New York was plagued with more than 2,000 murders a year, and many times more rapes, assaults and other major felonies. New York was known, to Americans and to the world, as the crime capital of the United States. This was a distinction of which no New Yorker could be proud, and, in any event, the damage done to the city was painfully obvious.

Businesses and residents were leaving New York in droves, and thousands of jobs were leaving with them. Racial tensions were flaring, particularly after a gang of black youths on a "wilding" expedition in Central Park gang-raped a young white female jogger, beat her nearly to death, and left her for dead.

Perhaps most hurtful, however, was the fact that New York's wonderful sense of excitement and freedom - the quality that sets New York apart from any other city in the United States, and perhaps the world - was slipping away.

New York needed serious change, and in 1993 Rudy Giuliani ran for mayor promising to solve New York's crime problem. The solution he proposed turned traditional crime control policies upside-down. The police had previously focused on the most serious violent crimes and had virtually

ignored "minor" crimes such as auto theft, drug possession, robbery, public drunkenness and illegal possession of firearms.

Mr Giuliani proposed that the police crack down on less serious crimes - the crimes that most New Yorkers saw happening every day - to demonstrate that the police, and not the criminals, controlled the streets. Mr Giuliani theorised that a zero-tolerance policy toward relatively minor crimes would also help the fight against more serious crime, not least because perpetrators arrested for crimes like drug or firearm possession would often be involved in more serious crimes or have information about more serious crimes.

New York is a liberal town and a bastion of the Democratic Party, and many New York liberals - myself included - were profoundly sceptical of Mr Giuliani, a Republican, and his theories on crime control.

But most New Yorkers were ready to admit that the crime problem had become intolerable and that Mr Giuliani's were the only new ideas on offer.

My own decision to vote for Mr Giuliani was provoked by an especially heinous

**'Crime threatens the very values that liberals stand for. Crime can rob you of your freedom'**

crime - the death of Yankel Rosenbaum, a teenage yeshiva student, at the hands of a racially motivated mob. Yankel Rosenbaum's murder was the culmination of two days of rioting by black residents of the Crown Heights section of New York.

The rioting started when a car driven by an orthodox Jew struck and killed a black child. Relations between blacks and orthodox Jews in Crown Heights had already been strained by the area's high crime rate, which many orthodox Jews, using blunt racial language, blamed on black perpetrators. Fuelled by bad feeling, unrest following the death of the child quickly turned violent. For two days, the danger in Crown Heights grew more serious, but David Dinkins, then New York's mayor, refused to send in the police, choosing instead to open talks with representatives of Crown Heights's black and Jewish communities. While Mr Dinkins negotiated, Yankel Rosenbaum died.

The Crown Heights riots were a watershed for me, and I suspect for many liberals



Watershed: a policeman and a protester tug at each other during the Crown Heights riots in New York in 1991

in New York. I was a liberal because I believed in personal freedom and social justice, and I was a New Yorker for the same reason. But as crime and disorder spread, New York's liberals had no explanation and no strategy.

What's more, they - and I - completely missed a major point: that uncontrolled crime threatens the very values that liberals stand for. Crime can rob you of your freedom. You aren't free if you're locked in your house. You aren't free if you can't walk in the park. What's more, crime creates social injustice. The poor suffer more than the wealthy, who can buy protection or simply move away from the problem. The poor also

suffer because the economic damage caused by high crime results in more joblessness.

And everyone is hurt when runaway crime increases racial tensions - this point in particular was driven home by the riots in Crown Heights.

In the end, I remained a liberal. I still believe in personal freedom and in the search for social justice. But I also believe that neither freedom nor justice is possible without social order. And that means individual rights must be balanced against the community's right to be free from crime.

In the new New York, it is true, as Mr Van Zyl observes, that New Yorkers must "constantly police themselves for fear of being

policed". I see no menace in this - obeying the law is simply the responsibility of any citizen who wishes to live in a free society.

In any event, the fact that New York is a freer city now is obvious to anyone who lived there before zero-tolerance became the law.

There are no more little piles of broken auto glass on my street, there are no more squeegee men, the drug trade has gone underground, and couples stroll at night in Central Park. Best of all, murders, rapes, assaults, and all manner of violent crimes are down - way down - and New York's all-day-all-night exuberance is up - way up. Now that's freedom, isn't it?

(34) AR4 20/9/98



# Law enforcement in SA needs all the US help it can get

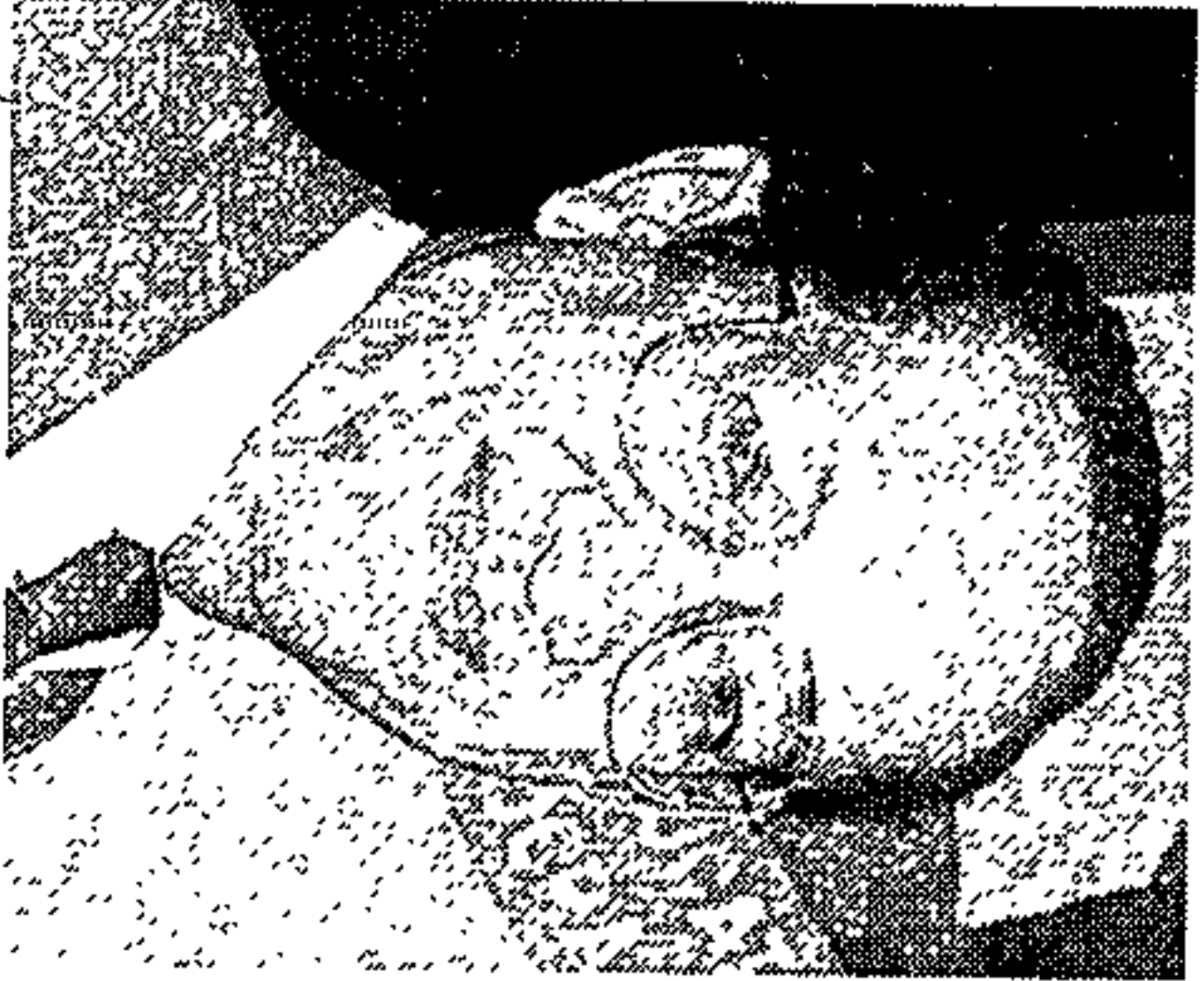
THERE is a good chance Congress will soon appropriate \$1.2m a year for three years to launch an international law enforcement academy in SA.

The idea is to help improve the ability of SA and regional policemen and prosecutors to tackle organised crime. The academy would provide a forum for US law enforcement agencies such as the Federal Bureau of Investigation and their counterparts elsewhere to share their expertise.

The expenditure will be justified to voters on grounds of national security. Africa is seen as a growing hub of the international narcotics trade. Nigerians in particular are branded as the new Sicilians, so much so that the US justice department has established a special task force to go after what have officially been designated Nigerian criminal enterprises which have their fingers in everything from drugs to defrauding national welfare agencies.

The offer of US assistance should not be scoffed at as self-interested meddling. Without effective institutions to combat lawlessness, there can be no African renaissance.

Although SA is not likely to become another Nigeria, it needs to use all the resources it can to stop crime which is crippling the country's development prospects, says Washington correspondent **Simon Barber**



SONNI

Everyone knows crime is a serious problem in SA, even though some, including ambassador Franklin Sonn, say reports are exaggerated. People are not safe in their homes and cars or on the street. They would be safer if there

was less of a market for stolen goods. But in SA this market appears singularly well developed, including any number of enterprises, many clearly sophisticated. For example, it requires skills, capital and organisation to monitor stolen cars on a production line basis. It also takes connivance from people wearing badges.

According to Jack Blum, a Washington-based lawyer and former Senate investigator, who helped uncover the Bank of Credit & Commerce International bank scandal, Kenya recently lost 20% on a year's gross domestic product to a gang of con men who obtained export subsidies for goods they never exported. The government's failure to prosecute the perpetrators or try to recover at least some of the funds is one reason foreign donors and the International Monetary Fund have suspended assistance to the country.

Blum, in testimony at a recent congressional hearing on organised crime in Africa, recalled vis-

iting a Kenyan prosecutor last year: "His office was piled high with files. Each file represented a case he was handling. The files were disorganised and in some cases, years old. He had no computer and no help. He said he spent most of the day in court and had little time to prepare his cases. The result was that he won simple cases against petty criminals and lost the big cases against criminal organisations."

SA may not be Kenya but Blum's account of his meeting with the Nairobi prosecutor sounds depressingly like what Connecticut investigators say they saw in SA when they investigated Sol Kerzner's fitness for a casino licence a couple of years back. Then you read that the same individuals alleged to have been behind the Kenyan export subsidy scam have cut a deal with a province in SA to build resorts on game reserves and you wonder whether SA is in any better position to prevent itself from being ripped off.

From car hijackings alone it is clear that organised crime is flourishing in SA and that officials are being corrupted. More and more, SA is becoming enmeshed in the international drug trade, both as way station and market. With drugs come millions of dollars to buy protection. Borders were "porous" and port controls "almost nonexistent", Michael Horn, the chief of the US Drug Enforcement Agency's international operations office, said at least week's hearing. He also contended that it was ludicrously easy for Nigerian and other criminals to obtain SA passports under false names. SA is open to contagion.

There are a number of reasons for confidence that SA will not descend into the kind of lawlessness that grips Nigeria. Conditions are very different. When a country possesses oil or other great mineral wealth and that wealth is controlled by the state, the record is persuasive that the state itself will tend to become a criminal en-

terprise, encouraging and protecting similar behaviour on the part of its nationals. One reason Nigeria's criminal enterprises are so difficult to deal with is that the Nigerian government, the mother of all criminal enterprises, will not crack down on its offspring. While SA is not a budding Nigeria, failure to prevent organised crime and the corruption it spawns from metastasising could cripple the country's development prospects just as effectively, as say, letting the budget deficit run out of control or starting a programme of nationalisation. It takes sophisticated, honest law enforcement and close collaboration between its various branches and prosecutors' offices to take on and put away organised criminals. The US offer to help establish an academy, if it comes through, should be welcomed. The pity is only that the proposed funding is so limited. Unfortunately, the Clinton administration would rather give its friends at Children's Television Workshop \$5m to produce an SA version of Sesame Street than spend the money making real SA streets safer for democracy.

BO 22/7/98

(34)



# Farm attack claims 'bogus'

86/7/98  
Sowetan

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 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 Malusi 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.

04



# Councils look to more muscled to fight crime

## White paper spells out new roles

AR 6 24/7/98

(34)

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Provincial and local governments are offered a clearer role in crime prevention by the Government's white paper on safety and security.

But it remains to be seen whether the role envisaged in the document will be enough to satisfy provincial politicians under pressure from their communities to take action against crime.

The two provinces in opposition hands, the Western Cape and KwaZulu Natal, in particular have insisted that there should be stronger regional control of policing.

Both are frustrated by the limited role offered to them by the constitution, which gives effective control over policing to Pretoria.

Provincial governments are among bodies expected to give their views on the white paper in hearings to be held in Parliament by the safety and security committees from August 3 to 7.

Key themes in the white paper are the continuing transformation of the police to function effectively in the new democracy, while at the same time enhancing the prevention of what the white paper terms "social crime".

The white paper argues that it is most cost effective in the medium to long term to invest in projects which prevent crime, rather than simply spending more on policing, courts and jails.

It says that not all crime types can necessarily be solved by policing.

"In particular, crime in poor communities can often be traced to socio-economic circumstances which cannot be addressed by police acting alone."

Targeted social crime prevention has to focus on the individual offenders or victims and the environment in which they live.

The white paper cites the example of the Northern Cape, where research supported by analysis of police dockets showed that high alcohol consumption was key contributor to certain categories of crime, particularly rape and murder.

This could mean that what was called for was a multi-faceted strategy including new alcohol control and distribution policies, environmental factors like the position of shebeens in relation to schools, victim support, regular patrols of high-crime areas and enforcing of alcohol-related laws.

Ironically, the Northern Cape has the highest police-to-citizen ratio in the country.

"It is clear that policing alone will

do little to resolve many of the Northern Cape's crime problems," the white paper says.

It says that to ensure effective crime prevention at provincial level, provinces should take on a wide range of responsibilities.

These include initiating and co-ordinating social crime prevention programmes and mobilising resources for these programmes.

Provinces should also co-ordinate functions like health, education, welfare and local government to ensure more effective crime prevention.

They should evaluate and support social crime prevention programmes at local government level.

In consultation with local government, provinces should implement social crime prevention programmes in areas where local government is poorly-resourced or lacks capacity.

The role of local government, in turn, will be closely linked to the policy of decentralising policing functions to the lowest level possible within the police.

This policy means giving station commissioners more autonomy over human resources and asset management and policing priorities.

The white paper notes that public pressure has led some local governments to assist in fighting crime by using their traffic and security

departments in visible policing.

The white paper favours this approach, while warning local governments against over-committing themselves financially.

"Visible policing by municipal police services will include responding to complaints and reacting to crime where a delay in a response from the SA Police Service could lead to loss of life, loss of property or the escape of perpetrators."

The white paper says that where municipal police services are set up there will have to be formal co-operation with police, through joint information systems and other structures.

It calls on local government to develop projects, in co-operation with community organisations, focused on those most at risk of becoming victims and deterring those most likely to offend.

The white paper argues for the continuation of community police forums. However, it says that now that democratically-elected local government has been established, council representatives should be included in these forums.

Among measures proposed is that community police forums should provide regular reports to local government, while local governments should direct activities of the forums and resolve disputes within them.



# Crackdown on fraudsters

## Special unit empowered to flush out fraudsters

By MIKE EARL PAVLOR

**T**HE GRAYS are off as the formidable powers of the elite East London-based Special Investigation Unit (SIU) were unleashed this month to combat rampant corruption in South Africa. Various State institutions and individual officials in the Eastern Cape, Mpumalanga, the Northern Province and Kwa-Zulu Natal are about to feel the sting of the country's most successful anti-corruption organisation as the SIU homes in on them.

This follows a July 15 proclamation in the *Government Gazette* which authorises the SIU to probe serious allegations of corruption and maladministration in municipalities, a university, colleges and parastatals.

Millions of rands in state assets, funds and property are involved and adds to the 90 000 cases representing R6,2 billion - under investigation by the 60-person unit.

The deputy head of the unit, Advocate Gerhard Visagie, confirmed the latest batch of investigations and said: "The unit and its predecessor - the Health Commission - has recovered or safeguarded R8 billion of State assets and funds since its inception. He said the safeguarding had been undertaken by interdicts to prevent the loss of state assets, property and money.

In the firing line are the Eastern Cape Development Agency, the Transkei Development Corporation, the Ciskei People's Development Bank, the University of Venda, the Western Cape College of Education, the Mpumalanga Development Corporation and 16 Eastern Cape municipalities. The proclamation was signed by Acting President

Maboko Mbeki and Justice Minister Dullah Omar.

The SIU, headed by East Cape judge William Heath, was established in terms of the Special Investigation Unit and Special Tribunals Act No 74 of 1996 by President Mandela and is empowered to probe allegations of corruption retroactive to 1976. The unit now operates nationwide and has opened another office in Umtata as well as functioning from provincial centres when conducting investigations. Personal assistant to judge Heath, Guy Rich said: "This modus operandi allows easy access to officials and the various departments or organisations."

The Mpumalanga Development Corporation (MDC) is to be probed for alleged unlawful, unauthorised and irregular payments made to former managing director, Patrick Mogorosi. The MDC will also be placed under scrutiny for "insufficient administrative and accounting procedures to exercise financial control and control of assets and non-compliance with statutory provisions".

Allegations of the awarding of unlawful, unauthorised or irregular contracts as well as the loss of State funds through theft and fraud will also come under investigation.

The unit will investigate the University of Venda for allegations of misconduct by its vice-chancellor over appointments and promotions of persons contrary to the interests of the university as well as the unauthorised use of a credit card.

The Border Training Centre (Eastern Cape) will be probed over the alleged theft and misuse of vehicles, the approval of 100 percent increases in meeting allowance payments to members of the Board of Trustees of BTRC, and eight other allegations of corruption and financial mismanagement.

The Western Cape College of Education will have to explain allegations of unlawful payments of salaries to employees and the removal of computers and stationery from the college for private use.

The Eastern Cape Development Agency and four affiliate organisations will be scrutinised over allegations ranging from entering into irregular contracts to unauthorised loans being made to board members, employees, relatives and friends. The local authorities of Bedford, Cala, Despatch and Engobo will be taken to task over allegations of the payment of allowances to councillors that contravene laws and directives.

Coffinva's TLC will have to come up with a reason why it used several bank accounts in different towns and failed to disclose these accounts to the auditors.

Hamburg will be targeted over the alleged misappropriation of funds by councillors and employees for the payment of survey and legal costs to private individuals.

The King William's Town TLC allegedly engaged in the unauthorised and irregular creation of top posts for employees and the conclusion of contracts contrary to the public interest. Allegations that the TLC made unauthorised and irregular transport allowances to employees will also be investigated. Of the 16 Eastern Cape local authorities 12 are cited for their failure to collect rates and taxes. - ECN Weekend Service



**CRACKING WHIP...** Justice Minister Dullah Omar (left) and Acting President Thabo Mbeki have authorised the Special Investigation Unit to probe serious allegations of corruption and maladministration in municipalities, a university, colleges and parastatals.



# Gangsters in the firing line

Urgent measures proposed to curb escalation of criminal syndicates' activity

By JOVIAL RANTAO  
Cape Town

**U**rgent 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



Planning to bring gangsters to book ... Minister of Justice Dullah Omar.

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 one 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.

(35) (34)

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(31)

# Bill to boost crime busting

(34)  
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**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 rendering financial assistance to law enforcement agencies in their fight against organised crime.

In certain circumstances the fund will also be 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

(34)

## IN NEED OF MANY MORE FIRE EXTINGUISHERS

There is no end in sight to corruption fighting

KM31/7/98

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 Bisho Auditor-General's Office in 1996, saving R8bn.

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 Pro-

tector subsequently uncovered irregularities in the awarding of the tender and in the financial control of Committed Artists.

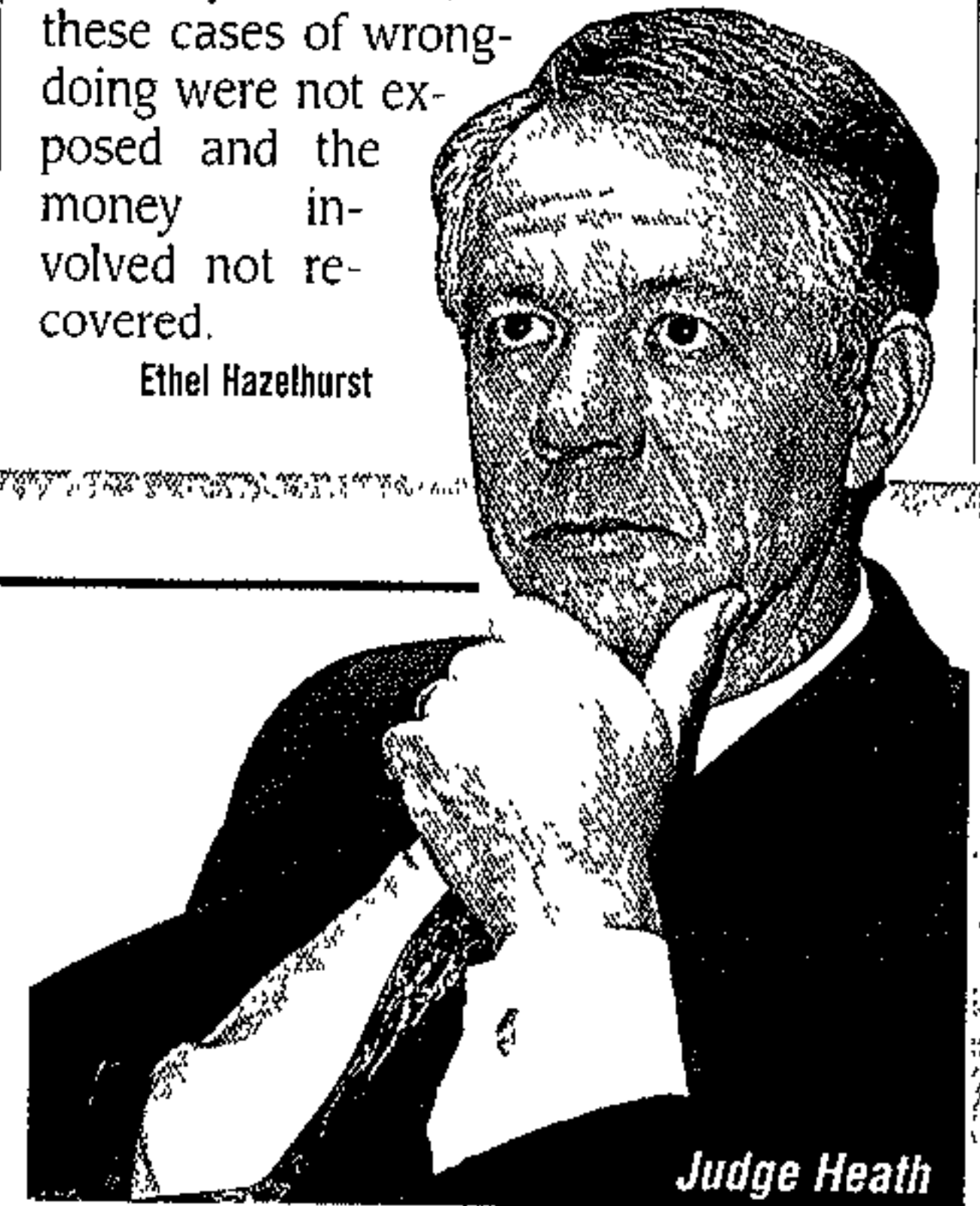
Three months ago the Heath Investigating Unit recovered assets worth about R4m — three motor vehicles, two trailers, musical equipment and merchandise — purchased by Committed Artists in the name of Ngema, with funds allocated to *Sarafina 2*.

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 Hazethurst



Judge Heath

## UNCOVERING THE ROT

### Other cases the unit is handling include:

- ☛ The recovery of farms, worth between R45m-R50m. 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 Bisho Audit Office

☛ Helping to trace a blank warrant voucher that was stolen from the Department of Justice in Mpumalanga. 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.



(34)

# When fighting crime depends on a vigilante

ST 2/8/98

*The savagery of Mapogo — the Northern Province farmers' answer to Pagad — is making it part of the crime problem, argues Chris Barron*

**A**FTER 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 Sekhukhuneland 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 Sekhukhuneland — in Marble Hall, Groblersdal, Potgietersrus, Tzaneen, 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 Magolego. 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 Magolego 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 Magolego 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 Nthai admits Mapogo's association with white right-wingers is be-

ing "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 satisfaction 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 Nthai and Ehlers, new 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 Vercuiel, 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.

Vercuiel 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 Suiker 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," Vercuiel 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 Makwassie 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 Wolmaranistad Magistrate's Court to August 25.

One of the men, Samson Wilka (18), was granted bail of R5 000 on July 13, but Mustapha Olifant (26), Mpho Sibane (20), Goodloyd Makanye (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".

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(34) (B)



# NP wants high-powered team to fight corruption

## Report claims R36-bn losses found

(34) ARG 6/8/98

**CLIVE 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 Marthinus 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.



**Deregulate: the NP's Van Schalkwyk**



# NP document claims increase in corruption

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OWN CORRESPONDENT

Cape Town - Corruption in the public sector since 1994 involved between R21,7-billion and R36,59-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 Marthinus 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 55,74% of all corruption and related to 34 cases involving between R113,5-million and R241,5-million.

According to the report, the 275 cases of maladministration also showed a stabilisation. Maladministration in the Eastern Cape involved up to R1,75-billion, while in Gauteng up to R87-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 re-

port found cases involving up to R26-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.

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# Corruption high in public sector - NP

**C**ORRUPTION in the public sector - excluding local government - had involved "staggering" accumulated amounts of between R21,7 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

(3A) *Sowetom 6/8/98*  
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 (R1,395 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 Marthinus 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.



## CRIME

# IN TOUCH WITH THE UNTOUCHABLES

The proposed gang-busting laws depend on the justice system

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 bomb-

ings 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 consorting 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 Ngcuka.

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 (55%).

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."

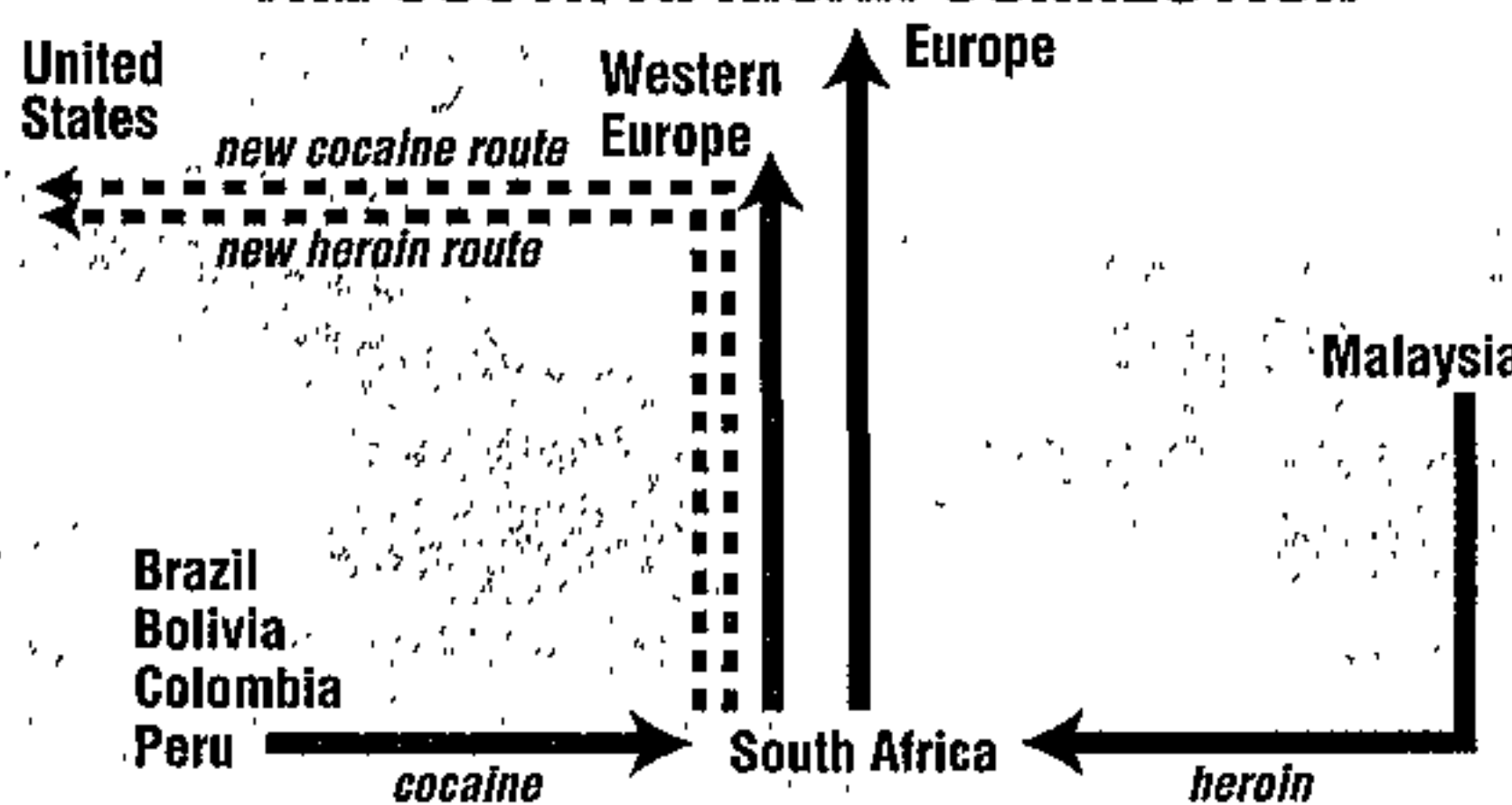
These figures and opinion polls indicate a deep community suspicion of the police and a lack of faith in the prosecuting authorities. As matters stand — with the advent of the Cape Town bombings (pipe-bombs can be made with readily available chemicals) — it is clear that a hard core has emerged within 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 Mitchells 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

### THE SOUTH AFRICAN CONNECTION





## COMMENT &amp; ANALYSIS

# Is Kahn able to stand the test of crime?

(34)

The secondment of businessman Meyer Kahn to the police force a year ago was widely acclaimed. Jonny Steinberg looks at what progress he has made since then

BA 12/8/98

**POINTING** Meyer Kahn CEO of the police was a stroke of genius on Deputy President Thabo Mbeki's part, a grinning senior bank executive said last week.

"In one fell swoop he silenced the criticisms of political opposition and the fears of corporate executives. Who in the business world or the Democratic Party would dare to declare in public that the doyen of SA business is messing up?"

Attend a business breakfast at which Kahn is guest speaker and you can watch businessmen eating out of his hand. Breakfast talk is usually about incompetent Afrikaans bureaucrats and crooked black politicians. However, by the time Kahn is finished speaking and the grey suits are queuing at the elevator, there is lightness in every step and a fleetingly conviction that the future might be all right after all.

Kahn is clearly good for public relations, but is he good for the police? How successful has he been, midway through his two-year secondment from brewery to police station?

Kahn is an easy target. He inherited a disaster and those who believe he should have put it right by now must have thought him a god or an alchemist.

"It is true that thousands of policemen are ineffective and don't care about their work," Kahn says. "It is true that absenteeism rates are a staggering 30%. Those who come to inform me that the police force is a mess don't know the half of it. If someone would manufacture a pill that makes policemen dedicated to their work, I would force one down all 130 000 throats tomorrow."

Kahn's public metaphors may invoke urinating puppies, and his private discourse may be laced with expletives, but we are not dealing here with your average Brakpan boyfide. During the past year, Kahn has demonstrated a sophistication of intellect and a sanity of spirit unmatched in the history of SA law enforcement. Not least among his attributes is his avoidance of the classic policeman's fallacy: the conviction that

the criminal justice system is the sole solution to crime.

"Terrible crimes are committed in SA because of a spiritual sickness," Kahn says. "There are people out there who have no souls. If the next generation has the same value system as this one, the best police force in the world will not be able to clean up the mess. Unless we start on the soft side of crime prevention now — changing people's values — we will soon be in big, big trouble."

Kahn is also well aware that the problem in the police force itself is not just a managerial one; it is also about what is happening in policemen's heads.

"We have horrific interpersonal relations in this country," Kahn says. "People do awful things to each other. This state of things will obviously seep into the police force itself."

"I am not a sociologist. I am not clever enough to know how to change people's values. But I know that they must be changed."

However, sociologists do not know how to change values either, and herein lies the rub. The things that cause a society to turn in on itself are ephemeral and difficult to grasp. They seldom respond to public policy in an orderly and predictable way. Kahn appears to have grasped what few public opinion-makers in SA have allowed themselves to understand: that there is no magic wand to be waved when it comes to combating crime; that some things are not entirely in our control.

What Kahn must do is re-engineer the police force to be more effective and efficient than its predecessors. In this regard, he has shown much success, as well as one or two impending failures.

Eighteen months ago, the South African Police Service did not know how many people it would be employing in five years



Kahn is planning to outsource civilian functions and put policemen on the streets

time, or to what purpose.

"Look at trends in police spending since 1990 and you will find no evidence of a medium- or long-term plan," says policing analyst Antony Altbeker. "One year a massive increase in personnel, the next year a moratorium. One year of cautious spending, then suddenly a massive salary hike."

To Kahn's credit, there is a medium-term staff plan now, and

it appears to make sense. At the moment, 40% of policemen sit behind desks. Kahn is planning to outsource civilian functions and put cops on the streets. If his idea of crime pattern analyses takes hold at a local level, policemen will not be deployed randomly, but in carefully researched risk zones.

However, Kahn's first year in office has not all been good news. Such business luminaries as Bob

transition to democracy has not been plugged. Although reports suggest SA's new detective school is a good one, there do not seem to be any comprehensive or satisfactory answers to the problem.

"We are facing a mammoth crisis of continuity," a senior detective said recently. "Any organisation needs to give birth to and nurture those who will lead it in 10-year time. But an entire generation has vanished en masse. No-situation will come from, or who will teach them their work. It is like anybody trying to give birth to itself."

Kahn will soon be confronted with figures that tell him conviction rates are declining, a sure sign that things in the detective service are awry. It would be a welcome sign if the police CEO began by acknowledging the problem. Kahn and his business friends appear to be in denial.

A failure that keeps haunting SA is continuing ineffectiveness in the policing of violent crimes among the urban poor. A recent victim survey, to be published in next week's ISS/Nedcor Crime Index, reveals that 20% of crimes in committed against women and children in Ivory Park, one of Gauteng's sprawling informal settlements, are reported to police. In contrast, 46% are reported to street committees and civic structures — an extraordinary indictment of SA policing.

"Some of the solutions to these problems are quite simple," says Canadian policing analyst Irving Waller. "Erect a mobile police station staffed exclusively by women in the middle of an informal settlement, and watch the queues of the abused forming outside. Sometimes a little lateral thinking is as important as an increase in resources."

We have not seen much lateral thinking in this regard. Policing in SA's sprawling informal settlements appears to be as absent and ineffective as it was two years ago.

Kahn's term of office could signify a sea change in policing. His arrival is the most promising event in the SAPS's young history. However, the signs remain ambiguous. The jury is still out.



# Farmers plan mass action over killings (34)

KwaZulu Natal Agricultural Union

will start protest with tax boycott

STW 12/8/98

By NORMAN CHANDLER  
Pretoria Bureau

The warning has been loud and clear from the platteland - farmers have stated repeatedly that they will resort to rolling mass action over the spate of farm murders.

More than 560 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 commandos - the Rural Protection Plan - are not working because of a lack of resources.

Protest action has been foreshadowed 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.

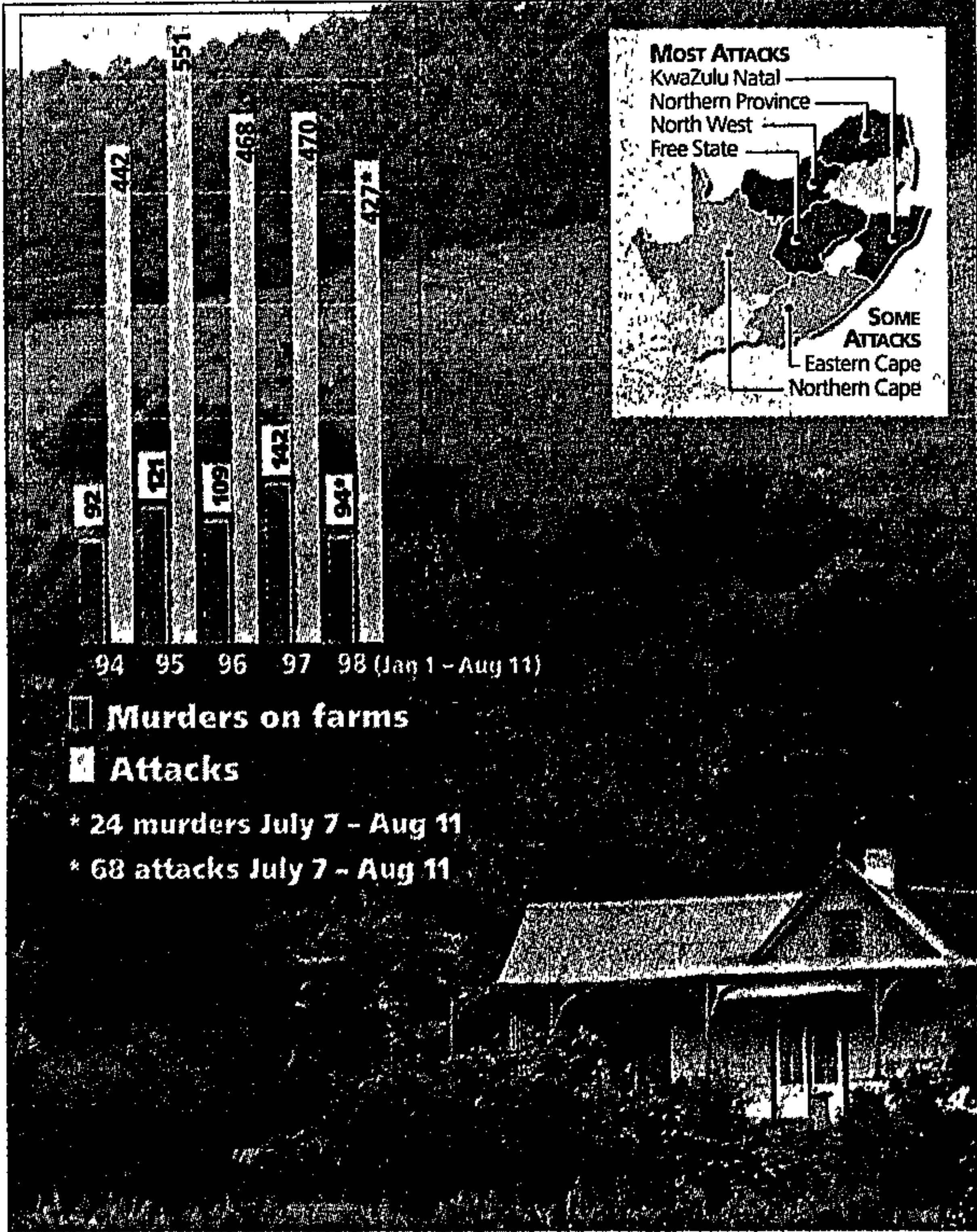
That report was handed to him last week, and said the national and police intelligence agencies were unable to find any political motive behind the killings. They cited criminal activity as the only reason.

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 Suiker 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 SAAU 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.

SAAU president Chris du Toit 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 co-operation and willingness to help restore law and order, the security situation is worsening and the murders and crime 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

(34) Souweran 12/8/98

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 or-

ganisations, 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 it. We have, however, agreed to establish a working committee to look at more immediate strategies."

The KwaZulu Natal Agricultural Union decided on Tuesday to advise members to divert taxes to a special account to be set up by the union. The money would be paid to the SA Revenue Service once the Government had "stabilised the crime situation".

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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 has also been a fall-off in the number of people arrested for alleged crime 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 Bosman 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

**H**ARDLY 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 Heath) has established that billions of rands have been misappropriated since the former National Party was in power.

Recently the deputy speaker in the Mpumalanga 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, Mpumalanga 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).

If a superficial assessment has to be made, then the numerous mechanisms in place to deal with corruption – for example, commissions, public protector's office and codes of conduct – should imply that the problem is widespread and all-pervading.

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 Mpumalanga 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

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.

*Saueran 13/8/98*

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

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 Stiaan van der Merwe.

The convention in this country has been to look at the public service and to focus mostly on its misdemeanours, 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 systematic 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 can also be 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 businesspeople 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 book-keeping. Often they are even able to get tax breaks on them.

But, despite the gloomy picture, the fact that corruption is a much talked-out 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."



# Top-level meeting scheduled to find plan to end rural murders

Dustin Chick, Jonny Steinberg and Louise Cook

A HIGH-level meeting between government ministers and representatives from the SA Agricultural Union was expected to take place during the course of next week to discuss plans to bring the continuing murder of farmers to an end, Freedom Front leader Constant Viljoen said yesterday.

The meeting was expected to be attended by Viljoen, Agriculture Minister Derek Hanekom and Safety and Security Minister Sydney Mufamadi. Viljoen said yesterday he hoped to get the three major roleplayers — government, the agricultural unions and the farmers — together to discuss an action plan to end the murders. He said as a farmer, politician and ex-soldier he could see the problem from all sides in helping to bring it to an end. Viljoen said there was a "great lack of conciliation in the country". He was convinced political motives were behind the

killings, though this did not necessarily come from organisations, but rather from "political hatred and a need for retribution". Hanekom's office welcomed the meeting and said they were deeply impressed with the conduct of the Freedom Front leader. "He is the one politician who refuses to engage in petty politics and makes no personal attacks. His positive, constructive attitude is very encouraging," Hanekom's spokesman Saria Venter said. The SA Agricultural Union (SAAU) said yesterday it had not yet been invited to the meeting, and would decide on whether to

attend once the agenda was made known. Spokesman Kobus Visser said the union would consider its options once the meeting contents were available, as it might want to raise issues which would fall out of context. Visser said threats to withhold taxes were cries from a desperate law-abiding community, as both farmers and the general community were serious about combating crime. The Conservative Party yesterday called on farmers to impose curfews on their land to guard themselves from criminal attacks. The SA Chamber of Business (Sacob) so-

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Star 14/8/98 (34)

# 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.

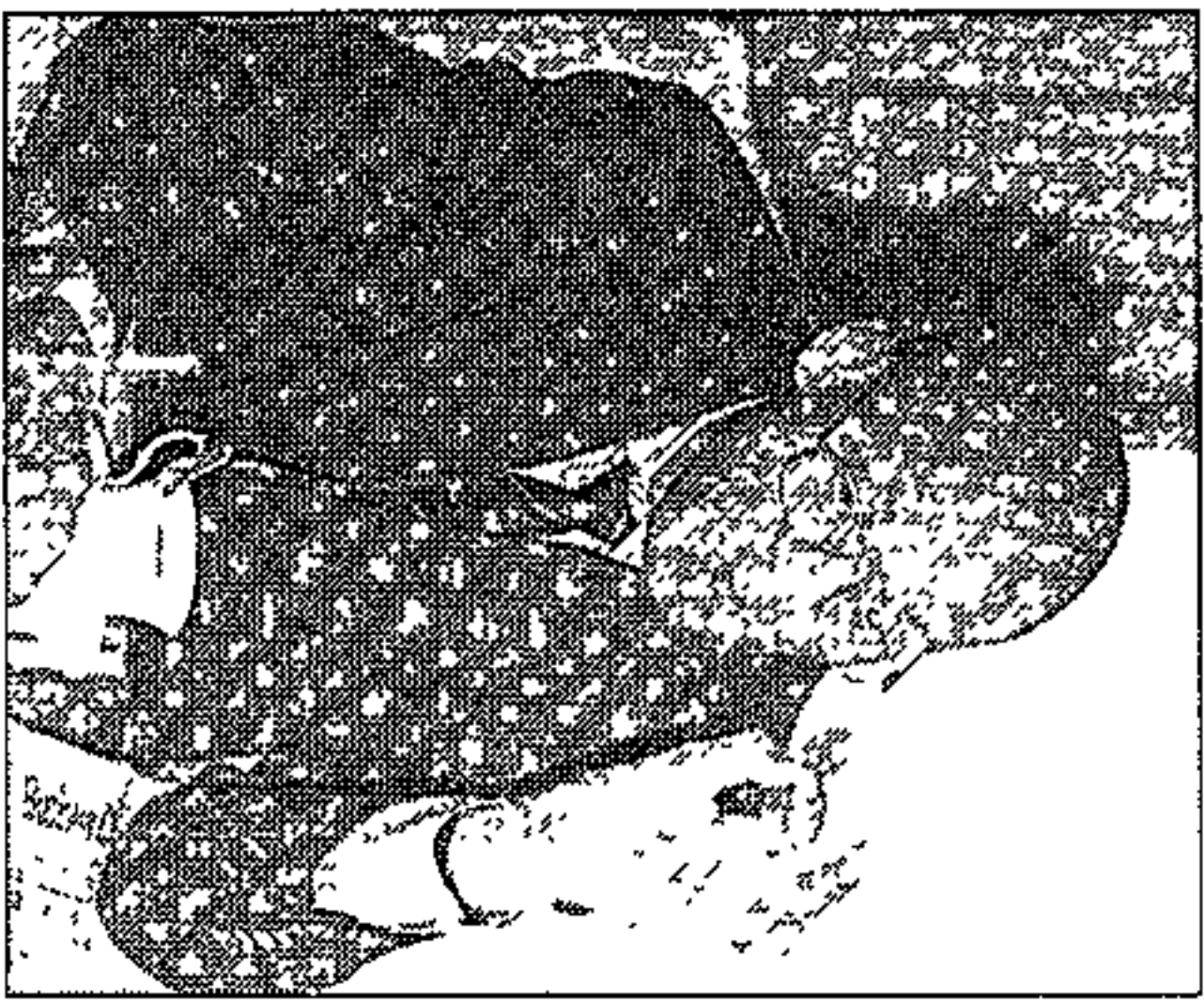
► Killings outrage

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# 'Farm killings outrage Govt'

The perception that the president or members of his administration are anything less than appalled over the brutal deaths of Afrikaner families on the land is absolute nonsense, writes Mandela's spokesperson **Parks Mankahlana**



The incidents of crime in the farming community have generated both anger and frustration across the length and breadth of the country. All South Africans, black and white, are outraged by these dastardly acts.

But typical of South Africans, or should we say all societies in transition, the arguments and public quarrels have unfortunately assumed racial undertones which fudge the essence of the momentous challenge that faces all of us.

The Government is determined to stop the killing of farmers by criminals. The political will and commitment to do so are there.

More important, there exists within the police men and women who are dedicated to the task of defending all South Africans, irrespective of the colour of their skin.

The Government appreciates the anger and frustration of the farming community with the continuation of the killing of farmers. The legal efforts to highlight the killings are applauded and appreciated.

President Nelson Mandela has appointed a special team of detectives, led by Assistant Commissioner Suttler Britz and Director Errol Seyisi to investigate the spate of killings on farms.

The appointment was done on the recommendations of an intelligence report which the president had commissioned in the course of 1997. In addition to investigating the suspicion that the killing of farmers could be politically organised, the team was appointed to ensure focused attention by the police in the fight against this specific problem.

It is a drastic step for a head of state to push the normal policing routine aside and set up a special unit that is virtually accountable to him.

It is an indication of the seriousness with which the president views the situation on farms.

(34)

TJ LEMON



May 14/8/98

CHRIS ADLAM



Grieving ... Susan Dlamini, mother of Angelina, and Angelina's grandmother Wilhelmina grieve over the six-month-old's death after allegedly being shot dead by a farmer, showing another side to farm deaths.

criticism to be for purposes of pointing out shortcomings we may not be aware of. We value it.

But in the situation of farm murders, the police are doing the best in their ability to stop the carnage. The speed with which the arrest of the suspect in the George murder was effected is another clear indicator of

rising. An uprising that could easily degenerate into racist terrorism as we have seen in the recent Northern Province incident.

We do not believe that those who advocate the lie that the farmers are being targeted to achieve certain political goals are not aware of these dangers. We



completed which refute the allegation there is a campaign to drive farmers off their land to facilitate some far-local "redistribution programme".

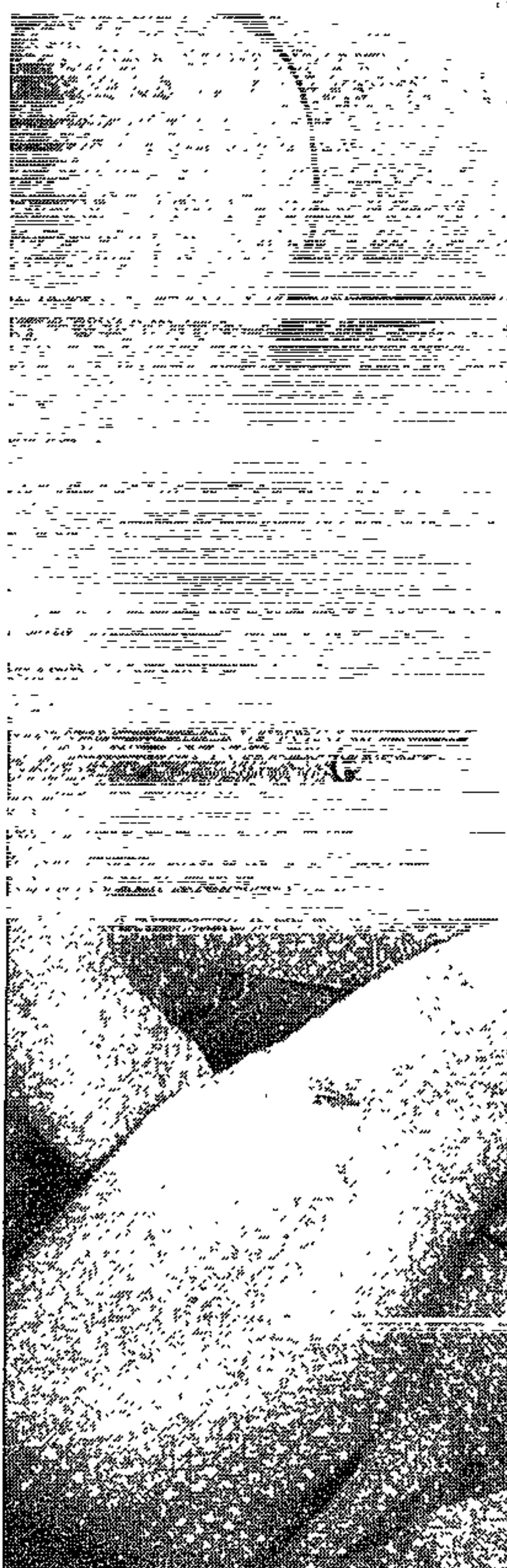
The last report is with the president, and there is no indication it will produce a different result from the previous ones. The reports are unambiguous in rejecting the allegation that there may be a political motive behind the murders.

Instead the reports reveal that "in a large number of cases, a link exists between one or more of the perpetrators and the targeted farm".

"Perpetrators tend to either live or have lived on the farm involved or in the vicinity, or have some relationship with somebody else connected to the farm or its surroundings. Such relationships are often either exploited, or in other cases cultivated, to gather information regarding the intended target."

The reports indicate that the success rate in tracing culprits, securing convictions and having heavy sentences imposed have been very high, although the crimes still continue.

A disturbing trend in the various comments by political parties and organisations is the suggestion that



**Outraged ... white farmers meet at the Ermelo showgrounds to register their protest at farm attacks.**

the Government, and by implication the president, is indifferent to what is supposed to be a campaign to drive farmers off their land.

The impression is created that the ultimate targets of this campaign are the Afrikaners who have now become easy prey in the new democratic dispensation.

The result is that the farm killings have assumed a particularly political dimension, not because they constitute part of a political conspiracy, but because political parties have decided to make cheap political capital out of a tragedy.

Sections of the mass media are assisting this propaganda campaign

and are totally oblivious to one of the fundamental findings of the investigators: "Black farmers do not escape the attention of criminals, while farm workers are often attacked and/or killed, especially if they interfere with the criminals' actions or are believed to have recognised the criminals involved."

It is not unusual for political parties to exploit what they consider to be developments that lend themselves to fruitful propaganda. This is the practice in all democracies.

But in so doing, politicians are expected not to engage in activities that tear the fabric of society apart. There is evidence to show that

the propaganda that is predicated on projecting Afrikaners as a subject of attack is contributing to rising racial tension in the rural areas. The recent shooting of three children on the Pietersburg highway has all the hallmarks of a racially inspired attack.

Whatever progress we may have made in uniting our people and promoting reconciliation, the reality of the South African situation is that this "miracle" endures to the extent that there is a commitment in all of us to sustain it.

The manner in which the killings are being manipulated for political gain by political role players, ex-

ceeds the bounds of legitimate propaganda.

The Government has the responsibility to protect all citizens. That is why we have taken additional steps to ensure the safety and security of the farmers.

The Government is also entrusted with the task to create an atmosphere that is favourable to the execution of the responsibility of protecting the population. It is also true that this applies to the opposition and other organisations that have an interest in this matter.

Whenever shortcomings show in the execution of our tasks, we should be criticised. We accept the

dedication of our policemen and women. The incident also revealed, once more, the difficult and dangerous conditions under which our men and women in uniform work.

There is also the suggestion that the Government, and again by implication the president, tacitly approves of attacks on the farming community. We ask: Why would a man that is so committed to reconciliation and nation-building approve of or allow the killing of farmers simply because they are Afrikaners?

Why would a man that set time aside to entertain wives of previous apartheid rulers, including visiting Betsie Verwoerd in Orania, find reason to be indifferent to actions which threaten the overall mission of his presidency? If the designs of our detractors were as outlined by our naive and counter-productive, but also suicidal.

No Government can achieve the goal of economic growth unless a vibrant agricultural sector exists.

Further, a concerted politico-military attack on farmers could trigger a response that would render the farming and rural areas the rear bases of a right-wing military up-

turne their irresponsible and dangerous propaganda and play the constructive part that an opposition is expected to play.

**'The police are doing their best to stop the carnage'**

On his part, the president and his Government will do all in their power to bring the killing of farmers and crime in general to an end.

Judging by our recent experience, we can rely on the co-operation of the farming community.

The presidency is not aware of any issue of national importance that has occupied the mind of the president in the manner the farm murders have. Even visiting heads of state had to reschedule appointments with him so he could give his undivided attention to the matter.

This will continue to be his approach.

**Race 7 (3.20) - CHAMPAGNE STAKES (Weight-For-Age, Grade/Three) of R100 000 over 1 200 m (No allowances)**

OK10 0K16 8U10 1-6 BELLA LOUISE 7 (E Beck) A Hoffmann 56.0  
 F Anthony 56.0  
 F Marshall 56.0

8 - 8 DAKOTA EXPRESS 3 (R C Shadli)  
 9 - 1 MILONGUERO RING (ARG) 3 (G V Woodroffe) M Khan 56.0  
 10 - 9 SEASON'S FOCUS 3 (G W Emmon) G Venter 56.0  
 11 - 11 SMART PROSPECT 3 (T L Hourieau) F Anthony 56.0  
 12 - 6 SOVIET EXPRESS 3 (G R Puller) F Marshall 56.0  
 13 - 14 WIKIWA 3 (P G Kannemeyer)



... who should leave of his senses. Far from counting on it, it seems to me that the same

... the same way as Gascoigne, Chris Sutton and Teddy Sheringham, that

ason's Stock, Bud Lite, Glyceria, 10-1 and upwards others.



ETIENNE SWANEPOEL

# Strong case for SA to sign anti-bribery convention

CT(BR)17/8/98 (34)

**B**ribery 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 1998 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 co-ordinated manner. In December 1997 the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was signed.

In most countries bribing 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.

*Etienne Swanepoel is a director of the Cape law firm, Fairbridge Ardérne & Lawton, and editor of Butterworth's Financial Markets Legislation Service. The opinions expressed herein do not constitute advice. Readers should direct any queries to their legal advisers*



# Crime hinders business

By Shadrack 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 (Sacob) 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 Ruiters 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.







# Mixed reaction to intelligence report on farm attacks

THE release of an updated intelligence report about farm attacks in the country was welcomed on Saturday by the SA Agricultural Union and the National Party — albeit with mixed reaction.

The union said although there were several positive observations and recommendations, it was difficult to believe that the overwhelming majority of attacks were criminally motivated.

The report, released by Safety and Security Minister Sydney Mufamadi at the Sandton police station, said 99% of

attacks on farms and smallholdings were sparked by common criminality, with robbery the main incentive.

In a statement, farm union president Chris du Toit said: "It would be much more acceptable to the country's farming community if this was the finding of a judicial commission which had been asked for from the start."

"We welcome however the recommendation that the investigation should be continued and that any new information be made available to farm-

ers and the public."

The report found that racial tension, the dismissal of workers and conflict between employers and employees played an insignificant role.

"We as the farming community trust that proper notice be taken of this and all those who are accusing us of bad labour relations stop it immediately," Du Toit said. The union also supported the report in saying that wild, unfounded and reckless political statements about the killings aggravated

attacks on farmers.

Some facts stated in the report were too general, and the union doubted whether government accepted the responsibility to protect farmers and their workers.

National Party safety and security spokesman Piet Matthee said that an urgent meeting should be held between agricultural unions, Mufamadi, the police, the SA Chamber of Business and political parties to try and find solutions to the problem. — Sapa.



# 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 docket, 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

18/8/98 (34)  
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'

(34) 00 19/8/98  
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 1996 the Office of Serious Economic Offences was investigating 33 cases involving R8,5bn 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.



# Farmers dismiss killings summit

ARGUS CORRESPONDENT

*(94)*  
*ARG 19/8/98*

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 the Government 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 farmworkers have been killed country-wide this year.



# Mixed reaction to summit on rural crime

Louise Cook

(34) 2019/8/98  
305 attacks on farms.

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 Mufamadi and Defence Minister Joe Modise, met an SAAU delegation yesterday to discuss the security report on farm attacks released by SA Police Service (SAPS) commissioner Suiker 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

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 SAAU to support the plan.

The summit would include the black National African Farmers' Union (Nafu), the SA Agricultural, Plantation and Allied Workers' Union (Saapawu), the SA National Defence Force, police and government departments.

Mandela said he had "supreme 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 spokesman Thamsanqa Myeza said: "We have called for such a summit a long time ago but our requests have been ignored ... this week-end we lost five members in Mpumalanga 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.

Picture: Page 2  
Comment: Page 15

LINDSAY SMITHERS-FCH



MURDER RATE 'INTOLERABLE'

# Govt to hold indaba on farm death toll

(74) CT 19/8/98

**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.

**T**HE 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 "disturbing" 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 concern of the farmers because the number of farmers being killed is totally unacceptable," Mandela said.

However, Mandela expressed confidence in the handling of the situation by the police and said 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 investigate the whole problem," he said.

In other developments around the beleaguered farming industry, three men accused of attempting to murder a farm worker were granted bail of R2 000 each in the Potchefstroom Regional Court this week.

Eben de Bruyn, 55, a farmer from Buffelshoek near Parys, and Steven Bunyan, 32, and Martin Rudman, 28, both of Orkney, 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 Lebaleng township.

Pieter du Toit, 68, and his son, Christoffel du Toit, 40, farmers in the Makwassie 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 Bosie 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



## COMMENT &amp; ANALYSIS

# More to farm killings than govt thinks

Government's latest report on farm killings is too hasty and superficial to address what really seems to be happening, writes Jonny Steinberg

**S**POOKS (intelligence agents) are notorious for the paranoid caution they display when asked to divulge the fruits of their labour.

Trying to glean from an intelligence agent what he did with his day is about as useful as attempting to strap Mount Everest to one's back and drag it to Cape Town.

Eye brows should therefore be raised at the haste with which Safety and Security Minister Sydney Mufamadi grabbed the latest investigative report on farm murders from the hands of its authors, and flung it to the media.

The ink on the report had barely dried before its conclusions were splashed across the pages of Sunday newspapers.

A brief glance at the document, however, shows that government's latest offering on farm murders is not so much an investigative report as a rushed and tacky political intervention.

Where a bona fide intelligence document is suggestive and curious, this report is dogmatic and unnuanced.

Where a genuine investigation often opens up the facts to a myriad interpretations, this report slams the door on every possibility except one: "The select team is absolutely convinced that the motive in the majority of incidents may be attributed to pure criminality ... no evidence was found to suggest anything other than normal criminality."

The report repeats this claim incessantly, as if its very repetition serves as proof of its veracity.

Government is trying a little too hard to convince us that nothing untoward is happening in the countryside.

A glance at two intelligence documents, drafted for the National Intelligence Co-ordinating Committee in December and January respectively, reveals a picture more nuanced and more disturbing than Mufamadi's:

□ "In almost every case, the degree of violence inflicted upon the victims ... was completely excessive and totally out of proportion with the objectives ... In several instances, victims were killed in circumstances where the assailants had accomplished their purpose and it was totally unnecessary to kill..."

□ "The torture and rape of victims

suggest that the attackers do not merely intend to kill the victims, but to inflict pain, humiliation and suffering."

□ "Criminals sometimes awaited the return of farmers to their homesteads with the intention to murder rather than to rob them."

□ "In some cases ... criminals travel vast distances to attack people on farms and then rob them on-ly of firearms and/or small amounts of property or money."

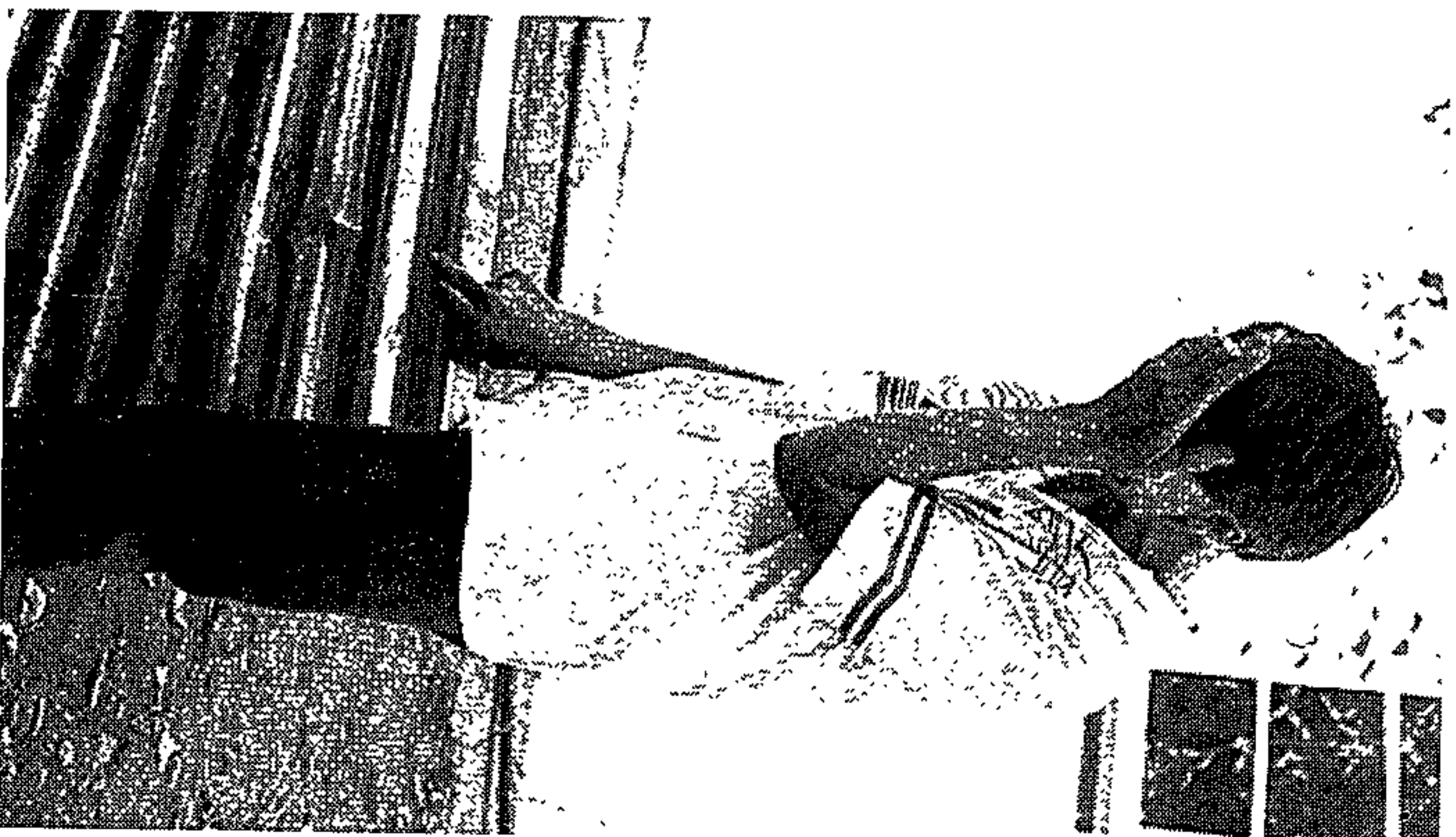
□ "Cases have been reported of criminals arriving at homesteads on farms and holding domestic or farm workers at gun-point, only to leave upon discovering that the farmer or his family is not at home."

Mufamadi is not wrong when he says that we are dealing here with crime.

And he is almost certainly correct when he says there is no evidence of an organised conspiracy.

Is it not, however, abundantly obvious these "crimes" are the vehicles of a violent and dramatic form of public self-expression; that these acts are the work of a starkly political consciousness?

Intelligence reports tell us that the vast majority of farm murders are under 25 years of age. It also appears that the bulk of them



Nellie Boshoff of Pietersburg and Boet Kloppers of Rustenburg whose relatives were victims of farm murders



BO 19/8/98 (34)

what really seems to be happening, writes Jonny Steinberg

Government's latest report on farm killings is too hasty and superficial to address what really seems to be happening, writes Jonny Steinberg

harnessed and contained the energy of a brewing crisis in the relationships between the old and the young. Members of township and rural communities were struck, at the time, by both the depth and the ferocity of the revolution taking place.

Where community courts were once the custodians of the quiet wisdom of the elderly, restless and angry youths now set in judgment.

Where morality was once passed down the generations, it was now children who occupied the vanguard of ethnic renewal.

The difference between then and now is that in the 1980s the self-expression of the young was channelled and disciplined by a nationwide political movement and a coherent ideology. The ferocity of ideas and deeds

made some sense, because they appeared to be animated by a tangible vision of a just society.

Today, the political vision and the organised movements are wanting, but the social traumas that gave birth to them remain.

Those who led and inspired the young then are now managing an austere government programme of fiscal constraint.

The international socialist project that gave the young a vivid

image of the future they were building is dead and buried. Perhaps what we are witnessing now is a form of political expression as frenzied and heady as that of its predecessor in the 1980s, but a politics that has lost all soul and all meaning.

Ten years ago, activists like Peter Mokaba were the icons of the young. Today, Mokaba is a remote politician in a grey suit. It is, a tragic and unintended consequence of heady political times that the path from the one to the other can be such a short one.

There are countries in which politics and crime have become indistinguishable. In 1989 the Colombian government negotiated the surrender of the fabled drug baron, Pablo Escobar. Among Escobar's demands were that government commit itself to a truce between its security forces and the youths in the shums of the Colombian city of Medellin. "Government must pledge an end to the war it is waging against these youngsters. There are flagrant violations of basic human rights happening every day," the drug baron declared.

SA's young criminals have no such spokesman. Criminal organisations here are small, disorganised and haphazard. There are no large empires or fabled mafiosi. On the one hand, we can breathe a sigh of relief that we do not have Colombia's problems. Yet, on the other hand, there are no leaders with whom our government can negotiate a truce.

The best police force in the world could not entirely eradicate SA crime. The question is whether SA has the political sophistication to remain unified in the face of the dark side of the transition to democracy.

The African National Congress (ANC) government's response to farm murders, which insists beligerently and dogmatically that we are dealing with "normal crime", will only confirm for white farmers what they fear to be the case: that government is not playing straight with them.

It is responses like the ANC's that invite crime to become a destructive political force, polarising SA along racial and ethnic lines. It is not necessary that crime sows bitter seeds of political division in SA. A bit of candid honesty is a good place to start.

are among the 37% of South Africans with no formal employment. Most of the victims, in contrast, are white farmers, who are unfortunate enough to carry on their shoulders all the symbolism of racial oppression in SA.

Voorrekkers, ox wagons and land invasions fill the landscape of their collective past.

In the mythology of SA's former liberation movements, they are the belly of the beast.

It is surely neither irresponsible nor flamboyantly speculative to suggest that we are dealing here with the muddled, spontaneously invoked residues of a recent ideology: that a vivid political narrative is being enacted in these killings.

Perhaps it is instructive to remember some well-known features of our recent past. The nationwide "insurrections" that engulfed SA in the mid-1980s both



# The story of an African farm killing

## Out of the statistics comes the tale of one family's anguish and loss

### INSIDE STORY

South Africa has been praised for its relatively peaceful transition to democracy, but white farmers disagree. They have come to believe they live in another country, writes Assistant Editor **PETER TER HORST**



transition from apartheid to democracy, but white farmers increasingly believe they live in another country. Herman Prinsloo was one of the more than 560 farmers who were killed in 2 350 attacks on farms since 1994, the year of the first general election.

So far this year, 427 farms have been attacked and 94 people have lost their lives.

The farm killings have become so commonplace, that the TV news and some newspapers have designed a special logo for the daily toll.

Is this the great reckoning, the delayed civil war, as some believe? The white farming community is convinced that the killings are part of a politically inspired campaign to drive the farmers from their land, and to hand it over - or return it, as many South Africans would have it - to black people.

Farmers believe that the popular struggle slogan from the '80s, "Kill the Boer, kill the farmer" is now being put into practice.

The Government denies this. According to reports compiled by intelligence and police services, the motive in the overwhelming majority of the attacks is criminal.

The attackers steal money, weapons and household goods. In many instances, the attackers wait for their victims in their homes. Women are usually raped.

"In almost every case, the degree of violence inflicted upon the victims was completely excessive.

"Many of the victims were elderly or helpless people," states a recently published intelligence report.

Nico Viljoen, farmer and chairman of the Plaasweg (farm security

His name is hidden in the statistics for the slaughter of white farmers in South Africa.

Like so many of his forefathers, Herman Prinsloo fell for the lure of the land, the freedom of the veld's boundless hectares.

The young Afrikaner was meant to become a farmer.

In 1992, when Herman Prinsloo had enough money to buy Mooiplaas farm, just outside the village of Heilbron in the Free State, he gave up his job as an officer of correctional services in Kroonstad.

He started a dairy farm with 60 cows and three labourers. His days began in the darkness and ended in darkness.

He earned a meagre income, but he did not complain. He was a farmer.

"It was a hard life," admits his widow, Marina Prinsloo.

She is 34, and gives with her children Edhan, 10, Sunet, 8, and Joanita, 6, in a house in Heilbron. She has rented out Mooiplaas as grazing.

"It was not my first choice, but he wanted it so badly. Being a farmer was his dream."

The land gave, and the land took. On a late afternoon in February last year, Marina returned home with her two daughters.

Five black men waited for them, with the family weapons in their hands.

Marina recognised one of the

attackers as Petrus, who had worked at the farm for a short while.

"I would never have expected that of Petrus. He had such an open face, he was a decent man. He did not look like a criminal."

**'Farms are hemmed in by electric fences, and the stoep, that haven, has become a cage'**

With knives held to their throats, Marina and her daughters were led into the living room.

The attackers tied their hands behind their backs and taped up their mouths.

Tied to a chair, Marina heard her husband come home from the village, where he had been delivering milk.

"I just prayed: 'Please let him not suffer, please let them not torture him. Let it be quick.'"

"I heard him open the kitchen door. Then there were two shots. I heard him breathing for a while, but I do not know if it was for five seconds or five minutes."

One of the attackers confirmed what Marina already knew. "Ons het hom klaargeskiet," he said to her.

The five men loaded everything of value on to the family bakke: tables and chairs, the television, crockery, the children's toys.

After they had driven away, Marina managed to free herself and her daughters.

They fled through the back door, so that the children would not see their father.

The neighbours later found Herman, 35, shot in the back dead.

"I am angry," says Marina, now a year and a half later, in the purple living room of her Heilbron home. Her voice trembles slightly.

She and her daughters have been in therapy. The children often speak about Herman.

"This has changed so many things in our lives. The children have to grow up without him, and I have to take all the decisions by myself. It was all so unnecessary."

South Africa may have been praised for its relatively peaceful

**'It is total lawlessness now. The front pages are filled with murder. This is not what we expected'**

of a politically inspired campaign to drive the farmers from their land, and to hand it over - or return it, as many South Africans would have it - to black people.

Farmers believe that the popular struggle slogan from the '80s, "Kill the Boer, kill the farmer" is now being put into practice.

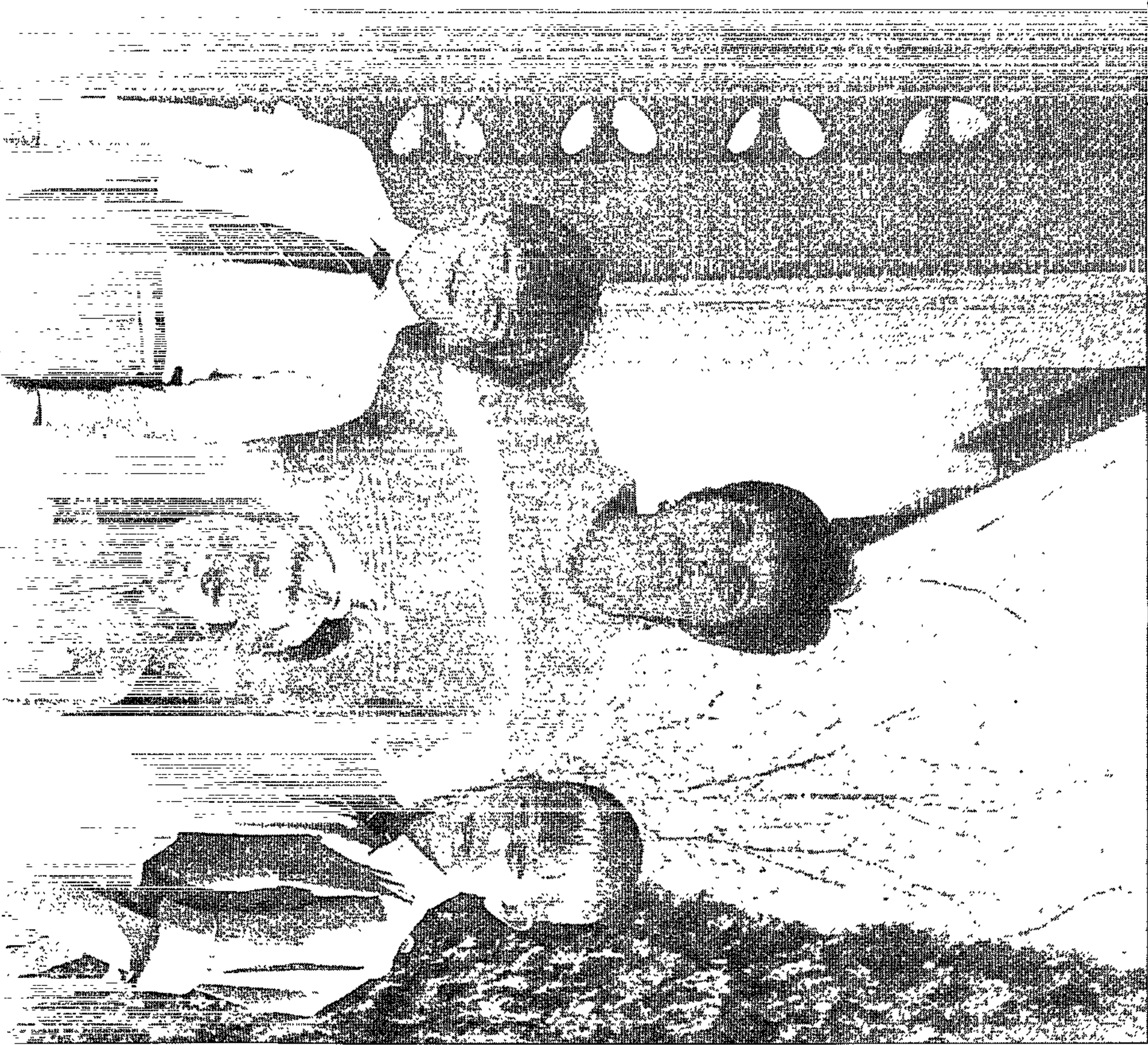
The Government denies this. According to reports compiled by intelligence and police services, the motive in the overwhelming majority of the attacks is criminal.

The attackers steal money, weapons and household goods. In many instances, the attackers wait for their victims in their homes. Women are usually raped.

"In almost every case, the degree of violence inflicted upon the victims was completely excessive.

"Many of the victims were elderly or helpless people," states a recently published intelligence report.

Nico Viljoen, farmer and chairman of the Plaasweg (farm security



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### MOST ATTACKS

KwaZulu/Natal \_\_\_\_\_  
Northern Province \_\_\_\_\_  
North West \_\_\_\_\_



# Hot water on tap for rural women

LYNNE RIPPENGAAR  
STAFF REPORTER

**In South Africa about 18.6 million 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 takes in a major

even on a tree. The base has childproof safety clips to prevent children from reaching the stove.

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



# Cops warn vigilantes

## 200 in Guguletu face prosecution



LINDSAY BARNES  
Police are to investigate and will attempt to prosecute about 200 Guguletu residents who beat, stripped and paraded four suspected criminals through the

Nicholas Solomons 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

8/6/8/8/20/8  
(35) ARK 20/8/98

not believe in the theory that the violence gripping the cities has now finally come to the plateau.

"I believe that radical elements within the Government are behind these attacks.

"President Mandela would not even know about it. But we are the last whites in Africa, we have left behind a rich country, and now they want us out of here.

"It sounds harsh, but I see no other end result than a war."

For now, the quintessential freedom of life on the land, a recurring theme in Afrikaner mythology, is over.

Farms are hemmed in by electric fences, and the scope, that haven of contemplation in the still evening air, has become a cage.

The plasmag in Hellbron, like many in other regions, provides 24-hour patrols of former policemen, who are in permanent radio contact with the farms.

They claim they even enter black townships in the region in pursuit of the attackers, because "the police does not do it".

Mr Viljoen, himself, has installed spotlights around his house. He has bought a bullet-proof vest that he wears when he goes outside to check for suspected intruders.

"I sleep with both eyes open," he says. "And I always carry this with me."

He lifts his trouser leg. In the holster, just above his right ankle, a gun glimmers.

With every murder, relations between the Government and farming community seem to worsen.

Farmers have threatened to stop paying taxes until the Government acts against the attackers and offers the farmers security.

They also demand the reinstatement of the death penalty.

But in the new South Africa, the farmers do not have much of a voice

any more. They also have to fight their own image.

Many of them were the staunchest defenders of apartheid, pampered by former governments, and farm workers testify to labour relations often being conducted under the law of the slambok.

It is not hard to detect a subtle undertone in the discourse on farm killings: the farmers reap what they have sown.

"Even if it were true that a farmer treats his workers badly, does that

give anyone the right to kill him?" replies Nico Viljoen.

The judge in Hellbron sentenced four young killers of Herman Prinsloo to 30 years in jail.

The fifth attacker, Petrus, got 35 years.

"Petrus was the only one who showed some remorse," remembers Marina.

"He said he shot Herman because he still owed him money."

"Herman was a perfectionist. If someone did not do his work right,

he could get angry. But he never assaulted anyone."

They were no rightwingers, like many farmers in the neighbourhood, says Marina.

They were young, they voted National Party, and they believed in the new South Africa. All that's left is disillusionment.

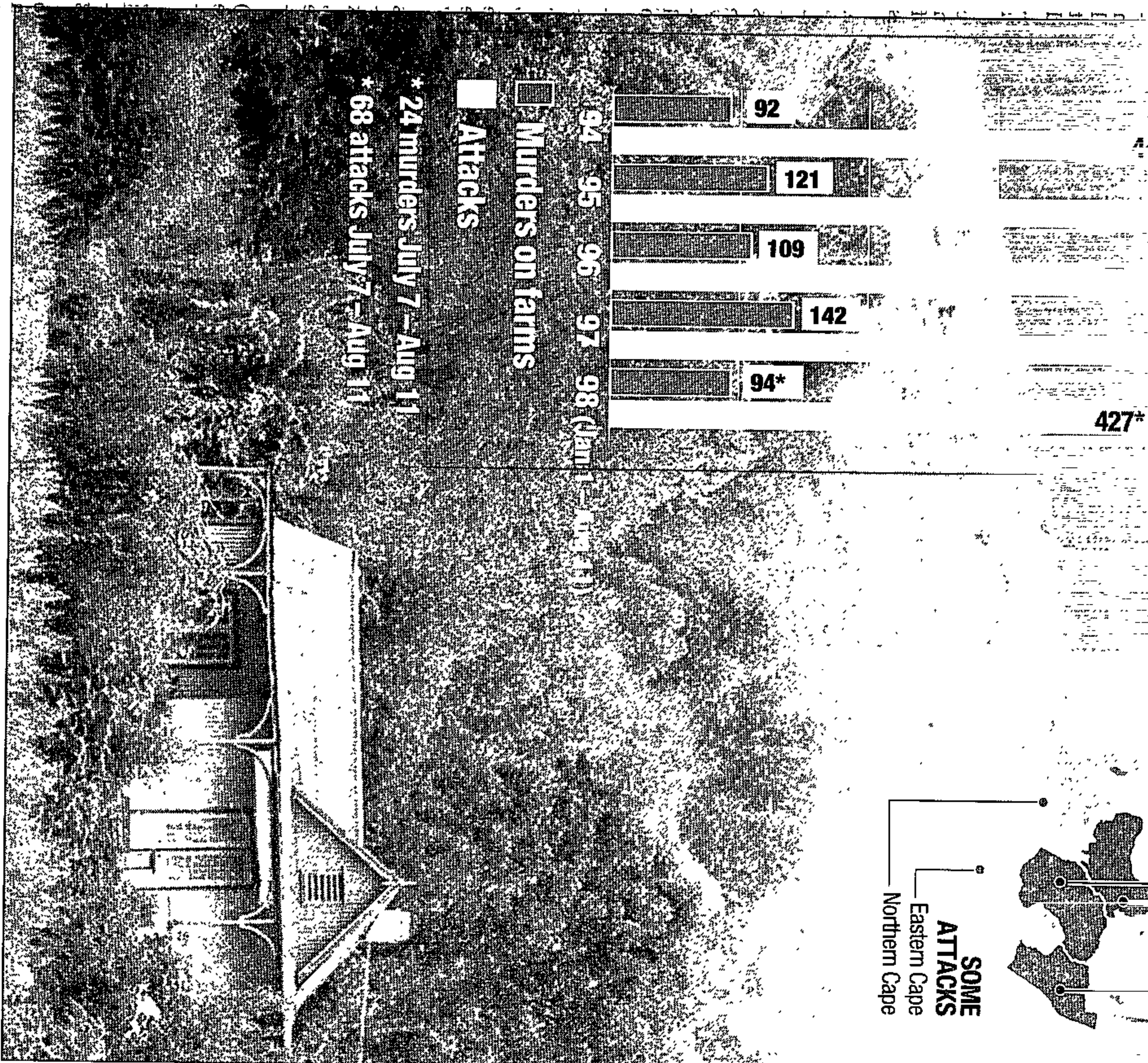
"It is total lawlessness now. The front pages are filled with murder and robbery."

"No, this is not what we had expected."

Alone: Marina Prinsloo with her children, from left, Suret, Joania and Eduan at their new home in Hellbron



PETER TER HORST





# Heath unit makes big inroads on

## Judge estimates that the R10-billion recovered so far represents just 5% of the total to be unearthed

By **ADRIAN HADLAND**

**S**pecial investigating unit head Judge Willem Heath estimates that corruption, mismanagement and fraud, amounting to about R200-billion, is waiting to be uncovered in South African government structures.

Addressing the Cape Town Press Club yesterday, Judge Heath was asked to give a rough estimate of what percentage the R10-billion already recovered by his unit represented of the total that may be unearthed.

"I would speculate that the R10-billion represents about five percent," he said. "The extent of corruption is unbeliev-

able. Whichever department we look in, corruption is a major problem."

Judge Heath said, however, that the unit's success in uncovering corruption did not indicate that fraud and theft had not existed before 1994. "It was as bad, or even worse, before the election, but it wasn't so transparent," he said.

Judge Heath heads a team of nine lawyers, five accountants, two computer science experts and a range of on-call specialists dedicated to unearthing corruption and recovering state assets.

The team "is a unique concept. Other countries don't have an effective system to clean up administration." He said the team worked together as a unit and that

cases were investigated before being handed to a special tribunal, headed by three judges, for decisions.

It was, particularly helpful that the team had very strong powers to investigate, oblige witnesses to answer questions, along with search-and-seizure capabilities, Judge Heath said.

The result is a formidable team that has already uncovered government corruption amounting to R10-billion and is currently working on cases involving an estimated R6-billion.

Judge Heath said the public was "so sick and tired" of corruption in government that the unit had not had to use its full range of powers on many occasions.

"The public is so eager to assist that we are flooded with information, he added.

Unlike ordinary criminal cases, which take months or even years, the creation of a special tribunal allowed cases to be completed in weeks.

"The process is very short and we don't waste time on technicalities. The judges are becoming experts in corruption and maladministration cases."

Another important function of the team was to recover state assets. Judge Heath said "In one province, the transport department asked us to help get their vehicles back. We recovered 372 vehicles to the value of R33-million." In another investigation, 80 farms were

**fraud**

*Seton 22/8/98* (34)

reclaimed and another 120 are due to be returned to the state. "In the former homelands, government officials sold farms to themselves for next to nothing, like R5 000. Then, when they were in trouble, they tried to sell them for up to R800 000."

In a third case, R23-million missing from a provincial premier's budget was found in the bank account of a private company with overseas investors.

Judge Heath praised President Nelson Mandela for setting up the investigating unit but urged the Government to devote more funds to the team as well as make certain legislative adjustments to give it greater independence.



# Vehicle licensing backlog is lifeline for thieves

Star 24/18/98

(94)

Gauteng's 15 000 outstanding registrations on info system are giving fine-dodgers and crooks an unnecessary break

By JACOUI REEVES

A backlog of more than 15 000 vehicles in Gauteng which have not yet been registered on the National Traffic Information System (Natis) is providing a lifeline to the province's car-theft industry and a loophole for fine-dodgers.

This latest revelation, yet another in a long line of problems facing Gauteng's beleaguered licensing departments, came from the office of Transport MEC Joyce Kgoali in

response to questions in the legislature from Democratic Party member Jack Bloom.

Backlog figures, as recorded on July 24 this year, placed Randburg in the worst position with 4 666 vehicles yet to be captured on the electronic system, with Roodepoort and Johannesburg following with 3 009 and 2 429 outstanding registrations respectively.

The licensing of vehicles is a major cash-cow for the Gauteng government, and the licensing backlogs could spell

disaster for this income source. Gerrie Gerneke, acting head of licensing for the Greater Johannesburg Metro Council, said that without a Natis registration, fines owed by vehicle owners are transferred to the licences and accumulate there.

"Drivers, with sometimes thousands of rands worth of outstanding fines, know that they can avoid paying the fines as long as they don't go to renew their licences, when the amounts owing will be picked up. We could see people taking

a chance with not renewing their licences for this reason," he said.

The huge backlog also means that if vehicles are stolen, they will not be easily identifiable because they cannot be listed as stolen on Natis, the point at which police checks are done.

Bloom said firm steps needed to be taken to reduce the unacceptable backlogs, if the fight against vehicle theft was to be won.

Some municipalities that have successfully tackled their

backlogs are Pretoria at 48 vehicles and Sandton with 98.

Gerneke said Sandton, which has in the past month eliminated its entire backlog, had done so by instituting overtime shifts when required.

"The Sandton staff decide on a Friday if they need to work any overtime that week and catch up on any backlog that have developed during that week," he said.

Kgoali's response also alluded to problems that the backlogs might cause in the

implementation of the points demerit system (PDS).

In terms of the PDS, drivers lose points every time they commit a serious offence and they could have their licences suspended or revoked if they lose many points.

Natis was designed to help support PDS, and although consultation on the system is still continuing, incomplete records could create an unfair divide between drivers whose vehicles are registered on Natis and those which are not.



# Fraud investigation unit recovers R10-bn

(34)

Special team headed by judge expects to uncover more cases involving billions of rands in lost state money

Star 24/8/98

**By Jovial Rantao**  
Political Correspondent

**T**he 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 R23-million defrauded from the office of Eastern Cape Premier Makhenkesi 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 *Sarafina 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 R4,3-million.

■ An urgent order was granted to stop payment of a government cheque of R540 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'

(HAA) (34)

By Ido Lekota

**H**EAD 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?" (a 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 corrup-

tion 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.

Sowetan 24/8/98



# Cut criminal cash chain, says expert

Wyndham Hartley

(34)

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 origins 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.

BD 25/8/98

## 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 responsi-

## Omar upbeat about department

Dustin Chick

(222)

BD 25/8/98

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 re-

spondent 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'

(34)

CT 25/8/98

**A WORLD AUTHORITY** on crime syndicates has told the government legislation alone cannot beat the syndicates. **JOVIAL RANTAO** of the Parliamentary Bureau reports.

**M**ILLIONS 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 SA Police Service (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'

(202) (34)  
Nomavenda Mathiane

DD 26/8/98  
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 Federated 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.



# Heath probing govt corruption cases involving

RD 28 | 8 | 98

PRETORIA — Government corruption involving R7bn is being investigated by the Health special commission set up to probe the embezzlement of public funds.

Judge Willem Heath, who heads the unit, said on Wednesday 90 000 cases of fraud, corruption and maladministration at different government levels had been reported so far.

“State money and assets have been identified as easy targets for elements both within and outside the public sec-

tor,” Heath said in a speech prepared for delivery to the Local Authority Security Association of SA.

“Corruption, fraud and maladministration are eating away at your budget on a local government level, at the provincial budget as a whole, and at the very economy of our country. It must be stopped, and it must be stopped soon.”

Heath said that millions of rands of taxpayers’ money was lost by local councils, rendering them unable to deliver

essential services.

He said these losses were not necessarily caused by a lack of control measures, but rather a failure to comply with existing ones.

“The fields of corruption lie fallow in front of the eager eyes of unscrupulous people who are able to spot these opportunities to steal and rob,” he said.

Heath said some local councils failed to keep proper financial and accounting records, and followed illegal procedures to

conclude contracts.

Other problems included unauthorised purchases, illegal payments of allowances to local councillors and a failure to collect rates and taxes.

Heath said the management of local councils appeared indifferent to these problems, adding there was no desire to serve the public.

“The lack of funds and the potential of bankruptcy at local government level are a stark reality,” he said. “You cannot af-

ford to lose a cent through corruption — it would have ramifications throughout the community, the region and the province.” Heath said that a culture of honesty and integrity needed to be fostered in local councils.

This could be done by teaching officials to identify irregularities, conduct regular checks and audits, and set up open communications networks that enabled employees to report fraud without fear of reprisal or intimidation, he said. — Sapa.





Sophisticated strategies are needed to combat cunning crime moguls, reports Adrian Hadland

# Does South Africa have what it takes to fight global gangsters?

ARL 29/9/98

(34)

When Professor Barry Rider, an expert on international crime syndicates, was giving a presentation in Europe recently, he put a slide on the overhead projector that read: "Half of Italy's shops pay extortion money to the Mafia."

The slide was of an article that had appeared in the International Herald Tribune last year and was illustrative of the growing influence of organised crime on the world's economies. As he spoke, someone in the audience raised their hand. The gentleman who rose to his feet was a serving member of the Italian cabinet.

"That is absolute nonsense," the Italian minister said of the report. "It's not true to say half of Italy's shops pay extortion money to the Mafia. All of them do."

Despite almost a decade of high-profile court cases and prosecutions, teams of roving specialist magistrates and a battery of anti-Mafia laws, Italy is as subject to the whims of organised crime as ever.

But it is by no means only Italy that plays host to the ever-increasing power and reach of sophisticated criminal gangs. The organisations are expanding and developing in the Far East, Russia, Jamaica, Nigeria, Japan, Britain and, of course, South Africa.

"Organised crime is about business. It's about making money," Professor Rider told Parliament's justice committee this week. "They will make that money wherever there are opportunities to make a profit legally or illegally."

Two examples given by Professor

Rider show just how prevalent organised crime is becoming.

Leaders of Hong Kong's infamous Triad gangs, which control most of the world's drug trade, were officially received by China's chief of police early last year to discuss the smooth handover of Hong Kong to China. Hong Kong's largest Triad, the San Yung, has about 40,000 members.

In Russia, US\$1 billion in fresh \$100 bills is allegedly delivered every day to the Russian mafia directly from the US Federal Reserve Bank. If, for example, the Russian mafia was to put just one day of income, say R6.2 billion, into South Africa, how many government officials, policemen and magistrates do you suppose it could secure?

Wherever there is money to be made, wherever international boundaries are insecure and wherever banking systems are vulnerable, organised crime will be corrupting officials, laundering money and undermining legitimate businesses as well as the criminal justice system itself.

The American Federal Bureau of Investigation (FBI) said recently that criminal gangs were not only a threat to economies but to world peace because of their potential to acquire nuclear weapons from the former Soviet republics.

It is not for nothing that British Prime Minister Tony Blair has described organised crime syndicates as "a major menace" and has introduced a great swathe of legislation and established a special national police squad to battle the problem. US President Bill Clinton has said the syndicates are "the

greatest threat facing the West".

But while there is increasing awareness around the world that organised crime has become a critical and dangerous phenomenon, how successful has the world been in stopping it? The difficulties are illustrated by the widespread incidence of money laundering, which sees syndicates converting small denomination "dirty" bills into large denomination "clean" currency ready for re-use or investment.

It is estimated that despite the 'draconian' anti-money-laundering legislation in Britain, more than £200 billion is "washed" in London every year through a variety of high-turnover companies, such as banks and travel agencies. Of the £200 billion, little more than £47 million, or 0.0023%, is confiscated or recovered by the authorities each year.

In global terms, of the US\$1 trillion circulated by syndicates, about 0.004% is traced and recovered. "If we put all our trust in that approach (of confiscating and forfeiture), we will continue to have a problem," says Professor Rider.

The crime kingpins are notoriously difficult to track down; they never dirty their hands by becoming directly associated with criminal behaviour; they break up their organisations into separate cells; and they have phalanxes of lawyers and bankers and tax evasion and computer experts at their disposal to ensure that their assets are hidden and protected.

It is not surprising that South Africa, with its already stretched resources, faces an uphill struggle in the battle against international

organised crime. Despite the recent money-laundering legislation and the Organised Crime Bill, which is now being finalised in Parliament,

Professor Rider suggests South Africa is ill-equipped to deal with sophisticated international syndicates.

"Even the laws you are developing now are based on American experience 30 to 40 years ago. They don't even work in America."

Professor Rider argues for a broad strategy that not only puts in place a legal framework but boosts police intelligence-gathering capacity, warns banks and financial institutions to be on the lookout for "unaccountable wealth" and targets those who help or facilitate money laundering by the syndicates.

"To assume that criminal law only can be effective is misguided. You have to develop other strategies," says Professor Rider. "The strategy cannot be eradication. That is impossible. But you have to make it unattractive to enter



**MOB CONNECTION:** about 300 criminal syndicates - many with international links - are operating in South Africa

a jurisdiction, make it uneconomic."

Money is the lifeblood of criminal syndicates, Professor Rider argues, and if you can erect as many obstacles as possible to stop the free flow

of money, you will be hitting the syndicates where it hurts.

"You have to create tensions within their structures by interrupting the flow of funds. This can have pro-

found consequences for criminal organisations."

About 300 criminal syndicates are operating in South Africa, many of them with international links.



# Summit on farm killings postponed

By Rodney 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 Mankahlana said yesterday.

Consultations were taking place to find a suitable date, and Safety and Security Minister Sydney Mufamadi would probably make an announcement on Saturday, Mankahlana said.

Mandela is chairing a head-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 Devel-

opment 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 (65) 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 (76) 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.

RTW 11/9/98

(34) (4)



# SA urged to flex muscle on crime

Jonny Steinberg

(34)  
1/9/98

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 Khehla 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 that government has so far been shy to use all the coercive powers it has at its disposal for fear of possible adverse political consequences.

"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

ART 3/9/98

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When the new bail law came into operation at the beginning of August, it completed the implementation of three drastic new laws that signal the determination of the Government to take tough action to fight the scourge of crime in our country.

A feature of these laws is that people accused of serious violent crimes, will, in the words of Cape Attorney-General Frank Kahn, "carry the mark of Cain" throughout the whole system.

■ They will find it very difficult to get bail.

■ If convicted, they will face prescribed sentences ranging from 10 years' jail to life imprisonment, and which cannot be suspended.

■ They will qualify for parole only after serving 80% of their sentences.

(In the case of life imprisonment there is no parole, but the prisoner can apply to the court after serving 25 years.)

Together, these laws aim to send a clear message to those who commit serious violent crimes that they will be treated as harshly as is possible in a democratic society.

They also attempt to deal with many of the valid public concerns about the old systems of bail, sentencing and parole.

### Very serious offences

The new bail law is stricter than it has ever been in our country.

The most drastic measure is to make it almost impossible to get bail for serious cases of murder, rape and armed robbery listed in Schedule 6 (see table).

For these crimes, the accused can now get bail only if they prove exceptional circumstances.

## 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 Mabote.

While out on bail on a charge of rape, Mabote, a 31-year-old father of three, kidnapped and murdered the State's main witness, seven-year-old Mamokgethi Malebane, 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 magi-

strate has enough information to make a proper decision.

### Night courts

Another issue that has caused much public concern has been the right, established in 1986, 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 felt 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 for a month to verify the fingerprints and criminal record of the accused.

Fourthly, 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.



As South Africans battle to cope with rampant crime, unemployment, corruption and economic hardship, debates rage about whether it's time to head for greener pastures or stay and make our fledgling democracy work. Here we look at both arguments

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# Fight or flight?

## STAY! We can make the impossible dream come true

Is there a South African Dream? Should people stay and help make it come true? In their book *The South African Dream*, advertising gurus John Hunt and Reg Lascaris say they can prove that things aren't as bad as they seem

In all that has gone before, the unspoken challenge has been how to turn dreams into reality. Having your head in the clouds is fine... as long as your feet are on the treadmill and you're working towards your goals. In the first few years of democracy South Africa got the first bit right, but forgot about the need for a high work-rate and all the little practical steps that are necessary if our dreams are to be realised.

Lawrence of Arabia gave us a tip in the opening quotation of the book with his remark about the dreamers of the day who "set their dreams with open eyes to make it possible".

It's time for us to wake up and act out our dreams. This isn't an impossible task. We can do it. South Africans aren't afraid of hard work and big targets. Go overseas and chat to executives who have taken on émigré South Africans and they tell you about the hours and effort they put in. If there is such an animal as

a desirable illegal alien, it's a South African employed without a work permit in Europe, North America or Australia.

South Africans at home are just as likely to be putting in long hours and taking on extra work. Travel through Sandton at 8 o'clock at night and you'll notice how late staff and executives are working. Check railway stations and taxi ranks in any town or city and watch the hawkers setting up stalls before 5am to catch the first wave of commuters. South Africans aren't shirtless. We

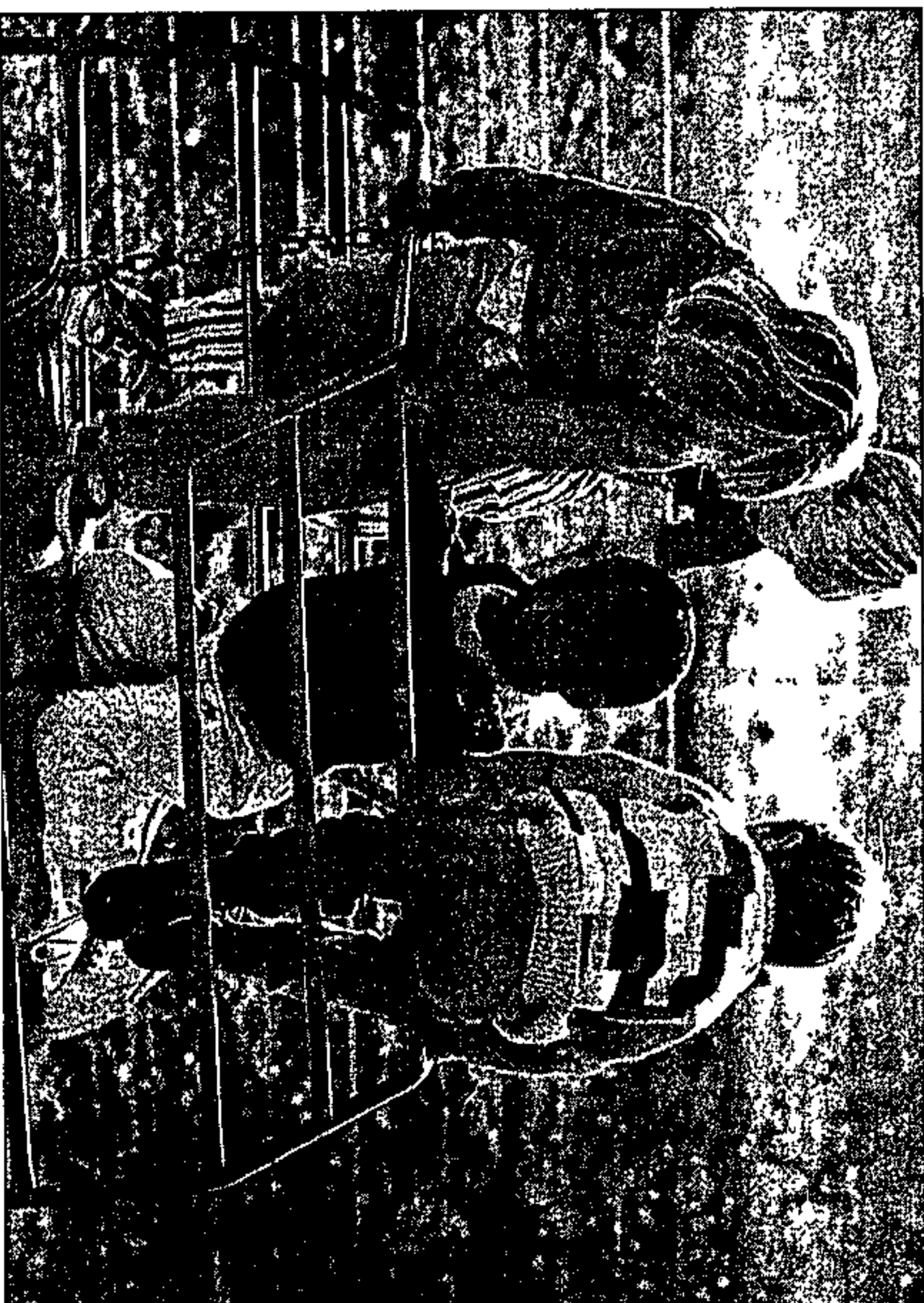
same time build a stable, prosperous, multiracial democracy.

We think South Africa has a great future. We believe the really big opportunities are here, in Africa, not in Europe or North America. But we just can't see South Africa achieving its potential in a smooth progression that goes ever onward, ever upward. The graph is going to surge and dip and we have to be prepared for some disappointments along the way.

Crime is the big issue. And we just can't see it going away in a hurry. This is not because we assume a continuation of ineffective policing or an ever-worsening crisis in the justice system - we actually think these processes will improve significantly in the next few years. It's just that demographics argue against a crime-free life for the people of the south for some time yet.

We are a nation of young people. Half the population are teenagers or younger. When you have ageing populations, you can expect peace and quiet. When so many young people are around, you have to be prepared for ructions - including crime.

Look at the situation in the US. Some communities are now imposing curfews on young people because they perceive a link between street crime and young people. The kids are the ones involved in joyrides, petty theft, gang killings and drug offences. Many of these offences occur after dark, so some US towns keep kids off the street late at night. Proportionately, we have twice as



THE FUTURE IN THEIR HANDS: Will our children find a pot of gold at the end of the nation's rainbow, or will they be tempted into a life of crime?

The trick, over time, is to ensure that the highs massively outnumber the lows. A major plus-factor is the character of our people. South Africans want good things (including a good return on investment). Our research confirms this time and again.

Another reason for optimism (guarded or otherwise) is the entrepreneurial temper of many South Africans. For them, get-up-and-go doesn't mean getting up and going to Perth. It means lifting the nose up

ence. Self-development and training are huge challenges. Your best qualifications when starting out in business are not a B Comm and an MBA, but energy and the will to work hard.

And we must be bigger than the bottom line. We have to work hard to make our South African Dream come true. Our economy and country will then fulfil their potential, if only we work at it. This means moving from "the visioning stuff" to actual implementation. We've seen the Organisa-

teers love. Any armchair sports fan can talk a good game-plan; but the star performers actually get up, get moving and score some goals.

The social agenda and the soaring ideals won't be realised unless the economy performs at a higher level of efficiency. A new spirit of enterprise is absolutely essential if jobs are to be created and poverty kept at bay.

We believe the entrepreneurial drive of South Africans will be extremely important in the years

pace will pick up. It is actually in the interest of the Government to private the more and more operations.

The former functions the Government is actively engaged in, the fewer things go wrong? So, it can provide the policy environment, healthcare and some other essential services, but let go of the rest.

The Government also has some strategic responsibilities - and in this area has already shown a lot of courage. Our new rulers set very public and very ambitious targets when announcing their RDP and Gear strategies. The reality-check came when the realisation dawned that setting goals is a lot easier than achieving them. Having burnt their fingers, there is a danger that the Government will cease to dream and cease to set targets that stretch our capabilities.

The lesson surely is not to stop bothering, but to start dreaming with eyes wide open. While you're setting targets, you should also set up mechanisms for measuring progress. Back up plan A with plan B, so that you can intervene actively if failures occur.

This is why business participation is so vital. Top businessmen know this stuff. They can help the Government to move beyond goal-setting to goal achievement. You can't simply announce a set of goals. You need a plan, as successful companies demonstrate time and time again. Effective managers will tell you that nothing improves until you measure it. They build accountability and periodic measurements into any and every process. Then they plan the work and work the plan.

South Africa Inc should do the

entrepreneurial and imaginative approach would do no harm in all sectors - including the business arena. Perhaps the worst long-term damage inflicted by sanctions was the dulling of competitive instincts. Many of our companies did not have to compete because their home market was out of bounds to the international movers and shakers. A bureaucratic culture took hold in both the public and private sectors. Business is slowly shaking off the torpor. The public sector must do the same.

In many instances, the public sector can become more profit-minded even without full privatisation. We don't advocate that senior public officials sell the Nation rights to their expense claims, but they should be looking at ways of improving efficiency and service levels to the public.

These things are starting to happen, but for many months to come we can expect to read in our newspapers of muddle, inefficiency and occasional embezzlement in the public sector. And with an election year almost upon us, we suspect we're in for a lot of high-octane political rhetoric.

**Government should be devising a plan for 2005 and 2010, but real plans, not a politician's wish list**

The South African Dream is no quiet idyll. We have to dream with our eyes wide open on this roller-coaster ride. There are going to be some heart-stopping moments. But hang in there. Ultimately, the odds favour the trajectory of this dream smoothing out as the peaks begin to outnumber the troughs.

So sit tight and fasten your safety belts. But whatever you do, don't close your eyes. The Loop-de-Loop and the Big Dipper on this particular ride may be hair-raising, but they'll also be the most memorable moments. And



light and you'll notice how late start and end times are working. Check railway stations and taxi ranks in any town or city and watch the hawkers setting up stalls before dawn to catch the first wave of commuters.

South Africans aren't strikers. We are prepared to sweat for what we get. An urge to surge - and to duck and dive. And now we have something worth working for. We can work for ourselves and our families and at the

tween street crime and young people. The kids are the ones involved in joy-rides, petty theft, gang killings and drug offences. Many of these offences occur after dark, so some US towns keep kids off the street late at night.

Proportionately we have twice as many kids and young men and women than the mature economies of the West. Our conclusion? We can expect more crime - even though we will become more skilled.

search confirms this time and again. Another reason for optimism (guarded or otherwise) is the entrepreneurial temper of many South Africans. For them, get-up-and-go doesn't mean getting up and going to their bootstraps and making a living from next to nothing.

We don't have a well-educated population. But that does not mean our people are too dense to make a differ-

tom line. We have to work hard to make our South African dream come true. Our economy and country will then fulfil their potential, if only we work at it. This means moving from "the visioning stuff" to actual implementation. We've seen the Organisation of African Unity and the Southern African Development Community come up with policy statements, guidelines, agreements in principle and the endless rhetoric of the summit.

economy performs at a higher level of efficiency. A new spirit of enterprise is absolutely essential if jobs are to be created and poverty kept at bay.

We believe the entrepreneurial drive of South Africans will be extremely important in the years ahead. One of the really urgent priorities is to unlock that drive and let rip. Privatisation is one route. Progress has been slow in the first four years of democratic government. We think the

again. Effective managers will tell you that nothing improves until you measure it. They build accountability and periodic measurements into any and every process. Then they plan the work and work the plan.

South Africa Inc should do the same. The Government should be drawing up a plan for 2005 and a plan for 2010. But these should be real plans - not some politician's wish list in the meantime, a much more

dream smoothing out as the peaks begin to outnumber the troughs. So sit tight and fasten your safety belts. But whatever you do, don't close your eyes. The Loop-de-Loop and the Big Dipper on this particular ride may be hair-raising, but they'll also be the most memorable moments. And they're the moments you'll recall when your grandchildren ask "What did you do during the struggle to create a better South Africa?"

Starkiel Phambili! Go for it!

# GO! That's the cry from people who say we live in a nightmare

Last week journalist Paddy Harper attacked those who were abandoning South Africa as chicken-hearted wingers. Now angry readers hit back

## Just like rest of Africa

Paddy Harper's article (*Saturday Star* August 29) is typical of so many renegade patriots who really believe they can make a difference. "Be positive" and "don't whinge, do something" is their rallying cry and yet they all avoid saying what it is they plan to do or what like-minded people should do to make the difference.

Like Jon Gweleane, Harper also rambles on about "spoilt, rotten whites", rewarded by apartheid beyond their real worth, and so on. In that point I would remind them both that South African whites are welcomed with open arms in most Western societies, strangely enough, or their skills, competitive spirit and, above all, their high work ethic. These are qualities they developed to overcome the many handicaps they had to contend with in South Africa - but that is another story.

People do not, lightly, leave their country of birth and will do so only if life becomes untenable. These migrants realise that the quality of life under an authoritarian government will be no different from the eastern European experience, and that change, if it does come, will take more years than the

average human lifespan.

If Paddy and his ilk are happy to submit their families to a life fraught with uncertainty, instability and the kind of anarchy associated with independent Africa, good luck to them. He clearly does not know what he is up against.

It is no accident, nor is it the fault of apartheid, that, under the ANC government, crime, corruption, nepotism and all the other ills which beset the country have become endemic. This has become the custom throughout Africa and is unlikely to change in the foreseeable future.

The kind of tripe Paddy writes has been expressed before, and in respect of many of our neighbouring countries which are in such dire economic straits. Not one of these has come even close to the expectations that were held out for them.

It isn't about black or white but about a government obsessed with a clapped-out, unworkable ideology and one which is out of its depth and completely mystified by the complexities of Western economic dynamics. For evidence of this I would refer Paddy to Thabo Mbeki's speech at the NAM summit. It was a long dis-



SAVIOU: Volent incidents like this have led many to say enough is enough

Photograph: NEMBA MADISE

sertation of flowery phrases and noble sentiment devoted mainly to the delectable proposition that the rich North should transfer wealth to the indigent South, to eliminate poverty. Not a word did he speak of

the South getting off its butt and working to create its own wealth. Nor did he once refer to the billions already transferred, by way of loans and donations, which have either been stolen or squandered by

African leaders. I commend for Paddy's edification Johan Rupert's speech in the *Sunday Times* of August 30. This says it all.

B Davidson  
Rivonia

Looking back since the ANC took power, what have we gained? Horrific crime, huge mismanagement, immense corruption of public

A Friedman  
Northlands

## It's all a question of survival and finding happiness

## Only a victim has right to an opinion

wish to respond to the article by Paddy Harper (*Saturday Star*, August 29). In disappointed you published such lap-trap, which lacks objectivity I will try to cover your hero's delamatory statements against people like myself, who have chosen to leave this country.

Firstly, does he know what racism is? Contrary to popular belief this isn't reserved for people disliking blacks. To quote Norman Macmillan: "The world isn't cast of tribalism (including racialism) until a single world system of education (casting every national history/intruding world history), and perhaps religion, replaces multibid systems."

Harper should stop dwelling in the

past and deal with the real problems. Harper's racist comments about England would indicate that he won favour with the Afrikaner regime by being anti-English (like others before him). Now he seeks favour with the new regime by attacking whites. Surprised?

People of colour are also leaving. More would follow if they had the means. I'm leaving behind my security blanket. I have no great wealth or at this stage, a job. My "standards" will certainly drop. I can't afford to take all my belongings. I'll have to start my life all over again from the bottom. This, Mr Harper, is no easy way out - this is the price for a better quality of life.

My reasons for choosing to leave are I've been a victim of crime several times. The police's response was pathetic. I'm worried about the lack of protection for myself and my hard-earned belongings. Since my taxes help to pay for the police, I believe I should be able to rely on their protection. Yet they have failed me time after time.

I worry about the economy as my career is in an industry largely based on the dollar. From bitter experience, I know it is very easy to find yourself on the street. Being a white male, my chances of finding work are very slim. The never dominated anyone. All I've done is try to build a life for myself.

There has been an erosion of order, a breakdown of services as anarchy looms. I couldn't give a damn who is in government. Until SA can provide proper law enforcement, it is doomed. What I think awaits me in my chosen land is a fair chance and better odds for survival.

Mr Harper, your experiences make you want to stay. Good for you and I wish you all the best. My experiences lead me to believe that my future lies elsewhere. Wake-up... this has nothing to do with racism and everything to do with survival and finding happiness.

P Dubois  
Dunvegan

Dear Paddy, I read your article with dismay. I am a white South African female who is native born. I love my country and its people, but until you come from the point of view that you have been a victim like my family has been, you cannot accuse the people of being incapable, of sickening racism, of being lazy and cowards, and of being incapable of living without the protection of white privilege.

You have not experienced the paralysing fear of getting a call at 4 in the morning, not knowing whether your child had been mutilated in an attempt to get his few possessions. He was terrified by four men, tied up and threatened. A week after that, my other son's car, which we had bought for him out of hard-earned cash, was vandalised - just because they could not steal it.

The same boy was terrorised at college for being white. His exam papers and books were torn up and he was told: "We don't want you here at college because you are white."

When you, Mr Harper, can tell me of similar experiences, and not being attacked by them, you earn the right to write and publish an article like the one in the *Saturday Star* last week.

We are not going on the chicken run because we are too old. But if I can help my boys to get overseas to enjoy a better quality of life, then I will do so with all my heart, and it will not matter what you call me or others like me in a similar situation.

I love my family and their welfare is my top priority.

Carmen Bosch  
Johannesburg

■ The emigration debate will continue next week



# Coherent approach can beat graft

Monitoring index places South Africa an embarrassing 33rd of world's 52 most corrupt countries

~~REPORT~~ (34) Star 7/9/98

By **CECILIA RUSSELL**,  
Political Staff

**A**n international anti-corruption agency has criticised South Africa's attempts to fight graft as "fragmented and ad hoc" and says it will be difficult to deal with the problem without a coherent approach.

Transparency International-South Africa (TI-SA) chief executive, Steen van der Merwe, said last week that the different agencies dealing with corruption here were doing so in isolation.

Van der Merwe was speaking at a media conference where TI-SA unveiled its "Profile on corruption and good governance," a document aimed at setting the groundwork for a

national strategy to deal with corruption. He said, however, that he hoped the Government-organised anti-corruption summit would be a step towards a coherent approach.

Van der Merwe said neither of the two previous attempts had assessed the nature and extent of corruption. The National Party's Corruption Barometer was inadequate as it focused only on government corruption and was not "contextualised within the legacies from the past" while TI-SA's own Corruption Perception Index reflected "mere perceptions".

TI's index puts South Africa 33rd of the 52 "most corrupt" countries in the world.

Presenting a media profile on corruption, Florencia Belvedere from the

Community Agency for Social Enquiry (Case), found that of the 510 separate cases reported in newspapers and analysed by the researchers:

- More than half focused on corruption in the public sector, 16% focused on the private sector, 15% affected the public and private sectors combined, while only 4% of the corruption coverage targets civil society.
- Of government corruption, nearly half (43%) of the cases involved corruption at national level.
- The Safety and Security Department was implicated in 19% of all public corruption cases, followed by the Housing Department (10%), Transport Department (8%), Health Department (7%) and Education Department (7%).

- Among cases implicating government agencies, the SAPS were involved in 30%, followed by development corporations in different provinces (8%) and the South African Tourism Board (6%).
- In 84% of reported corruption cases, some form of anti-corruption action was taken.
- Mpumalanga and Gauteng combined accounted for half of the total incidents of provincial corruption reported in newspapers throughout 1997, while Northern Province accounted for only 1%.

Belvedere said this did not mean that Gauteng and Mpumalanga were the two "most corrupt provinces" rather that the media's attention was focused on them.



# 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 murdered 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 8am 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 Persia 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 Presi-

dent'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 reconstructing 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 (34) 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 organisation 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 embezzle-

ment 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?

**C**URRENT 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 by 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 that 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

A new non-governmental organisation aims to stimulate debate on the question and extent of corruption in South Africa. **Sharon Chetty** reports. (34)

*Sowetan 7/9/98*

**‘Why wasn't there an anti-corruption drive in the years of apartheid, and should that system not be deemed systemic corruption?’**

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-

oping 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 fudge 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? Why is there no drive to democratise the global economy as well?"

"Are the inequitable global economic situation and dynamics not in themselves epitomising 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 contentious 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 54 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.



document

# 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 Sydney 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 Fraunstein, 58, of Sunny Grove farm in the Kidd's Beach area in the Eastern Cape, became the 52nd farmer to be murdered in the

ARG 7/9/98  
province this year. According to police, Mr Fraunstein 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 Nzimande said Mr Jackson was shot and stabbed to death, while his wife, Persia, had minor injuries. Their three children escaped unhurt.

(24)



# 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 Vercuiel, 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 60 000 commercial farmers protesting.

President Nelson Mandela's spokesperson, Parks Mankahlana, 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",

Mankahlana 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.

(94) Shar 9/9/98





# Concern over crime and jobs among all races

Star 9/9/98

(34)  
(30/9/98)

New Idasa poll shows high degree  
of consensus among South Africans

By **ANDRE KOOPMAN**  
Parliamentary Bureau

**S**outh 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 58% 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 1994 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 (58%), 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

SD 11/9/98  
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

(34)

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.

BD 15/9/98



# Crime: New era of action

CT 16/9/98 (34)

**THE BOMBING** of Planet Hollywood restaurant confirmed some of the deepest fears of the people of the Western Cape that they are living in a dangerous city. The bomb not only injured, maimed and killed innocent people, but galvanised public outrage. At last it seems the politicians are acting. Political Writer **KARIN SCHIMKE** reports.

**I**n an usual departure from procedure in the provincial legislature today, the press and the public will be able to question Western Cape police commissioner Leon Wessels and Community Safety MEC Mark Alley about crime in the province. Today's meeting is just one of several events which signal a deep anger about crime.

Good news is expected tomorrow when the National Director of Public Prosecutions, Bulelani Ngcuka, and Cape attorney-general Frank Kahn introduce a special investigative unit which will focus on the investigation and prosecution of priority crimes. It is expected that hard-nosed and no-nonsense deputy attorney-general Percy Sonn will head the team.

A highly-placed judicial source said many people were expecting good results from the team as it would be able to "strangle" crime. ANC sources have also revealed that its national executive committee has been discussing the re-introduction of "mini states of

emergency" and extended detention of suspects as options to curb crime. They said that in a party known for its inflexible stance on issues which affect human rights, talk of this nature reflected real concern about violent crime. With 93% of Western Cape residents saying, according to a national survey by Research Surveys, that they believed there had been an increase in crime recently, today's meeting in the assembly hall of the legislature is likely to be a heated and emotional affair.

Feelings about the meeting — organised by the province's standing committee on General Provincial Services — have been running high because the committee decided to summons Wessels and national police commissioner George Fwaz to appear before it to answer questions about crime in the province. Fwaz's curt reply to the summons was that he would consider coming if asked, but that it was unconstitutional for him to be summoned. Wessels said a simple

request was all that was needed. The committee's approach has been labelled as confrontational by some, but committee chairperson Anwar Ismael denied this. "A summons is more definite than a polite invitation," Ismael said. "People are dying and losing their property. The economy is dwindling. We're not inviting them to a braai. This is a very serious matter." ANC members in the provincial legislature have promised to ask some "hard questions" at today's meeting. The party claims that ignoring the greater problem of crime in the Western Cape has led to crime creeping towards the urban centre. The ANC claims Wessels' office has failed to deploy adequate resources on the Cape Flats. "Unless resources are deployed to areas most affected by crime

## Most likely crime victim is poor and black

**GILL GIFFORD**

**JOHANNESBURG:** They are between the ages of 25 and 45 and live in a township — these are the people most likely to be victims of violent crime.

Another crime survey — this one done in South Africa's four largest cities — shows that black people are most likely to be victims of violent crime, with property crimes such as burglary being high and more evenly spread through-

A finding of the survey is that while Johannesburg has the highest crime rate in the country, Durban is not far behind. This trend is not reflected in police statistics.

out the population. The survey was conducted by the Institute for Security Studies (ISS) in line with the format used by the United Nations in international crime studies, said ISS researcher Antoinette Louw. More than 7 200 people in Johannesburg, Pretoria, Cape Town and Durban were

*Unless resources are deployed to areas most affected by crime, we will never have peace*

... we will never have peace and stability in the province," provincial ANC leader Ebrahim Rasool said. The public, weary of politicking and conferences, are at their wits' end and increasingly people are organising themselves into groups with the muscle to deal with suspected criminals.

A farm security service is also being organised by Freedom Front-alligned people to protect farmers from escalating crime in rural areas. The parliamentary joint-standing committee on intelligence released a report yesterday which says it was working closely with the Crime Intelligence Services to monitor progress in hot spots such as Richmond, the Cape Flats and rural areas.

Also, Justice Minister Dullah Omar will launch the Whistle-week anti-crime campaign today. The study says that a wide variance in effective policing is partly to blame.

"In the bulk of the assaults only physical strength was used against the victim, and no weapons. Knives were the second-highest — and used most often in Cape Town — and guns came in third. Guns are used most in Durban and least in Pretoria," Louw said.

She claimed that crime is higher in South Africa than in most other developing countries. "Those most at risk of being victims of crime are African people, followed by Indians," she added.



**SECURE:** The home of Ina and Arde Mouton in Durbanville, where the couple were murdered, had high-tech security systems. None of the mechanisms had been tampered with. **PICTURE: LEON KNIFE**



# Generals to set up farmers' army

BY JOVIAL RANTAO  
Political Correspondent

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 490 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.

Turn Willv into meatballs for starving Sudanese says...



# Revealed: the most likely crime victims

Ston 16/9/98

(34)

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.

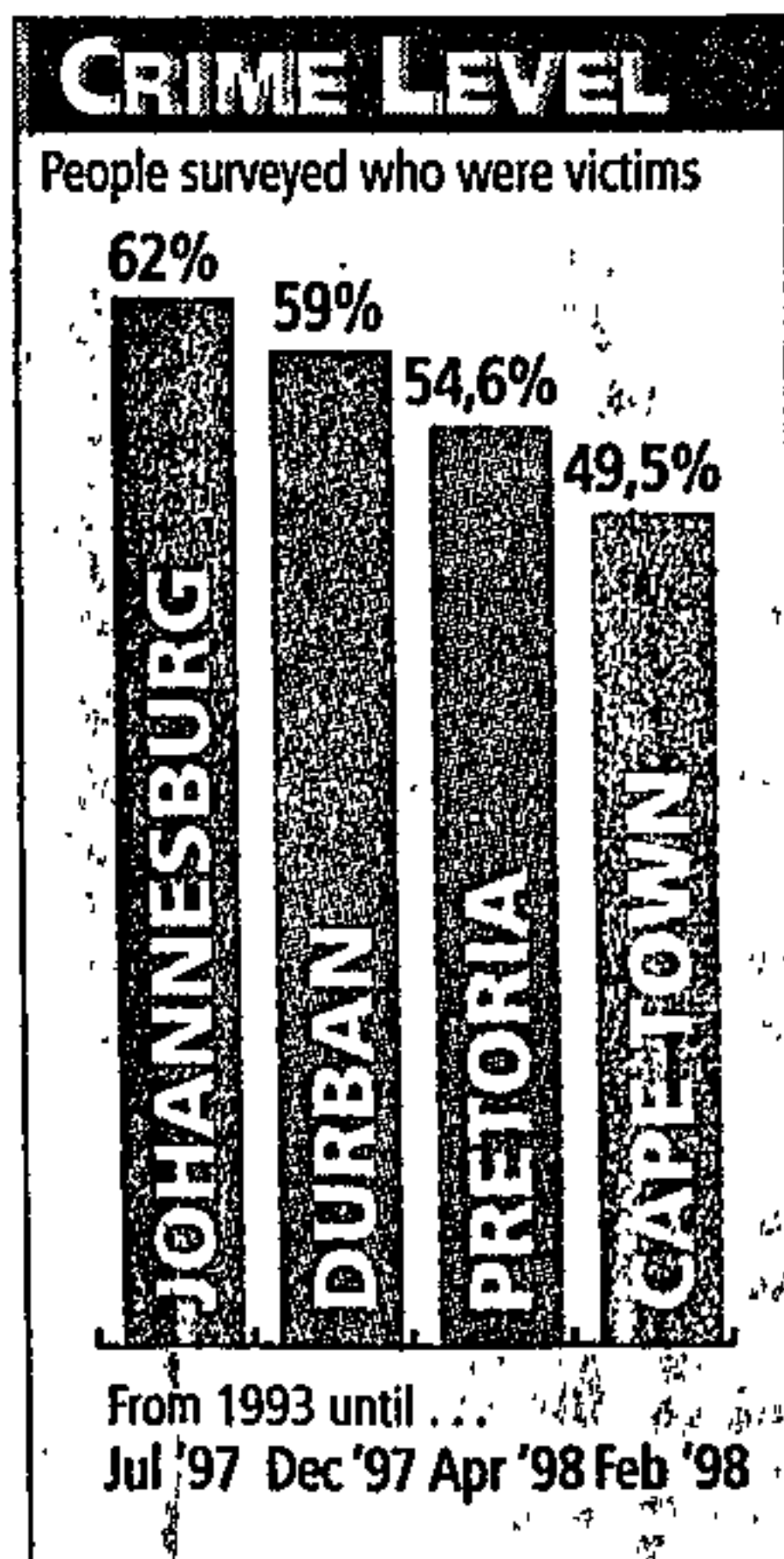
And, like most people in Johannesburg, he probably lives in fear and feels extremely unsafe in his home at night.

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 JSS researcher Antoinette 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 7 200 people in Johannesburg, Cape Town, Pretoria and Durban were approached in street surveys aimed at detailing city crime and boosting safer-cities strategies.



"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

## Research indicates an African in most parts of the country, or a coloured person in the Cape, has good reason to be scared

provided to white people in the suburbs.

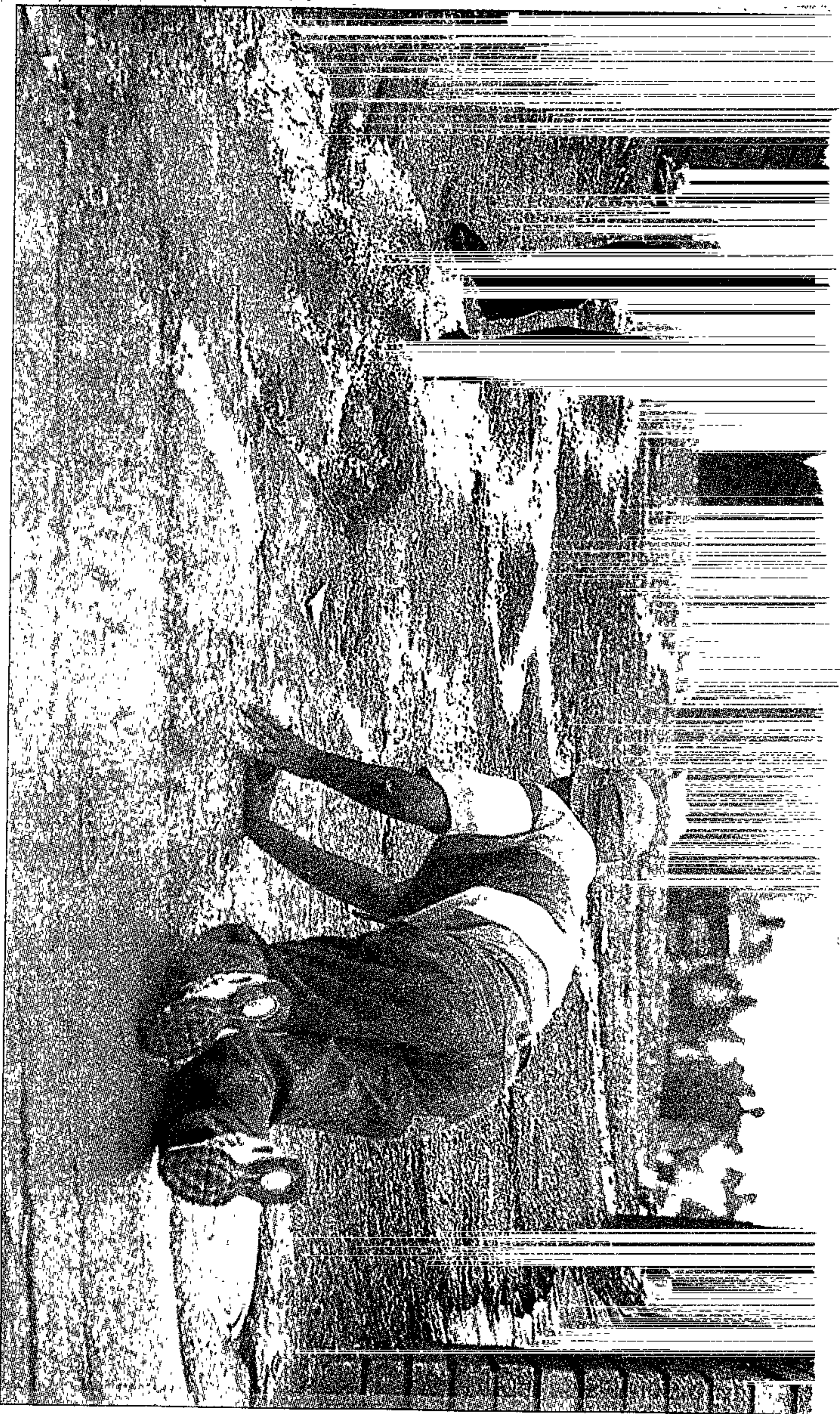
But a general fear of crime rated high across all four cities. The survey showed that 56,5% of black people around the country feel very unsafe in their homes at night, as opposed to 38,1% of white people.

"Fear is widespread and should not be taken lightly. It is not a whites-only phenomenon with fear matching the victim

► ... To Page 3

P.T.O.





Don't move a muscle ... in this file photograph, the businessman fought back after the thief stole his cellphone, but other crime victims are not so lucky, a nationwide survey has revealed: black South Africans don't receive the same quality of policing and are most likely to be victims of violent crime.

## Revealed: the most likely crime victims in South Africa

► ... From Page 1

patterns," said Louw. Some countries had programmes to deal with the public's fear of crime, she added.

These included stepping up visible policing in crime-hit areas and issuing public warnings of risky areas or activities.

While Johannesburg ranked tops in terms of overall victimisation levels, the area rated second to Pretoria in the percentage of residents who believe police are doing a very good job.

"In terms of solutions to combat crime, the suggestions

and feelings given by the people surveyed were measured, and they were realistic, given the levels of crime experienced.

"Responses were not as hysterical as is often the impression," said Louw.

To gain a sense of the level of violence used, victims were

asked about weapons used against them in attacks.

"In the bulk of the assaults, only physical strength was used against the victim, and no weapons. Knives were the second highest - and used most often in Cape Town - and guns came in third. Guns are used

most in Durban, and least in Pretoria," Louw said.

She said that while crime survey figures for major cities around the world were difficult to extract for comparison studies, South Africa's crime statistics were higher than those of most developing countries.

*Shaw 16/9/98*

*(24)*



# Corruption a cancer, top judge tells crime experts

(34) CT 16/9/98

THIRD world countries ravaged by civil war, poverty and drought, and suffering from a loss of economic development and a lack of foreign aid, were being threatened by corruption in the public sector, Judge Willem Heath told crime experts gathered in Britain yesterday.

"Corruption is a cancer in society and is slowly eating away at the public sector. A collective approach is needed to address this growing problem.

"This will only be realised through global team work, co-operation and assistance," he said.

Heath, head of the special investigation unit in South Africa, told an international symposium on economic crime at Jesus College in Cambridge, England, that the circumstances surrounding corruption should be seen in the context of a country's socio-economic situation.

He said the involvement of the private sector in corruption was a reality. "It is often the influence of individuals outside the government that have an impact on what is happening within the government — whether it be an administrative or political level."

Influential people across the world were often the "puppet masters" and had a hand in corruption, bribery and fraud, the judge said. Typical "faces of corruption" included tax evasion, lack of control over cheques, the awarding of state contracts contrary to statutory requirements or influenced by bias, prejudice or favouritism, and the procurement of unnecessary goods for state institutions.

He also laid the blame for corruption on a lack of productivity or proper work ethics, nepotism, greed and a failure to institute proper accounting and auditing processes.

Heath said funds earmarked for special projects were often used by state employees for self-enrichment or were shared with outsiders. A solution would be for authorities to set an example at a senior level. "Politicians should set an example. Officials should be educated and trained to equip themselves for their job and to create a culture of honesty and productivity."

He said immediate action should be taken against those who enriched themselves at the expense of the state and allowed enrichment to take place knowingly or negligently.

"Appropriate legislation should be passed to create and improve anti-corruption vehicles to act effectively. State institutions and politicians should build up and encourage public support and input in the campaign to get rid of corruption."

The recovery of money and assets should be the primary objective of any fight against corruption.

"Criminal action should be secondary. The recovery of money proves that economic crime does not pay and this is essentially the message to convey.

"Recovery will not only act as a deterrent, but it will also replace what has been removed from the coffers and thus strengthen the economic climate."

He said the loss to government coffers every year was draining money needed for housing, education and health services. — Sapa



# Business Day

WEDNESDAY, SEPTEMBER 16 1998

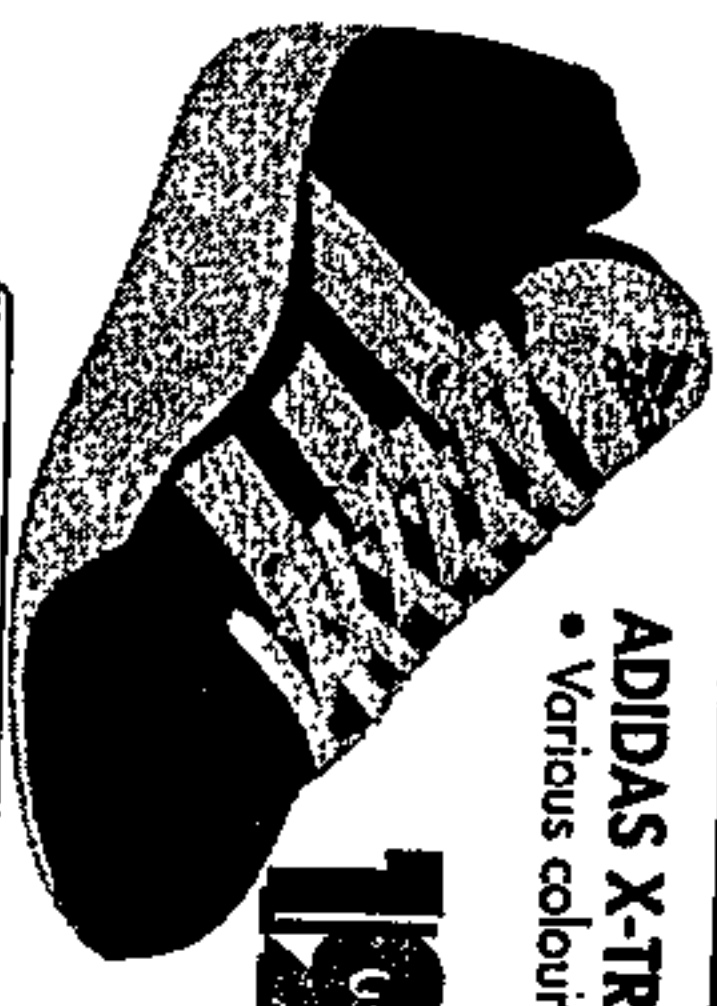
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## Fear of crime more prevalent among blacks than whites survey shows

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, 67% 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 won the honours as SA's 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 that 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 in-

stitute'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 were arguably 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, 78% of whites surveyed had been crime victims in the past four years, compared with 58% 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.

Asked what government should do aside from policing, 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.

(34) BDI 16/98



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SHOWS



# Single body to probe corruption mooted

30 (34) SPAN 17/9/98

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.



**Judge Willem Heath**

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 to long before 1994, and the Government took the matter seriously, having already taken steps to combat it, Omar said.

Dr Ruth Rabinowitz (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, Kierin O'Malley, said every cent the unit recovered meant more money for the Government to spend on the poor. — Sapa



# Governments must set example against corruption in public sector

Global teamwork and co-operation are two ways of stopping this cancer, says Mr Justice Heath

SARA  
East London

Third World countries ravished by civil war, poverty and drought, and suffering from a loss of economic development and a lack of foreign aid, are also being threatened by corruption in the public sector, Health Commission anti-corruption head Mr Justice Willem Heath said this week.

"Corruption is a cancer in society and is slowly eating away at the public sector. A collective approach is needed to address this growing problem and this will only be realised through global teamwork, co-operation and assistance," he said.

Heath, head of the SA Special Investigation Unit, told an international symposium on economic crime at the Jesus College in Cambridge, England on Tuesday, that the circumstances

surrounding corruption should be studied and seen in the broader context of the socio-economic situation.

His speech was sent to an East London newspaper.

He said the involvement of the private sector in corruption was a reality.

"It is often the influence of individuals outside the government that have an impact on what is happening within the government — whether it be on an administrative or political level."

Influential people the world over were often the "puppet masters" and had a hand in corruption, bribery and fraud, the judge said.

Typical faces of corruption included tax evasion, lack of control over cheques, the awarding of state con-

tracts contrary to statutory requirements or influenced by bias, prejudice or favouritism, and the procurement of goods for state institutions not required by those institutions.

He also blamed lack of productivity or work ethics, nepotism, greediness and a failure to conduct proper accounting and auditing processes.

Heath said funds earmarked for special projects were often used by state employees for self-enrichment or were shared with outsiders.

A solution would be for authorities to set an example at a senior level. "Politicians should set an example. Officials should be trained to equip themselves for their job and to create a culture of honesty and productivity."

He said immediate action should be taken against those who enriched

themselves at the expense of the state and allowed enrichment to take place knowingly or negligently.

"Appropriate legislation should be passed to create and improve anti-corruption vehicles to act effectively. State institutions and politicians should build up and encourage public support and input in the campaign to get rid of corruption."

The recovery of money and assets should be the primary objective of any fight against corruption.

"Criminal action should be secondary. The recovery of money proves that economic crime does not pay and this is essentially the message to convey. Recovery will not only act as a deterrent, but will replace what has been removed from the coffers and thus strengthen the economic climate."

He said the loss to government was draining money needed for housing, education and health services.

## Officials need to be educated and trained

(34) KAW 17/9/98





# Organised crime 'not the main cause of SA violence'

BD 17/9/98  
Jonny Steinberg

(34)  
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 informational 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.





... In a bid to make farms safer, commandos man roadblocks in rural areas. Here a policewoman helps with the inspection of a bakkie, where a farmer's children ride.

# Poverty, hatred behind farm attacks

Police blame 'criminality', but it is also possible that Afrikaners are seen as 'symbols of apartheid'

By **JOYCE BARRETT**  
Ermelo

**P**overty has been touted as one reason for the scourge 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 61% 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 organiser 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 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 550 farmers killed since 1994 on "pure criminality" and theft.

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 Britz, 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 Lourie Bosman, president of the Mpumalanga Agricultural Union that includes some 1 500 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 symbolise 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, decries what he sees happening to his neighbours and community.

"In all my life, and my family came to South Africa 300 years ago, I never thought it would get this bad.

"We know what the Wild West is all about." - African Eye News Service

Char 18/9/98 (74)



# Anti-corruption unit underfunded

SAW 18/9/98 (34)  
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 the 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 Hylton 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 53 000 housing subsidy queries in KwaZulu Natal alone.

"Financial concerns have restricted the size of our teams," said Long. "Managers are using their own cars and doing about 20 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



Meyer Kahn ... SAPS chief executive can see improvement.

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 cell-phone 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."

(34)

SAW 18/9/98





# Law should allow farmers to shoot to kill — Viljoen

Jonny Steinberg

THE law should license farmers "to shoot to kill if necessary" when trespassers enter farmstead grounds unannounced, Freedom Front leader Gen Constand Viljoen said yesterday.

Viljoen was recounting some of the advice he had given the SA Agricultural Union's security committee over the past two months.

"I told the union that they should offer some practical solutions, instead of just producing propaganda," Viljoen said. Among Viljoen's suggestions was the development of a high calibre weapon mounted on farmers' bakkies, triggered by a button close to the driver's seat. "Many farmers are attacked when they stop their vehicle to open fences," Viljoen said. "We want to develop a device that will allow farmers to

regain the initiative." Viljoen also suggested that the union research the development of farmhouse panic buttons that triggered explosive devices outside the house. "My experience in Namibia, where farmers were attacked by terrorists periodically, tells me that farmers who demonstrate as visibly as possible that they are prepared for attack create important deterrents," Viljoen said.

Elaborating on his advice that the union should lobby government to licence farmers to kill, Viljoen said: "There should be a fence around each farm yard marked by bright, luminous triangles. There should also be a reception area where anyone who wants to enter the grounds can announce himself. Anyone found inside the parameter of the fence should know that the law will allow something ter-

rible to happen to him." Viljoen denied reports that he and former SA National Defence Force chief Gen Georg Meiring were planning to establish a rural security company. "We have advised the agricultural union to set up its own security structures. "Their function will be to liaise with army commandos and police reservists, and to provide advice and security training for farmers."

BD 18 19 98

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# SANDF cool on (34) 'farmers' army' (M)

Star 2/19/98

BY NORMAN CHANDLER  
Defence Correspondent

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 Rolt 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 Rolt said Executive Outcomes could be hired by anyone as there was nothing illegal about its operations."

He was responding to written questions from The Star about the status of a "farmers' army" and the recent disclosure that Executive Outcomes had been hired by farmers in the southern Drakensberg to protect them from cattle thieves.

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 on a levy for the purpose at its annual conference which takes place in Durban next month.

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.

■ Sapa reports that Daimler Benz Aerospace of Germany has offered farmers assistance in their struggle against crime, according to the SAAU.

The company possessed unique satellite safety communication technology, the union said.

An SAAU delegation left for Germany yesterday at the invitation of Daimler Benz Aerospace to look at a selection of items which could enable farmers to protect themselves and to activate farmers and commandos.



# National anti-corruption summit on the cards

David Greybe

CAPE TOWN — Government worries over the collapse of social values and corruption in SA has prompted the cabinet to call an anti-corruption summit next month. Government spokesman Joel Netshitenzhe said at the weekend that more than 200 delegates, representing national, provincial and local government, the private sector, and local government, labour, religious organisations of civil society, and various organisations of academics, would

be invited to attend. The summit is being hosted by the ministries of justice, safety and security, public service and administration and constitutional development and local government. Netshitenzhe said that in order to avoid the summit becoming a "talkshop", delegates would discuss "real case studies" in areas such as government procurement, the criminal justice system and local government service delivery, and come up with practical solutions.

He said the summit would launch a comprehensive government programme against corruption which had been developed in terms of an October 1997 cabinet decision. "The programme includes the improvement of investigation and prosecution of corruption, the rationalisation of the agencies combating corruption, review of the legislation, steps to improve management systems and discipline at all levels of government, and the protection of whistle-blowers

and witnesses," he said. Netshitenzhe said the summit would help develop a "national integrity strategy", which aimed at:

- Creating a common understanding of all aspects of corruption;
- Obtaining a commitment from all stakeholders to combat corruption;
- Contributing to the establishment of effective and co-ordinated anti-corruption structures;
- Providing guidelines for the anti-corruption programme;

tion programme;

- Making recommendations to the review of anti-corruption legislation; and
- Sending a clear message that government "will not tolerate corruption and will respond harshly to it where it occurs".

Netshitenzhe said the summit was intended "to mobilise all sectors of society into an effective and truly national campaign against corruption".

The summit must also be seen in the context of government's announcement last

Thursday of the establishment of a "gang-buster" unit in the Western Cape. Netshitenzhe said SA's "increased exposure to globalisation has also brought the attendant risks of greater exposure to organised crime, drugs and corruption in business".

International speakers from countries which had been successful in combating corruption, particularly in Africa, were being invited to the summit, as well as a number of local speakers.

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for next month



# Hanekom hits out at call for 'heavy patrols'

Jonny Steinberg

BD 21/9/98

(34)

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 that 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 (1,7), Paraguay (1,5) and Cameroon (1,4) occupy the cellar.

The scores are compiled from surveys by the World Bank, Gallup Inter-

national, 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 CE Stiaan van der Merwe said the organ-

Continued on Page 2

BD 23/9/98

## 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

*sowetan 25/9/98* *34*

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 action 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.

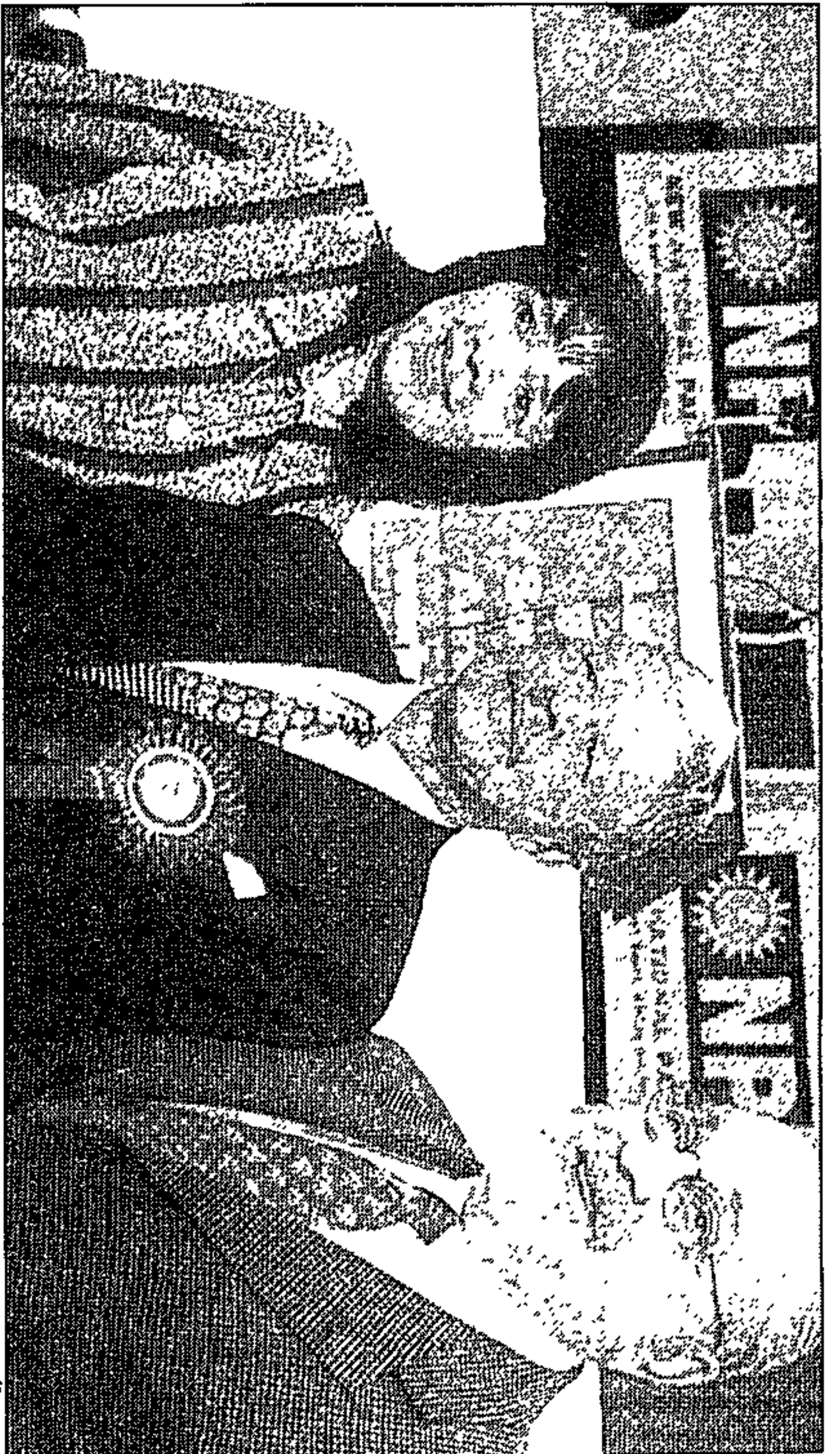
## Real measures

"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.





**WELCOME:** Premier Gerald Morkel with his new cabinet members, Helderberg councillor Frieda Adams and former Cape Town mayor Leon Markowitz, at the NNP congress. **PICTURE: MUWAHIED SAFODIEN**

# Morkel claims 'tide' of immigrants leads to crime

**CHRIS BATEMAN**

A "TIDE" of 5,5 million illegal immigrants into South Africa has directly led to a 14% increase in crime in the Western Cape, while the cost of corruption nationally has soared to three times that of SA's police budget.

So stated newly elected Western Cape New National Party chairman Premier Gerald Morkel in his first speech as leader to his party's fifth annual regional congress at the Goodwood Civic Centre yesterday.

It emerged at the congress that the NNP is budgeting R4 million for its election campaign next year. It claims to have increased paid-up regional membership from 56 000 in 1994 to 86 770 today.

Speaking to more than 400 delegates from across the province, Morkel

claimed that a massive growth in illegal immigrants was contributing directly to crime, with the Western Cape suffering a 14% crime increase because of it.

"We cannot tolerate people who come here and use the scarce resources which our province so badly needs," he added.

Morkel reserved his most scathing attack on the ANC for its proposals to change South Africa's liquor laws to make it illegal for private wine farms to sell liquor on their premises.

This would wreck tourism on the local wine routes and cost 100 000 Western Cape jobs.

The ANC wants to hijack exclusive provincial powers and steam-roller the legislation through parliament, he said.

"What tourist will want to visit our

wine routes if he can't even taste a glass of wine or buy a case? It's this kind of action that forces you to ask whether the ANC government means well with the Western Cape."

Morkel promised that he would take the government to the Constitutional Court should the amended liquor legislation go through.

He appealed to delegates to help rid the province of corruption, which he said had grown nationally to cost the country R36 billion in just four years since the ANC came to power.

He compared this to the national police budget of between R11 billion and R12 billion.

Morkel scoffed at the "laughable" latest Markinor polls, which show support for the NNP at 30%, saying their poll in the Western Cape was based on having canvassed just 498 people.

He boasted that his NNP-led regional government had produced the country's only provincial constitution, rationalised its departments down from 15 to eight and outperformed all other provinces.

"We are expendable to the ANC because we are not an ANC province and they simply do not have the political will to help us fight crime."

Morkel cited the private-sector-led Rent-a-Cop scheme as a success.

It has reduced Cape Town city centre crime by 36%, said Morkel, who expressed frustration at central government's "unwillingness" to help fund crime-busting local operations such as Operation Recoil on the Cape Flats.

The congress enters its final day today with the election of senior party officials, panel discussions and motions for the provincial legislature.

CT 26/9/98 (34)



# Rights bill seen as obstacle to prosecution of commercial crime

Jonny Steinberg

SUN CITY — The new Bill of Rights was one of the greatest obstacles to the prosecution of serious commercial crimes in SA, Office for Serious Economic Offences director Jan Swanepoel told an international audience this week.

Swanepoel told delegates to the World Conference on Organised Crime in the

North West that investigating fraud under the new constitution was like walking through a mine field.

"The stipulation that a suspect be charged within 48 hours of arrest effectively destroys complex time-consuming investigations," Swanepoel said.

"We do not make an arrest because we know we will not be ready for another year. Meanwhile, the suspect goes on pilfering

before our eyes, or skips the country." Swanepoel also stated the rule which allows the defence unfettered access to the prosecution's case files.

He said the manner in which the new constitution was applied to existing legislation seemed designed to entrap investigators in the course of their work.

"Parliament decided not to repeal unconstitutional statutes. Instead, the court re-

told conference delegates.

"The constitution can work for prosecutors if they know how to use it," he said.

Volt-Lieres said that while the new constitution slowed investigations, it also forced officials to use more sophisticated techniques, and thus sharpened SA's investigative skills.

He stated the government's decision to establish a National Directorate of Prose-

cuts them one by one, in response to individual litigants. The result is that investigators do not know whether any of their existing methods are constitutional. The field seems laced with booby traps."

Klaus von Lieres and Wilkau, the former Witwatersrand attorney-general, took a more sanguine view of the new constitution.

"Don't forget that any right can be limited in the interests of justice," Von Lieres

cutions, arguing that it would weaken an already impoverished public prosecution.

"Our criminal justice system is limping along," he said.

"The number of crime syndicates has doubled in the past four years. And now the national directorate will rob the Office for Serious Economic Offences of its autonomy. This is the end of regional independence for public prosecution."

(34)

PD 27/9/98

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# commercial crime



# Protest against farm killings widely backed

Louise Cook

DD 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 Ngubane will be handed a memorandum.

On Wednesday, actions include marches in Bisho and Port Elizabeth and in the Northwest province and Mpumalanga, Nel-

spruit, Standerton, Piet Retief and Ermelo.

In the Eastern Cape, the provincial agricultural union asked for businesses to be closed on Wednesday for an hour of prayer against crime and violence. The union's president, Pieter Erasmus, criticised Eastern Cape Premier Makenkefi Stofile for refusing to receive a memorandum from the protestors. He said a "special appeal would again be made to the premier not to neglect his duty in this regard".

In the Free State, the agricultural union did not organise any protest action, saying that it had already held peaceful demonstrations in March last year. But Free State Agricultural Union GM Lulu de Jager said farmers would be encouraged to attend Friday's march in Pretoria and support any of the other activities this week.

"We felt stronger action like road blockades were needed, but we are awaiting government's response to this week's actions before deciding what the next step needs to be."

This view was backed by the Transvaal Agricultural Union which said stronger action was needed, but members of the union were free to take part in the SAAU's plan.

To date this year, 104 people have died in 590 attacks on farms in the country. The SAAU remained noncommittal about its participation in Mandela's crime summit on October 10.



# 'Ex-cadres part of crime network'

By Charity Bhengu

**T**HE 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 demobbed 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.



Dr Anthony Minnaar

About 693 cash-in-transit robberies occurred between January 1996 and March 1998. Only 53 robberies were reported before March this year.

According to research, car hijacking and theft syndicates are linked to the illegal arms trade, drug trafficking, vehicle smuggling and money laundering.

Various syndicates are operating from South Africa and cars are easily disposed of on the black market.

The police have recovered vehicles, stolen in South Africa from as far afield as Cyprus, Greece, Portugal and Australia.

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, for use as getaway vehicles in robberies and as obstructions 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 Muendane 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 took packages and some opened businesses.

S&A 29/9/98



## Coffin heads protest march

Farouk Chothia (34)

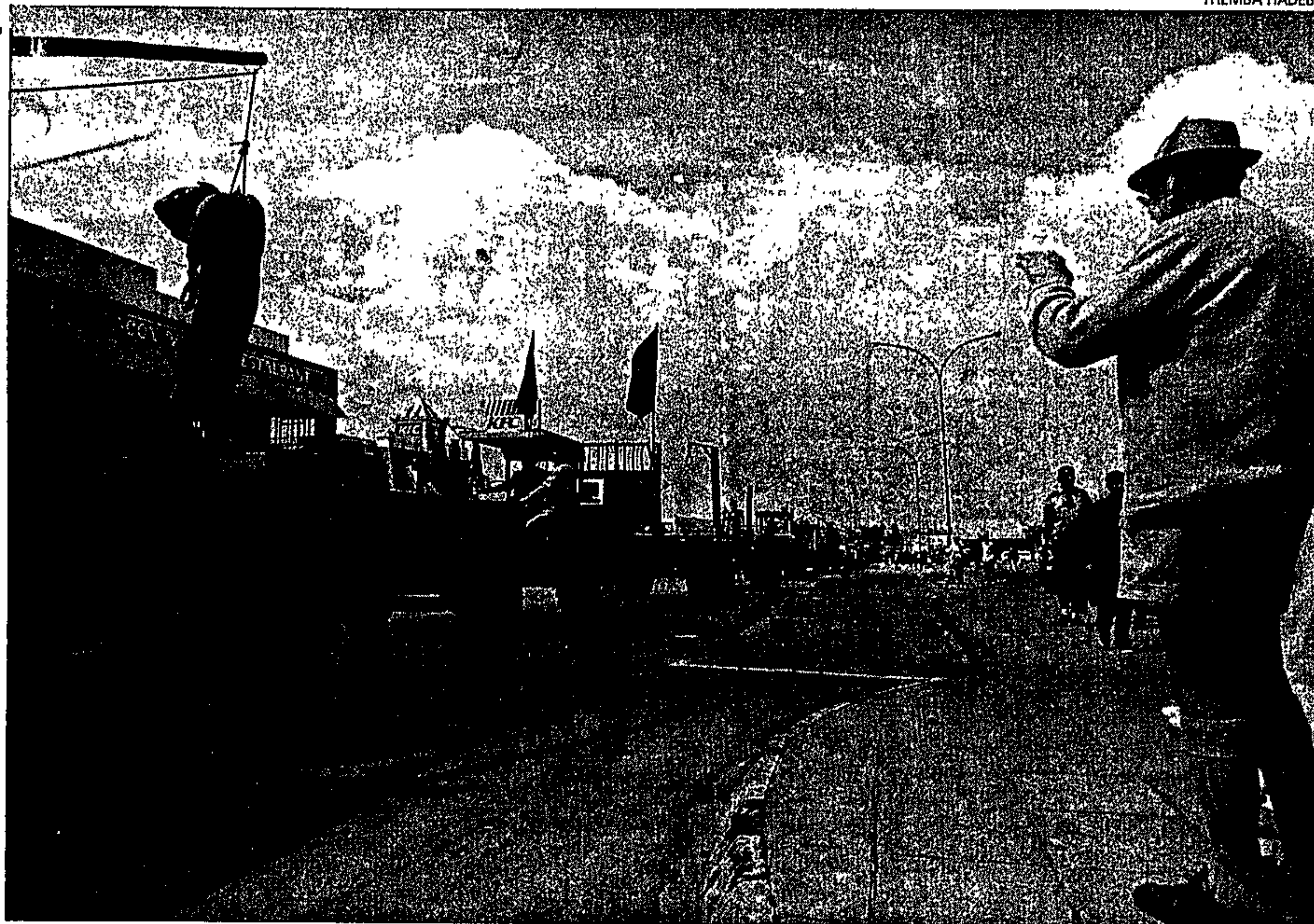
DURBAN — About 3 000 farmers and supporters staged a protest against crime in the country with a march through Maritzburg yesterday.

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.

BA 30/9/98  
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 possible reinstatement of the death penalty and urged government to confiscate unlicensed firearms.

The march was organised by the KwaZulu-Natal Agricultural Union.





Grisly 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

Star 1/10/98

(34)

We're fed-up, they say, but underscore the point that their workers are major victims too

By RYAN CRESSWELL  
Piet Retief

The message was clear when more than 120 farm vehicles snaked through Piet Retief in Mpumalanga as part of the nationwide rolling protest against rural killings.

Farmers and workers are demand drastic and immediate action.

A stream of trucks, bakkies, tractors and cars moved into the small farming town at funereal 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 strange Mpumalanga procession was led by two macabre floats: in one an armed farmer crouched in a

sandbagged redoubt over an Afrikaans sign that translated as "The Farmer 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 84 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

“  
There is a  
strong feeling  
that the  
death penalty  
would help  
”

farmers 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.

Another farmer, Peter Venter, 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 or raped were workers.

During the past few months a man with a .22 pistol has terrorised the people of Phosa Village and other areas.

Mondi Forest foreman Trek Ngozo 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 pro-

cession Piet Retief agricultural union chairman Eckhardt Paul handed over memorandums to town and tribal leaders calling for an end to crime.

At Lichtenburg in North West, Premier Popo Molefe received a memorandum from about 2 000 people marching under the North West Agricultural Union banner.

Near Kuruman in the Northern Cape, 120 farmers led a protest and in Ottosdal, about 100 tractors led a procession through the streets.

Businesses in Klerksdorp closed for one hour and shopkeepers stood outside with anti-crime posters.

In Port Elizabeth, a 4km line of tractors, taxis, trucks and bakkies drove through the city and a memorandum was handed to Dennis Neer, MEC for safety and security.



# Committee rejects 'apartheid policing' claims

David Greybe

CAPE TOWN — Parliament's justice committee has rejected claims by lawyers and human rights campaigners that tough new legislation aimed at stamping out organised crime was so draconian it could result in a return to apartheid-era policing.

The National Association of Democratic Lawyers (Nadel) said yesterday the Prevention of Organised Crime Bill undermined a number of fundamental freedoms in the Bill of Rights and should be withdrawn or risk

challenge in the Constitutional Court.

The real problem with organised crime was that the police were often in cahoots with gang leaders. Nadel's strong opposition to the bill came under attack from committee members from the African National Congress, the majority Nadel members.

Committee chairman Johnny de Lange, a Nadel member, was adamant the bill would be enacted this year. "We will make sure the legislation we ultimately pass is constitutional."

The Human Rights Committee was an-

other opponent. The bill can criminalise an entire segment of society without any criminal actions being recorded. A pair of tacks, Levi jeans and a handshake can potentially incriminate a young person."

The Western Cape Anti-Crime Forum agreed: "There is very real potential for the state to abuse this law with a return to the draconian style of law enforcement under the old regime. This can be done through harassment and unjustified arrests."

However, most of the approximately 30 submissions to the portfolio committee sup-

criminalise gang membership, but gang activity which is criminal," De Lange said. "I do not want to make any apologies — I want to disrupt gangs."

Nadel's Michael Blake said the bill could be used by sections of the police to incriminate or intimidate people for narrow self-interest or against legitimate government opponents.

De Lange said the issue of implementation was crucial to the success of the bill, which was why an SAPS delegation was told this week to present a detailed "imple-

(34) (SAPS) PD 11/10/98

ported the bill, with some amendments. These included: the Banking Council, various attorneys-general, judge presidents and magistrates, law societies, and the SA Police Service (SAPS).

Yesterday was the last of a two-day public hearing on the bill.

De Lange said it was simply not true that mere membership of an organisation known to be involved in criminal activities would be an adequate basis for prosecution under the bill.

"I want to make it clear, the bill will not

mentation plan" to the committee prior to it meeting in a fortnight to finalise the bill.

He said it was also suggested the SAPS conduct polygraph tests, as soon as possible, on about 580 specially trained investigators in 24 specially trained police units dealing with gangs.

Blake said the legislation was a knee-jerk reaction to a climate of near hysteria about crime in SA, and was being rushed through ahead of next year's elections while avoiding addressing the socio-economic causes of crime.

on anticrime bill



# Mass protest against crime begins to <sup>(34)</sup> gain momentum

ED 1/10/98  
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, Iscor, Sasol and the mining industry.

Approximately 6 000 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 Stofile Makhankhesi in Bisho. He was accused of indifference towards the victims of violent crimes after threatening a victim's family member with legal action.

Stofile 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?" Stofile 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

314  
ARC 11/10/198

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About 6 000 people took part in protest marches in Bisho and Port Elizabeth, said East Cape Agricultural Union president Pieter Erasmus.

In Piet Retief in Mpumalanga,

2 000 people took part in a protest march marked by a two-kilometre motorcade.

Marches were also held in Ermelo, Standerton and Nelspruit, where more than 500 people took part.

In North-West, farmers gathered in at least 15 towns. About 2 000 people gathered at the Lichtenburg town hall to meet North-West Premier Poppo Mollefe, who told them the Government supported any drive against

crime. Marches were also held at Marico, Swartvuggens and Zeerust.

According to Mool River police, about 4 500 people joined protests in the area.

The Automobile Association appealed to motorists nationwide to switch on their vehicle headlights tomorrow morning to show their support for the protest. The SA Taxi Drivers Association and the Road Freight Association made a similar appeal to their members. - Sapa



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 Thursday October 1 1998 SOWETAN

# Lawyers *sowetan 1/10/98* slam Govt (34) 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, Mufamadi'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

By Justice Mohale

(21/11/10)

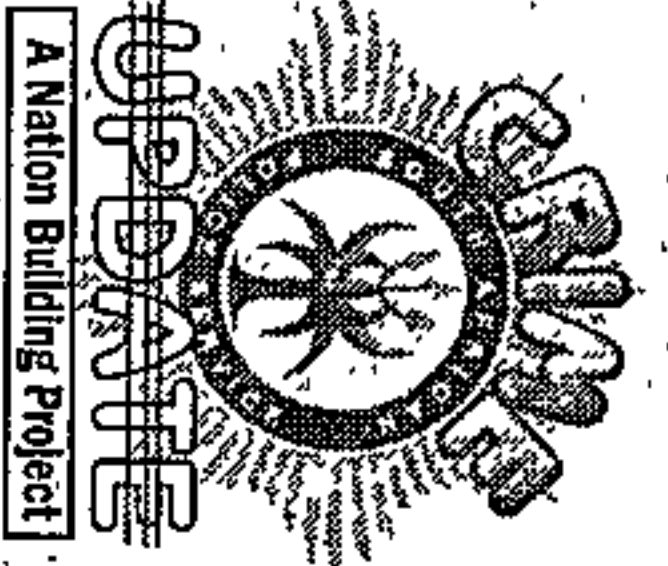
ported the call for the imposition of harsher sentences against criminals. Farmer and organiser Mr Botha the North West town of Fochville yesterday called on President Nelson Mandela to commit himself to eradicating crime that is claiming the lives of innocent people every day.

"The community of Fochville is concerned about criminals who are roaming the streets after they are released from prisons due to lack of evidence or the imposition of light sentences," Herbst said.

● That there should be regular police patrols in the area and that harsher sentences be imposed. Chairman of the Kokosi Taxi Association Mr David Moreisi praised the farmers for their initiative in highlighting the level of crime in the area.

● That the police and members of the South African National Defence Force be allocated sufficient resources to be able to fight crime; and,

their taxis were stolen and hijacked. Police spokesman Superintendent Hennie Maass, who received the memorandum, promised the marchers that the police would maximise their efforts to ensure that crime was eradicated.



*Some ran 1/10/10*





**POSTER PARADE:** Concerned citizens march on the Union Buildings in Pretoria yesterday to protest against farm killings and the high crime rate

Photograph: CHRIS ADLAM

## Few turn up for anti-crime march

BY PHOMELLO MOWEDI

(94)

As a major protest against rampant crime, it didn't amount to much: about 150 people marched through the streets of Pretoria yesterday.

The march, organised by the South African Agricultural Union (SAAU), began near Loftus Versfeld stadium and ended at the Union Buildings, where a memorandum was handed to the president's office.

The memorandum demanded the appointment of a judicial commission of inquiry into farm killings that have claimed dozens of lives this year.

The march, a sequel to others held throughout the country over the past week, was led by a truck bearing a coffin draped with a South African flag.

In the amphitheatre in front of the Union Buildings, SAAU president Chris du Toit called on the government to implement effective strategies in the fight against crime.

He also warned that his union might boycott a planned summit on farm killings to be held next week because of "the government's apparent lack of concern over crime".

Adlam 9/10/98





Hard times ... Victor Colon plays in his grandmother's backyard in Barranquitas, west of San Juan, Puerto Rico. His family lost both their home and their business during Hurricane Georges. The village lost its entire agricultural capability.

# Heat of success puts pressure on provincial corruption investigators

By Ryan S/10/98 (34)

**H**eath Special Investigating Unit investigations manager Eric Qoko can feel the heat of success. He mops his brow as he describes how his team is uncovering alleged fraud and maladministration in the Butterworth council on an almost regular basis.

Qoko was once the head of the Ciskei commercial branch under Lennox Sebe and says he had to take sick leave because the homeland leader put so much pressure on him every time a scandal broke. But now he has what many policemen must consider a dream job.

"It is new for me to deal in civil matters. But I like the job I am doing because it involves investigation, delegation and supervision."

While Qoko and his team investigate in the field and then splice leads together in the smart ground-floor offices of Sanlam Park in East London, legal representative Livingstone Sakata spends much of his time upstairs in the special tribunal rooms taking on crack lawyers representing the Butterworth councillors.

The process is then backed up by a relatively closely knit team of administrators, accountants and computer experts. These members of the unit also help in certain investigations when their particular expertise is needed.

The strange symbiosis - which from the outside sometimes makes a unit investigation look like an episode of television's *Law and Order* - is one of the things that makes the Heath unit different.

But there are other aspects that have attracted an international audience of judicial and investigative experts.

"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 160 representatives, they were all thrilled and wanted to do something similar in their own countries," said the head of the unit

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.

Judge Willem Hendrik Heath.

"In fact 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 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 R20-million recovered in the former Transkei, 372 state vehicles worth

## Successes include the recovery of 80 farms in Transkei

R33-million recovered on behalf of the KwaZulu Natal department of transport, some R22,5-million belonging to the Eastern Cape provincial government recovered from a private company bank account, vehicles and equipment worth R4-million recovered in the *Sarafina II* investigation and an order being granted that a R340-million promissory note by the Mpumalanga Parks Board not be honoured.

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 address the Cabinet," said Heath. He also said the unit considered all cases on

merit and would never embark on a "witchhunt" for big names.

He added: "The present Government was also prepared to take the brave step of appointing an institution they had to know would step on a lot of toes, unlike the previous government."

Senior legal representative Gerhard Visagie said the story of the institution started in 1995 when former Eastern Cape premier Raymond Mhlaba approached Heath to investigate corruption in the province. The judge was worried about the effectiveness and reputation of just another commission so he insisted the institution have legal clout.

"We were fewer than 10 men," mused Visagie. Then called the Heath Commission, the unit broke some large cases and things began to roll.

In 1996 President Nelson Mandela appointed Heath - who had been a prosecutor, advocate, lecturer, court martial president and judge - as head of the Heath Special Investigating Unit. The unit was entrusted, by provisions in Section 2 of Act 74, 1996, to deal with the whole spectrum of clean 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 corrupting. 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.

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 mere job security.

The unit feels that a large proportion of the community appears to regard public funds and assets as "fair game" for corrupt schemes and the crisis is far more serious than most people perceive it to be.

At present there are nine small teams operating below strength everywhere but in the Free State and Northern Province. The unit wants 10 larger teams with the capacity to operate fully in all the provinces.

The unit's annual budget was just over R16-million this year but it wanted R32-million to start an expansion process.

Financial manager Hylton Long said investigation teams were staying in cheap guesthouses rather than hotels and driving everywhere rather than flying in an effort to cut

## Brave step to appoint a team that will step on many toes

costs. He said one small team was looking at about 53 000 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 is 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 Guy Rich said the unit was gaining "international recognition" and the fact that international experts were looking to a South African institution for anti-corruption lessons had to be a good thing.





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**Successes include the recovery of 80 farms in Transkei**

**Brave step to appoint a team that will step on many toes**



**Graft: 172**  
ARLT 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. (34)

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



# Organised crime: govt takes the gloves off

WILLIE HOFMEYR

responds to the Human Rights

Commission and Nadel

criticism of the Prevention of

Organised Crime Bill

**N**EW laws dealing with bail, parole and minimum sentences implemented this year indicated that the government is taking the gloves off in the fight against crime. The laws targeted especially violent crime and tried to ensure that these crimes would be treated by the justice system as harshly as is possible in a democracy.

Those charged with murder, armed robbery and rape, for example, will find it almost impossible to get bail and the courts will impose a life sentence which cannot be suspended unless the accused can prove a very good reason. And life will mean life.

Lifers will not get parole unless the court approves it.

The Prevention of Organised Crime Bill, which is before Parliament now, contains even more harsh measures aimed at organised crime.

Although most commentators have welcomed the bill, some recent critics have argued that the law is too harsh or that it is unnecessary and that the government should concentrate on the effective implementation of existing laws.

The government agrees that effective

in the fight against organised crime. This is why the new national director of public prosecutions, Bulelani Ngcuka, has devoted so much effort to setting up the new elite Organised Crime Unit.

However, one of the biggest problems with organised crime is a legal problem. It is very difficult to convict gang bosses because they are seldom directly involved in a particular crime. They usually work through others and do not get their hands dirty.

Under apartheid, the legal system just did not keep pace with international developments in combating organised crime.

The new bill aims to correct this. It contains the most effective and drastic measures we have been able to find in other democracies.

It contains three main new measures aimed at more sophisticated organised crime.

The first is based on the racketeering legislation that has been used very effectively against the Mafia in the US. It makes it a crime to manage any organisation if its members are committing serious offences. This makes it possible to convict gang bosses by proving that they are in a position of authority over those who are committing crime. It is not necessary to prove that they are directly involved in a specific crime. Conviction of this crime can lead to a sentence of up to 30 years.

The second new measure allows the

(34)

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asset that has been used to commit a crime or that is the proceeds of a crime. The advantage is that it is easier to use than a criminal trial as the state only has to prove its case on a balance of probabilities, that is, a 51% chance. It is not necessary to prove facts beyond a reasonable doubt as is required in a criminal trial.

This new measure will, for example, allow the police to act against the many houses on the Cape Flats that are being used to sell drugs. All that the state has to prove is a 51% chance that a house was used to sell drugs. No one has to be convicted of drug dealing. More importantly, it is not necessary to prove that the owner was involved in the crime or even knew about it. Therefore it will not help gang bosses to register the house in the names of others.

In the US and Australia this measure has been very effective. Not only does it hit the gang bosses in the pocket but it also makes it more difficult for them to operate because the police can seize the houses, bars, nightclubs and even cars that gangs need to operate.

A third measure in the bill aims to introduce the "Al Capone" option into our law by allowing the justice system greater access to information held by the Receiver of Revenue.

We are also considering introducing compulsory prison sentences for certain types of tax evasion.

All these measures are aimed at the more sophisticated crime syndicates. But

with activities of the street gangs which terrorise so many of our communities in Cape Town.

It also contains some measures aimed at the gang members who hang around the streets and terrorise so many of our communities. It makes it a crime to recruit members to a gang or to participate in a gang knowing that it has criminal objectives. These measures provide for less drastic penalties but they have proved quite effective as a way of at least getting such gangs off the street.

Though these laws are drastic, I do not believe that they are too harsh. They are all based on laws from other democracies which have found them vital in the war against organised crime.

To quote the minister of justice, you cannot fight with popguns against an enemy with the most sophisticated modern weapons.

These measures will not be a quick-fix to the problem of organised crime, which is a deeply rooted part of our community. But I believe they will help.

It is clear from experience elsewhere that if the police and prosecutors do not have effective and sophisticated legal weapons to use against organised crime, the war has already been lost.

Willie Hofmeyr is the ANC MP for Claremont and a justice portfolio appointed parliamentary councillor



# Stop the cancer of corruption

(34) Sowetan 6/10/98

A recent survey shows that corruption is an important factor holding back economic growth in the poorest countries

By Bennie Bunsee

The environmental movement in the 1970s created a greater awareness of our dependence on nature for survival, the fight against corruption is beginning to play a similar role in our societal relations.

As the age of "isms" has come to an end, culminating in the fall of communism, our globalised societies and their institutions of governance are laid bare to all the corrupting influences that distort good governance, public service and a sense of public morality.

Corruption today is not only a national issue but an international one - and also one transcending race, class and religion, embracing us all. Suddenly we are aware that none of our institutions 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 oppressions, but that does not mean that being black or a woman makes us a better person: the hand of corruption can reach us all.

When the Cabinet took a decision recently to examine our sense of public morals it placed on the agenda a larger concern: the kind of good governance that should inform all our public institutions and what kind of democracy we wish to establish.

It is not only the subversions of our public institutions that is of concern here - procurement and tendering policies, the discretionary use of civil service powers, the manner in which licensing and registration is carried out, the access to government services and jobs, the use of power to mete out favours, forms of cronyism and nepotism, how MPs are selected in a proportional system - but it also concerns the highest forms of democratic governance.

Democratic governance demands transparency and accountability; a free media to criticise and delve for the truth; freedom of information on all levels of society; and absence of tyrannical government.

The removal of corruption for our society means all of

this.

Without free institutions of good governance open to public scrutiny and the fiercest criticism, corruption cannot be defeated.

Even more, it involves the fullest participation of civil society to act as whistle blowers, and to monitor and check every potential corrupt practice.

It leads us to know the root causes of corruption and to examine the socio-economic order that often determines our behaviour.

It begins to define individual and public morality.

Are not the legal and medical professions, with their exorbitant fees, among the most corrupt institutions in our society?

Yet they are entrusted with responsible tasks and enjoy status in our society.

Modern-day corruption might be the culmination of the egotistic, selfish, commercialised money-grabbing

society that characterises our materialistic civilisations but it is also linked to something more sinister - organised crime syndicates.

These syndicates deal in multimillion transactions and aim to penetrate governments, local authorities, public institutions, private businesses, police and security agencies.

They are in themselves big business with a capital "B" and attempt to work with the same scale of efficiency and management.

All over the world governments are attempting to ward off the kind of organised crime that has global scope.

## Underpaid

They are a new and lethal source of corruption of the public sector, particularly of underpaid civil servants.

The government-driven National Anti-Corruption Summit, to be held in Gauteng from November 10 to 12, and to be followed by the Ninth Interna-

tional Anti-Corruption Summit next year in October in Durban (which the Government will host on behalf of Transparency International, an NGO that has firmly established itself internationally as the spearhead in the fight against international corruption) will have to keep all this in mind.

Three ministries are behind the summit - Justice, Public Services and Administration and Safety and Security - together with other major stakeholders like the public protector's office, Eskom, the anti-corruption unit of the South African Police Services, the Health Commission, the business community, local authorities and so on.

Although apartheid gave us a terrible legacy of corruption and current corrupt practices cannot be separated from the apartheid past, we are far from being the kind of corrupt society associated with several African countries and governments. But we are undoubtedly a target for

organised criminal syndicates and the Ministry of Justice has justifiably prepared important legislation to stem their onslaught and the corruption of our society.

The Prevention of Organised Crime Bill is the latest attempt and looks like it could be the most effective.

South Africa's fairly well-developed infrastructure in banking and finance, maritime services, transport and local authorities give organised crime the kind of facilities it seeks for money-laundering and other secretive criminal activities.

Given the levels of poverty in our society, the psychological destruction that apartheid imposed and the sense of moral disintegration that accompanied it, the level of crime and the corruption in the police force itself, the fight against corruption becomes an all-embracing one.

We have enough examples of its penetration of various sectors and institutions of our society, from banking institutions to local authorities, involving hundreds of millions of rands.

This Government is tackling it. The national summit will be followed by mini-conferences involving the public sector, local authorities, religious organisations, non-governmental organisations and other concerned parties.

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Children bear the heaviest consequences 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.

PIC: PETER WILLIAMS

By Simon Denyer

EAST Africa is one of the world's poorest regions. It may also be one of the most corrupt.

Kenya, Uganda and Tanzania recently ranked among the most corrupt nations from a field of 85 surveyed by corruption watchdogs Transparency International.

International businessmen and visitors put Tanzania on a par with Nigeria as the fourth most corrupt country. Kenya shared 11th spot with Vietnam, while Uganda came in 13th.

As a whole, the survey was a gloomy message for the region. While all three governments pay lip service to the battle against graft, analysts say little has been achieved.

"In Kenya and Tanzania we are just seeing the beginnings of official recognition that this is probably the biggest factor ... holding back economic growth," said Robert Shaw, a director of the Institute of Economic Affairs in Nairobi.

Shaw, who sees Uganda as a separate case with corruption there more confined to the army, says much more hard work is required to root out the scourge.

"It is so entrenched, particularly in Tanzania and Kenya," he said.

With per capita income in the region ranging from about R1 200 a year in Tanzania to around R1 800 in Kenya, analysts say corruption is placing an

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Donors declared themselves fed up with graft. With the Goldenberg scandal still unresolved in 1997, the International Monetary Fund suspended aid to Kenya, throwing the economy into recession. Tanzania and Uganda remain donor favourites. Yet they too have had high-profile corruption scandals.

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an anti-corruption authority at the end of last year. Yet the authority is in disarray, with its director's competence already under the scrutiny of an official tribunal.

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"I get a slight feeling the government is more determined to do something about it," said Charles Gardner, Nairobi's resident representative of the Eastern Africa Association, a grouping of mainly British businesses.

"They certainly realise it's top of the list in terms of the domestic agenda," he said. "But when it comes to the nitty gritty of people close to power ... whether they will be willing to grasp that nettle I am doubtful."

The link between poverty and corruption is not a one-way street. It may be no coincidence that some of the world's poorest, most aid-dependent countries are also among the most corrupt.

"In my own view, aid has contributed immensely to the problem of corruption," said Cooksey. "Aid is cheap money, it is easy money and it is often unaccounted for."

Donors, Cooksey says, have to take more responsibility for their role in encouraging graft.

"They are still talking as if it is a problem of the borrowing countries and the recipients of aid rather than a problem they helped to create," he says.

Reuters



# Stop the cancer of corruption

(34) Sowetan 6/10/98

A recent survey shows that corruption is an important factor holding back economic growth in the poorest countries

By Bennie Bunsee

The environmental movement in the 1970s created a greater awareness of our dependence on nature for survival, the fight against corruption is beginning to play a similar role in our societal relations

As the age of "isms" has come to an end, culminating in the fall of communism, our globalised societies and their institutions of governance are laid bare to all the corrupting influences that distort good governance, public service and a sense of public morality.

Corruption today is not only a national issue but an international one – and also one transcending race, class and religion, embracing us all. Suddenly we are aware that none of our institutions 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 oppressions, but that does not mean that being black or a woman makes us a better person. The hand of corruption can reach us all.

When the Cabinet took a decision recently to examine our sense of public morals it placed on the agenda a larger concern: the kind of good governance that should inform all our public institutions and what kind of democracy we wish to establish.

It is not only the subversions of our public institutions that is of concern here – procurement and tendering policies, the discretionary use of civil service powers, the manner in which licensing and registration is carried out, the access to government services and jobs, the use of power to mete out favours, forms of cronyism and nepotism, how MPs are selected in a proportional system – but it also concerns the highest forms of democratic governance

Democratic governance demands transparency and accountability, a free media to criticise and delve for the truth; freedom of information on all levels of society; and absence of tyrannical government

The removal of corruption for our society means all of

this.

Without free institutions of good governance open to public scrutiny and the fiercest criticism, corruption cannot be defeated

Even more, it involves the fullest participation of civil society to act as whistle blowers, and to monitor and check every potential corrupt practice.

It leads us to know the root causes of corruption and to examine the socio-economic order that often determines our behaviour.

It begins to define individual and public morality.

Are not the legal and medical professions, with their exorbitant fees, among the most corrupt institutions in our society?

Yet they are entrusted with responsible tasks and enjoy status in our society

Modern-day corruption might be the culmination of the egotistic, selfish, commercialised money-grabbing

society that characterises our materialistic civilisations but it is also linked to something more sinister – organised crime syndicates.

These syndicates deal in multimillion transactions and aim to penetrate governments, local authorities, public institutions, private businesses, police and security agencies.

They are in themselves big business with a capital "B" and attempt to work with the same scale of efficiency and management.

All over the world governments are attempting to ward off the kind of organised crime that has global scope.

## Underpaid

They are a new and lethal source of corruption of the public sector, particularly of underpaid civil servants.

The government-driven National Anti-Corruption Summit, to be held in Gauteng from November 10 to 12, and to be followed by the Ninth Interna-

tional Anti-Corruption Summit next year in October in Durban (which the Government will host on behalf of Transparency International, an NGO that has firmly established itself internationally as the spearhead in the fight against international corruption) will have to keep all this in mind.

Three ministries are behind the summit – Justice, Public Services and Administration and Safety and Security – together with other major stakeholders like the public protector's office, Eskom, the anti-corruption unit of the South African Police Services, the Health Commission, the business community, local authorities and so on.

Although apartheid gave us a terrible legacy of corruption and current corrupt practices cannot be separated from the apartheid past, we are far from being the kind of corrupt society associated with several African countries and governments.

But we are undoubtedly a target for

organised criminal syndicates and the Ministry of Justice has justifiably prepared important legislation to stem their onslaught and the corruption of our society.

The Prevention of Organised Crime Bill is the latest attempt and looks like it could be the most effective.

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Reuters



# Overseas experts share knowledge with police

(24) (4)

Hope that success

will rub off on SA

Star 7/10/98

By GILL GIFFORD  
Crime Reporter

**S**ir 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.



Sir Paul Condon... briefing SA's top players.

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, 1 110 murders were perpetrated in Johannesburg in 1996.

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 school-children.

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.



# Absa officials to be grilled by Heath

Greta Steyn

BD 7/10/98

(34)

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, Sanlam.

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.

Asked 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 the 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 Stals's successor, Tito Mboweni.

INet-Bridge reports that Public Protector Selby Baqwa yesterday rejected an allegation by the National

Party (NP), that he 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," he 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 ex-

(34) BD 7/10/98  
pensive 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 proclamation 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 suggested legislative amendments to Omar in April to address this problem but had not received a response. — Sapa.

### Key Market Movements — 5/10 to 6/10

I - NET BRIDGE

Gold				Currencies		Europe close DM/\$	Europe close R/E	Repo rate	Stock Markets				
Lon close \$/oz	Lon PM \$/oz	Lon PM R/oz	Kruger-rand	R per \$	\$ per R				FTSE 100	Nikkei Index	JSE Ov'all	JSE Gold	JSE Indus
298,95	298,75	1 811,62	1 815,0	6,0640	0,16700	1,6331	10,2610	21,856	4 854,00	13 021,64	5 116,6	1 270,2	5 700,6
								NO MOVE					
295,65	294,65	1 764,74	1 790,0	5,9893	0,16490	1,6283	10,0810	21,856	4 648,70	12 948,12	5 019,8	1 208,3	5 611,5



# 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, Bulelani Ngcuka.

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 Sonn.

"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," Ngcuka 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.

Ngcuka 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.



# Heath anti-corruption unit 'won't be ditched'

8/10/98

84

Government insists it is merely looking at streamlining official structures dealing with graft, not threatening crack team

By RYAN CRESSWELL

The Government is investigating ways of co-ordinating the operations of anti-corruption units and the Health Special Investigating Unit.

Presidential spokesperson Parks Mankahlana said the Government was looking at maximising efficiency and economic concerns regarding security institutions. "The police, the Health unit, the public prosecutor and other commissions

all investigate acts of corruption and there have been instances of one case being investigated by three institutions.

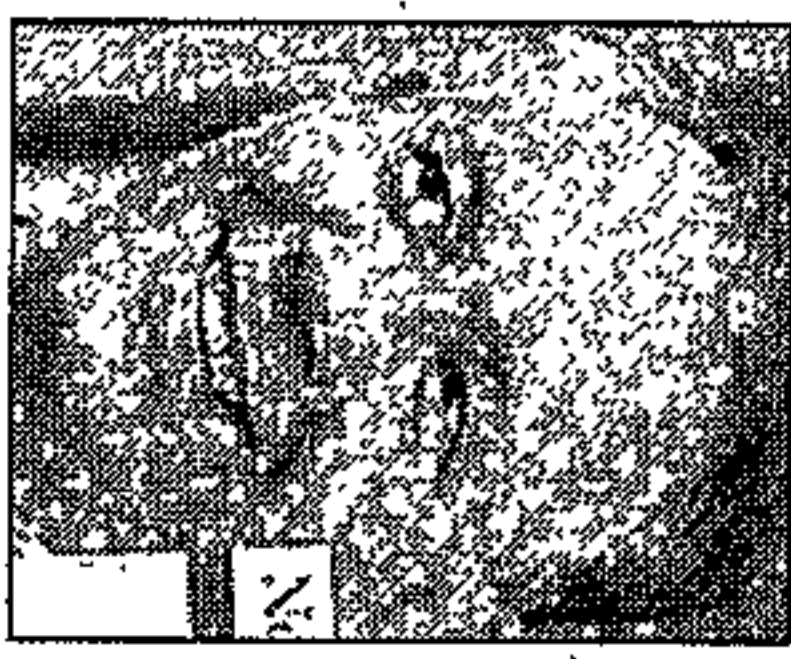
"There are proposals that one anti-corruption centre be set up. This will be discussed at an anti-corruption summit planned for next month. But there are definitely no plans to cancel the unit," he added.

Mankahlana said the East London-based unit, which looks into state-related corruption, had done very well and everything would be done to augment

its resources.

A recent request by the unit for amendments to the Special Investigating Units and Special Tribunals Act, which governs the unit and its special tribunal, seems to have ruffled some ministerial feathers.

Justice Minister Dullah Omar, responding this week in Parliament to queries about the act,



Judge Heath ... lobbying for resources.

questioned whether it was appropriate for full-time judge Willem Heath to head the unit. "What happens to the independence of the judiciary?"

The unit, which falls under President Nelson Mandela's office, countered this and said the institution had been lauded for its integrity and independence

from political interference.

If said possible rationalisation should take into account the design and achievements of the unit and the fact that there was no way Judge Heath's position compromised the judiciary as he did not preside in the national system or the tribunal.

Professor Gretchen Carpenter of Unisa's department of constitutional and international law supported this view. But Omar's spokesperson Paul Setsetse said the minister's statements should be seen

against the background of Judge Heath's requests for amendments to the act providing for a special revenue fund and changes to the accountability structure.

For some time the unit has been lobbying for more money and has been trying to break away from proclamations via the president's office which it believes send out warnings to corrupt officials.

■ The unit and tribunal have been covered or in other ways saved nearly R7-billion this year.



# Rural security spending 'too low'

DD 8/10/98 (34)

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 political-

ly 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

008/10/98 (34)

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 1996 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 Magolego 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 Magolego differs. He believes criminals should get a taste of their own medicine."



# Heath points to need for independence

(34)

100 8/10/98

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 signs 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 anticorruption 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 anticorruption 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 has 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". Rationalisa-

tion 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 Mankahlana, 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 Gibson 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."

Comment: Page 15



## 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.

**P**RESIDENTIAL spokesperson Parks Mankahlana, 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," Mankahlana 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," Mankahlana said.

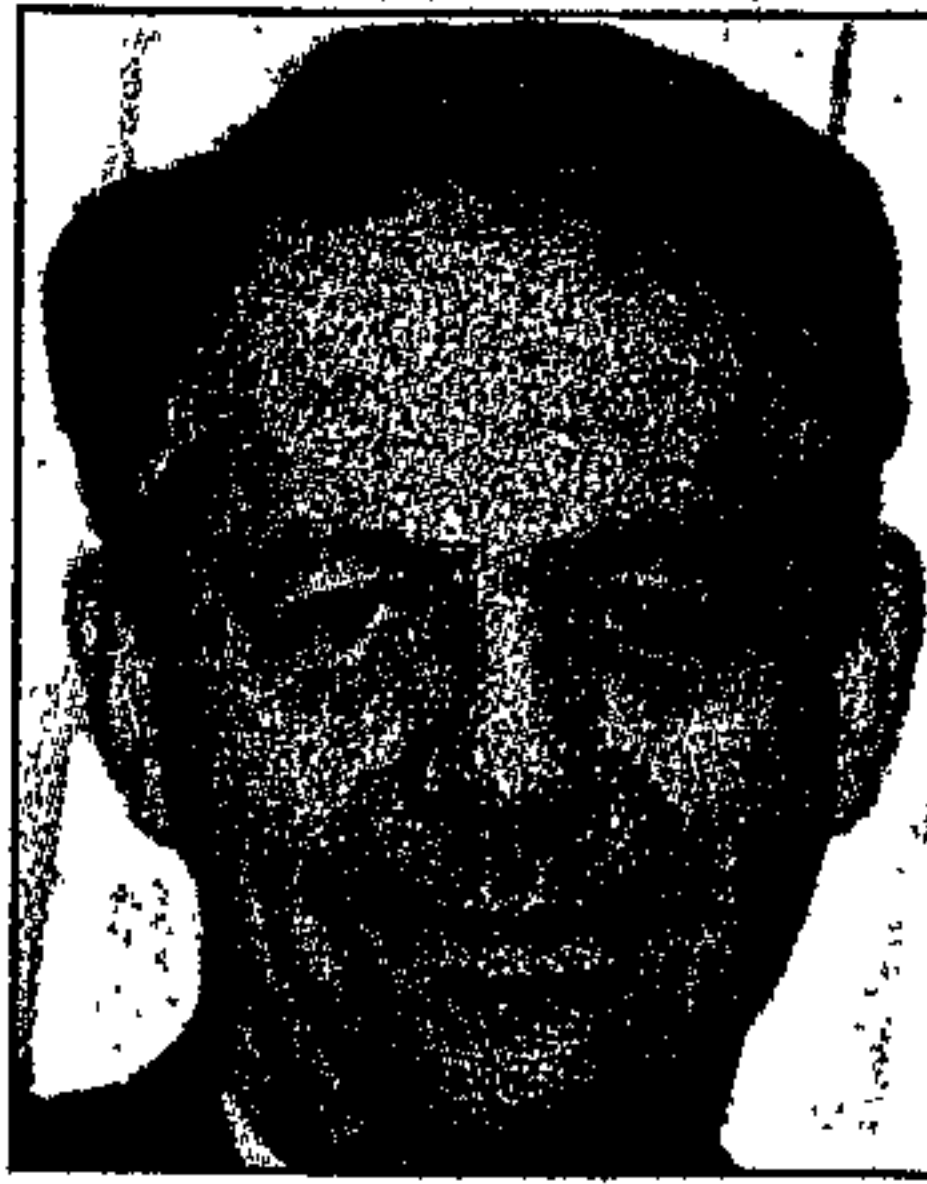
Furthermore, they all rely on resources from the same coffers.

"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."

Mankahlana 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



**JOB GUARANTEE:** Judge Willem Heath, head of investigation unit.

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 reportage of Omar's comments.

NP spokesperson on justice Sheila Camerer 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 denied having 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.

"Its 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 whatsoever that the Heath unit will continue. Judge Heath himself will continue. He is doing outstanding work." — Sapa

CT 8/10/98

(74)







# ALL THINGS CONSIDERED

CYRIL MADLALA

## Let us use the rural safety summit well

ARLT 10/10/98

(34) (5)

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 variously, as *bosberade*, *magkotla*, *izimbizo*, *tinkhundla* or, to be more politically relevant these days, summits.

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 Presidential 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 criminals terrorising farming and rural 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 mere talk shop.

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



FARM LIFE: land issues will be explored at the summit on rural safety and security

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, that 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 devote 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 limp-wristed 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.

If a forum is provided to representatives of political parties, another bout of those puerile debates that usually take place in Parliament about who is responsible for the mess we are in will ensue. 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 naive 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 *bosberade*, *magkotla*, *izimbizo* or *tinkhundla* bequeathed to the new South Africa a forum for compromises 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.





LET'S WEED OUT CRIME... President Nelson Mandela urges the rural community to fight crime together. ■ Pic: GEORGE MASHININI

# Grassroot attack on rural crime

By ZOLILE NOAYI

THE PREDOMINANTLY white commando system tasked with protecting farm and rural communities could be overhauled to include farmworkers and other country residents.

"The strongest shield for each farm, and the farming community as a whole, are the people who reside on the farms — farmers and workers,

CP 11/10/98 (34)

landowners and tenants alike. The conditions under which they live affect the way they respond to an attack," said President Nelson Mandela. The current system could change after Mandela issued an instruction for an investigation into the feasibility of such a transformation. Mandela said this in his address to delegates at the Presidential Summit on Rural

■ Turn to Page 2

# Grassroots attack on rural crime

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■ From Page 1. Safety and Security in Midrand yesterday.

He said by increasing the level of participation in the commando system, the public reinforced the ability of law enforcers to deal effectively with farm and rural crime.

"I am therefore giving instructions to the Minister of Defence to immediately investigate mechanisms to ensure maximum participation in the commando system not only by members of the farmers' organisations, but also farmworkers, dwellers and the general community.

"I urge organised labour in the Congress of South African Trade Unions, National Council of Grade Unions, the Federation of South African Unions and other unaffiliated organisations to co-operate with the Minister in this regard," he said.

Mandela warned that if the farm killings went unchecked, this would result in a reduction of food production, unemployment and, in the long run, deepening poverty and social upheaval.

A report handed to the summit shows that attacks on farms and smallholdings had increased by 72,5 percent in the first six months of this year compared with the same period last year.

He urged all stakeholders to unite in fighting the scourge.

He said arrests had already been achieved through the Rural Protection Plan, which brought together the South African Police Services, the South African National Defence Force, the different intelligence arms and the agricultural unions.

Mandela said while violent crime against farmers had increased dramatically in the last two years, the farming community had the advantage of being backed up by a strong organisation which is coherent in airing their discontent.

■ Meanwhile Sapa reports that Deputy President Thabo Mbeki said yesterday crime fighting and the protection of communities should be spearheaded by dedicated policemen and women and should not become the task of organisations, like People against Gangsterism and Drugs.

Mbeki told community leaders and police officers at a gathering at Strandfontein on the Cape Peninsula's False Bay coastline that despite wide-spread reports and allegations of police corruption, he met police members of whom the country could be proud.

A cheque was handed over by engineering giant Murray and Roberts to help fund a recreational project for SA Police Service members and communities.

"We must bring the police and the communities together," Mbeki said.

He added that when he met police officers of the calibre of those behind the project he was convinced the fight against crime would be successful.

"Many challenges must still be faced, such as the transformation of the police service itself," he added.

Mbeki said when more funds were asked of the government for the police service, he heard comments by police officers who said better use should be made of the existing allocated funds.



# 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 Japie 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 1994, 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 Afrikaans 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 Raath. "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

## Agricultural union hails Government's commitment

ARL 12/10/98 (314)

### ARLIS CORRESPONDENT

Pretoria - Far-reaching proposals to deal with farm killings were unanimously adopted at a summit organised by the Government, organised agriculture and various other sectors at a weekend summit.

The one-day summit accepted the use of the existing rural protection plan (RPP) which operates under the wing of divisional Commissioner André Pruis to put the 10-point plan into action.

Its first step would be to report the outcome of the summit to President Mandela for his directions.

The task team, made up of representatives from all parties, would issue monthly statements on its progress.

Agreement was reached that contributing factors to the killings included a culture of violence, contempt for the law, availability of firearms and socio-economic prob-

lems such as unemployment and poverty.

An appeal for money to address these problems enjoyed overall support.

Also noted was that there was more to rural safety and security than mere crimes on farms.

Many of the policy questions that related to rural safety could not be resolved now as they required in-depth research and extensive debates.

Commenting on the outcome, Freedom Front leader General Constand Viljoen said he was at first reluctant to attend the summit, "as I thought it would turn out to be another talk-shop".

"But now I must confess that the summit achieved much in a short space of time, and was solution-oriented. The Government must now be seen to be putting these decisions into effect. We will hammer them if they don't achieve progress."

Regarding across-the-board remuneration and benefits for farmworkers, General Viljoen said that if a solution to the killings could be found, playing fields for the establishment of forums to deal with such issues would be levelled.

Chris du Toit, of the SA Agricultural Union said he was happy that the summit achieved concrete results. "This could definitely lead to something positive. The Government demonstrated real concern and committed itself to doing something."

He said the SAAU viewed the summit's unconditional condemnation of farm killings as significant. "We have never heard that before. In the past, we heard a lot of excuses."

The summit found several shortcomings in the existing RPP, which it said should be urgently addressed.

This would include the restructuring of commandos and reservist units to include all members of rural communities and others and a scientific investigation into the causes of such murders, beefing up security plans,

the condemnation of hate speech, and the uplifting of farm workers.

Resolutions put to the conference were outlined in a 10-point declaration that was unanimously adopted.

Resolutions taken at the summit included:

- Accountability and funding of rural policing structures various stakeholders.

- The commitment, support and collaboration with the Department of Safety and Security in the development of a broader policy framework for rural safety and security.

- To encourage other stakeholders and roleplayers to contribute to this crucial policy formulation process.

The National Party said its delegation was heartened by the Government's acknowledgement that crime levels and police working conditions were unacceptable.

This stance represented a major deviation from earlier statements that crime was not such a serious

problem, said a Nat statement.

The party said it trusted that the backlog of R2-million in equipment for the SAPS, which the Government had allowed to build up, and the underfunding by at least R65-million of the police service in this financial year now would be addressed without further delay.

Justice Minister Dullah Omar welcomed a summit decision that the issue of farm attacks should be depoliticised.

He said: "Whites and blacks, farmers and farm workers demonising each other must stop."

He said the call for more funding was not out of place.

"Resources and funding is a crucial issue and we need to take it to the Government, which has committed itself to improving the criminal justice system, rooting out corruption, and providing adequate funding for crime prevention."

Mr Omar said the summit recognised the need for a full and proper

probe to determine the causes of farm attacks.

This would be a scientific and academic investigation, he said.

Land Affairs and Agriculture Minister Derek Hanekom encouraged business organisations to also contribute money in whatever manner they could.

Mr Hanekom said that until crime was under control, any endeavours in fields such as tourism would fail. "I hope business will take note of that."

He also said if it emerged that some of the attacks were politically motivated, such attacks should not be swept under the carpet.

"We will need to deal with the real situation."

The summit decided a comprehensive policy framework on rural safety would be compiled to determine capacity and resource needs.

Quarterly reports on the findings would be produced, the first of which would be issued within three months after the summit.



# Exams 'beset' by problems

By Victor Mecoamere  
Education Correspondent

MATRIC pupils are currently writing final examinations under unfavourable conditions, said the South African Democratic Teachers Union at the weekend.

In all 825 689 candidates, 602 026 of whom are full-time, sat for the first of the Senior Certificate examinations on Friday.

The first group of 131 539, of which 82 587 are full-time candidates, started in Gauteng on Friday. They will be followed by 75 349 in the North West today, 156 595 in the Northern Province tomorrow, 54 096 in the Western Cape next Monday, and 152 104 candidates in KwaZulu-Natal on October 26.

Sadtu said unfavourable conditions included a lack of learning materials like textbooks and laboratory equipment, staff and personnel problems, overcrowded classrooms, the non-existence of parental involvement in schools and lazy pupils who may be planning to cheat during the examinations.

# Summit agrees to tackle farm killings

AR-REACHING proposals to stem farm killings were unanimously adopted at a summit between the Government, organised agriculture and various other sectors in Midrand at the weekend.

These included a scientific investigation into the causes of such murders, beefing up security plans, the condemnation of hate speech and uplifting farm workers.

Describing the summit as historic, Justice Minister Mr Dullah Omar said it marked the start of a joint effort to curb attacks on farmers.

SA Agricultural Union (SAAU) executive director Mr Jack Raath said if the resolutions taken are put into action, "we are in a position to change gears in the fight against crime".

The summit was initiated by President Nelson Mandela to devise a joint strategy to curtail farm attacks, which have claimed more

than 500 lives since 1994.

Setting the tone for the conference in his keynote address, Mandela told delegates: "We must stop these killings at once."

Representatives from Government, agricultural unions, business, trade unions, and non-governmental bodies formed five discussion groups to explore a common approach against rural killings.

They returned, condemning such attacks unconditionally. Agreement was reached that contributing factors included a culture of violence and impunity; contempt for the law; the availability of illegal and legal firearms; and problems such as unemployment and poverty.

An appeal for money to address these problems was made.

Omar said the call for more funding was not out of place. "Resources and funding are crucial

*Lower Jan 12-10-1998*

issues and we need to take it to Government. Agriculture Minister Mr Derek Hanekom suggested that business should also contribute. "Unless we bring crime under control any endeavours in fields such as tourism will fail. I hope business will take note of that."

The summit decided a comprehensive policy framework on rural safety would be compiled to determine capacity and resource needs.

"We are happy," SAAU president Mr Chris du Toit said afterwards. "This could definitely lead to something positive. The Government demonstrated real concern today and committed itself to doing something."

Freedom Front leader General Sibusiso Viljoen told reporters that the summit had achieved much in a short space of time.

"The Government must now be seen to be putting these decisions into effect." - *Sapa.*



# 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 Skweyiya. The SA National Civics 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 Nowetu 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 reasonable 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."

Comment: Page 13

## 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 Mankahlana, 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

Heath (34)

Continued from Page 1

referrals for factual and legal correctness. It is apparently common knowledge that 'raw' referrals remitted through your unit have frequently reflected factual and legal flaws: wrong dates, wrong bodies, wrong departments, matters already subject to criminal investigation, insufficient in-

formation etc," Gerwel wrote.

"Our office has had to assist in dealing with litigation or threatened litigation which arose therefrom or from alleged failure of your unit to operate within its legal limits."

Meanwhile, Dustin Chick reports that the unit has been mandated to investigate irregularities in the North West relating to the procurement of textbooks and stationery. The matter involves the provincial education department and the tender board.



# Law in pipeline to punish corrupt civic bodies

Pule Molebeledi

(34)

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 R800 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.

BD 13/10/98



# Forensic experts lobby for DNA database to fight crime

David Greybe

DD 17/10/98

(34)

CAPE TOWN — Forensic experts have tried without success for the past 18 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 Mufamadi 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.



# Estrangement, not strangers, on the farm

The weekend's summit on rural crime showed Afrikaners finally wielding some influence over government. Jonny Steinberg examines the issues and solutions addressed at the meeting

PD 14/10/98

(34)

**A**FTER four-and-a-half years of crisis and disaster, Afrikanerdom is finally learning how to wield power in the new SA.

Last weekend's presidential summit on rural crime, called in the face of persistent anger shown by farmers, brought together one of the most high-powered government delegations assembled since 1994: a president, three senior cabinet ministers, nine MECs and a host of senior bureaucrats.

The heavyweights came to the summit cap in hand. They admitted for the first time that the criminal justice system was weak and faltering, that it required more attention and that it would receive more resources. They also admitted that the future of national unity in SA hinged on showing the country that government could swell the ranks of an already bursting prison population.

The pressure that squeezed these admissions out of government did not come from the parliamentary opposition. Nor did it come from those South Africans most vulnerable to crime: the predominantly African National Congress (ANC) supporters who inhabit precarious and unstable informal settlements. Instead, it came from organised agriculture and was leveraged by a barely concealed threat of tax boycotts and disruptive civic action.

Organised agriculture used the very fact of its alienation from the new political order and the threat of recalcitrance against it, to assemble one of the most formidable lobbies the new SA has seen.

If the summit was a success for agriculture on a political and symbolic level, what did it achieve in regard to its stated aim of bringing security to the countryside?

There are two poles to organised agriculture's rural security strategy, which now has full government backing. The first identifies particularly vulnerable homesteads — those in remote areas, those near "hot spots" or along national roads — and bolsters their security. Alarms are linked to local police and commando control centres, electric fences are installed. The ever imaginative Freedom Front leader Constant Viljoen is talking of a panic button

which triggers small explosive devices concealed in flower beds.

The second pole of the strategy is more interesting and more controversial. It involves using the commando and police reserves to mobilise local communities, farmers and farm workers alike, to patrol their areas on a constant basis. What does this vision of citizen militias hope to achieve?

"The advantage of using a broad spectrum of local people instead of professionals is that they know the area like the back of their hand," says Kwazulu-Natal Agricultural Union president Graham Macintosh. "On this principle, the broader the recruitment ground, the better the commando's local knowledge."

How does this local knowledge help to secure the countryside? A broad-based commando will be able to identify everyone who belongs in the countryside," Macintosh says. "Strangers will stick out like a sore thumb. Anyone who cannot identify himself, who clearly does not belong, will be hassled and interrogated."

"Respassers must be apprehended by commandos," Viljoen said recently. "If they cannot explain their presence and do not know anyone in the area, they must be escorted out."

There is a quaint, almost pre-modern assumption behind this strategy. It suggests there is safety in familiarity, danger in strangeness. It conjures an image of a rural community which knows itself intimately and sees danger only in faceless strangers.

How accurate is this? "The majority of farm attacks occur near towns and cities," assistant police commissioner Johan Burger said last week. "There is a distinct possibility that what we are seeing is a symptom and a spillover of urban crime."

The Democratic Party's Errol Moorosi tells a similar story.

"The further you are from towns, the safer your family and your livestock. I live in a remote area and I never lock my doors."

There is no doubt that many farm attacks are carried out by strangers: by people who have travelled large distances to commit a crime; by urban youths looking for softer targets. But the idea that there is safety in familiarity, that danger comes only from the outside, belies the growing and visible estrangement between the landed and the landless that has accompanied SA's transition.

The birth of democracy has left its mark on the minds of the poor in subtle and intriguing ways. In late 1994 a senior gold mining executive told me productivity at his company's mines suddenly plummeted 30% after the elections.

"It appears that the coercive and hierarchical way we mine gold just did not gel with the experience of voting and becoming a citizen," the executive said. "This is a strange and passive rebellion against an old form of authority."

It would not be too fanciful to suggest that something equally strange happened in the countryside after the landless were enfranchised. Farm fences started coming down in the night. Stock theft increased dramatically.

The story of Jan Potgieter, a third-generation farmer near Greytown, the proprietor of the land once farmed by the legendary figure of Andries Potgieter, is instructive here.

of his land to a communal trust to persuade those who steal from him to leave his livestock alone.

"My farm shares a long border with tribal lands in the former KwaZulu. In 1994, fences started coming down and cattle started disappearing. I employed people to restore them, but they would come down again in the night."

For Potgieter, it is not a question of barricading the countryside against strangers.

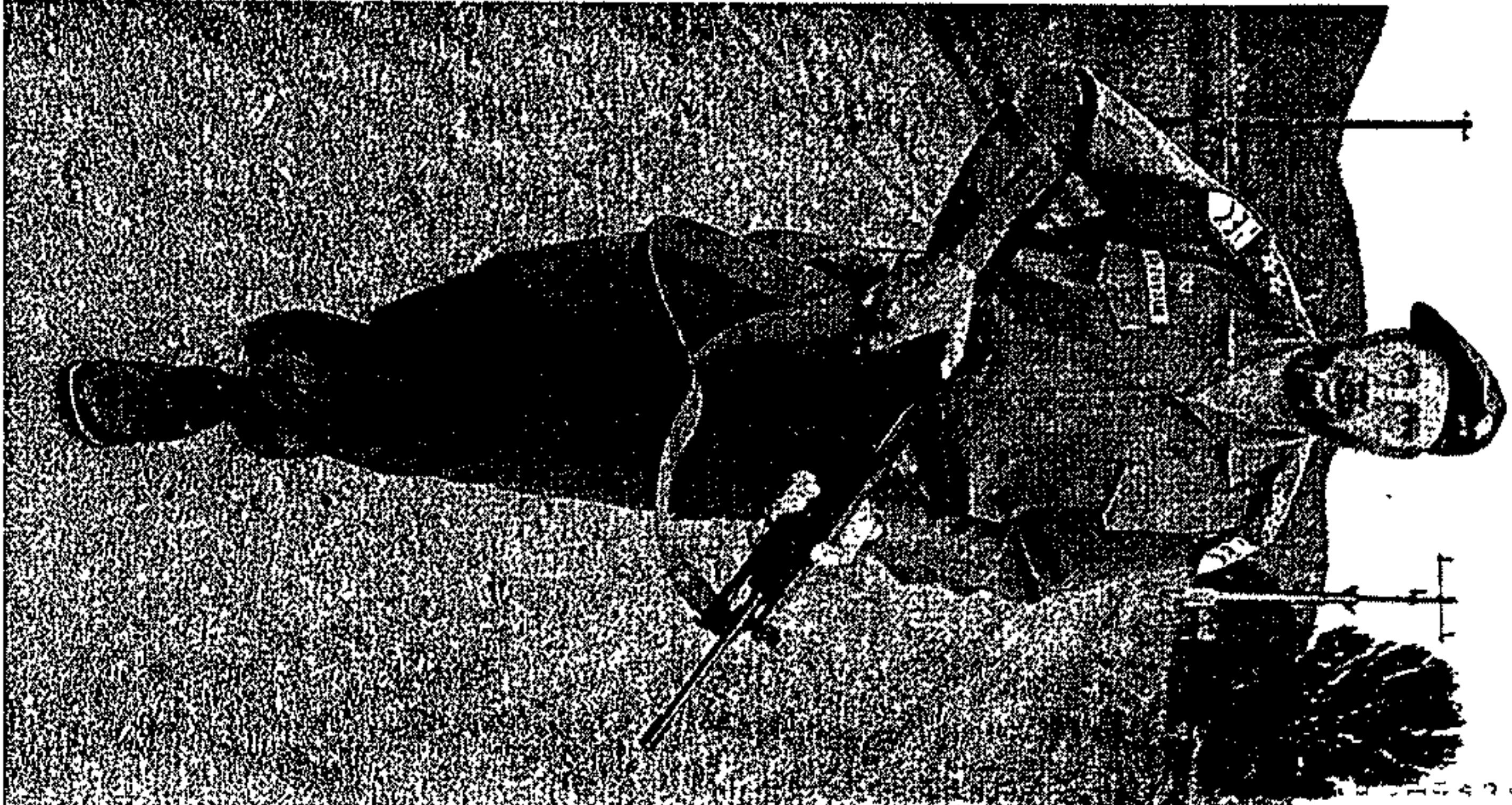
"Our commando is working well and I appreciate what it is doing, but really, it is not much those who steal cattle. We all know each other. The commando comes past, everyone greets each other and as soon as the commando disappears the thieves carry on what they were doing."

Potgieter's immediate neighbour was murdered in his home-stand two years ago.

"There is a lot of anger here. I feel safer than most because I am known as a good man. I have a personal relationship with everyone in the district. But some people, especially young people, ignore me when I greet them, or look at me with hostility."

In the aftermath of the rural crime summit we are likely to see a bolstering of rapid security force response units in rural areas. We will also see the ranks of SA's commandos swell. This is by no means a bad thing. It may well save lives. It may cause some criminals to re-evaluate the "soft target" status of farms in certain areas.

But it should nonetheless be noted that keeping strange faces out of the countryside is not a solution. The boundary separating friend from stranger is not as clear as agricultural leaders care to admit. There is a great deal of estrangement right in the heart of the familiar.



Comm Dirk Zuydam, head of the volunteer commando unit in Weenen, KwaZulu-Natal, keeps guard on a road close to his farm. The volunteers are intent on putting a stop to farm attacks.

Picture: AFP



# Better labour relations will improve farm security — Mandela

**BOTHAVILLE** — Resolving the complex problem of rural crime would involve improved labour relations on farms and a safer working conditions for labourers, President Nelson Mandela said yesterday.

He told residents of Bothaville in the Free State that the rural safety and security summit held in Gauteng at the weekend had laid a sound basis for stabilising the situation on farms.

"We have all been disturbed of late to hear about the increasing violent

attacks on farmers. In the Bothaville area, no less than five separate attacks had taken place in the past year, he said.

While the rural summit had laid a sound foundation, the problem of crime on farms, as elsewhere, demanded long-term solutions.

"In the meantime, we all need to commit ourselves to doing everything in our power to stop that kind of violence. Efforts to secure more stable farming environments by normalising

labour relations and providing security for workers will make an important contribution."

Mandela, who had earlier visited a housing project for farm labourers which will eventually benefit 1 000 people, said farmers involved in the project should be commended for their hands-on approach to the development of their employees' land and housing needs.

"It is by joining hands, across the old divides, in practical action to overcome

the legacy of our past, that we will find true reconciliation and nation building." As the test case for the policy of providing off-site housing for farm dwellers under the Extension of Security of Tenure Act, the Bothaville housing project had been designed to allow easy access to facilities such as clinics, libraries and sports complexes, while securing land and housing, Mandela said.

"This kind of effort can only enhance stability." — Sapa.



# Heath responds to criticism by Mandela's

David Greybe

CAPE TOWN — Judge Willem Heath wrote a five-page letter yesterday to Jakes Gerwel, director-general in President Nelson Mandela's office, challenging Gerwel's accusation that the Heath special investigating unit had been sloppy in preparing proposals for anticorruption probes.

The judge declined to divulge the contents of his letter, but challenged the president's office to release it publicly. Seeing that they (Mandela's office) ran to the press with Gerwel's letter to me, they

should disclose my letter to him," he said.

In his letter, Gerwel told Heath that because of "raw" referrals which frequently reflected factual and legal flaws — or from the alleged failure of your unit to operate within its legal limits — our office has had to assist in dealing with litigation or threatened litigation.

Gerwel's letter was in response to claims by the unit last week of delays of up to a year in obtaining authorisation for "hundreds" of new inquiries.

Heath said yesterday he had never blamed Mandela or his office for the delays in granting authorisation. "We (the

unit) would like to maintain the excellent relationship that exists between the president and myself," he said. The delays had to do with the procedure before Mandela signed a proclamation, Heath said.

Gerwel wrote that any delays "had been at the justice department, which is required to check referrals for factual and legal correctness".

He said: "It is apparently common knowledge that 'raw' referrals remitted through your unit have frequently reflected factual and legal flaws: wrong dates, wrong bodies, wrong departments, matters already subject to criminal investi-

gation, and insufficient information."

A source said Heath had challenged this in his reply to Gerwel, saying that the unit had gone to great lengths to check allegations before they were referred to the justice department.

Sources said two cases of litigation had been brought against the unit — one concerning a probe into the financially crippled Butterworth council, and the other regarding disputed sales of land on the former Transkei Wild Coast.

Neither of the court challenges had been successful. In the case of the Butterworth council, two urgent applications

PD 15/10/98

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to halt the unit's investigation had been dismissed, while the main application had been settled. "The unit has never lost a single case," the source said.

Heath reiterated yesterday that the unit had "continually enjoyed the support" of Mandela, Deputy President Thabo Mbeki, Justice Minister Dullah Omar, various cabinet ministers and provincial premiers.

A recent suggestion by Omar that the unit be rationalised as part of a single anticorruption centre led to a plea by Heath to government not to compromise the independence of the unit.



# Anti-graft unit will defend its independence

ST 18/10/98

(34)

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, Selby 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 presiden-

tial aide Jakes Gerwel that his investigations were leading to "litigation" and were not following proper procedure.

He said: "I don't share these concerns with them and I don't know what they're talking about."

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.



Pretoria yesterday.

Picture: ROBE

Jonny Steinberg *PH 29/10/98*

# SA is making magnificent progress in fight against commercial crime — Heath

LAW enforcement agencies in SA were making "magnificent progress" in the fight against commercial crime, despite a pervasive atmosphere of pessimism, Judge Willem Heath said in Pretoria yesterday.

Speaking at a conference organised by the Economic Crime Combating and Research Institute of SA at the University of SA, Heath said SA was deploying many institutions and strategies to fight commercial crime.

"Many people do not realise that criminal law is not the only available tool with which to deter economic criminals. Our commission uses civil law to seize and attach assets and to retrieve money which was illicitly acquired. He said this technique could be used in a firm.

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Heath said it looked like the offender was slipping through the justice system.

Public Protector Selby Baqwa said his office acted as a "clearing house" for the investigation of serious economic offences.

"We get scores of complaints. Where the problem is corruption and not just bad management, we refer the relevant portion of the investigation to the appropriate agency. The result of intensive co-ordination between agencies is that the criminal does not know from which direction he will be hit."

Assistant police commissioner George Govenor was less upbeat. He said the commercial crime branch of the detective service had been battered by SA's transition and had lost people with skills and experience.

"The commercial branch has 830 investigators, but if I am honest I must tell you that less than 30% of them are adequately trained to investigate commercial crime."

Govenor said extensive training programmes, enlisting international expertise, were in place to remedy the skills shortage.

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# 'More effort needed to fight corruption'

*Sowetan 23/10/98 (34)*

**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 R670 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 not 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.

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# Anticorruption talks backed by the cabinet

RD 26/10/98 (34)

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 SA Police Service, 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'

## *Plea to Afrikaners*

ARGUS CORRESPONDENT (34)

Pretoria – 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 Garsfontein 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."

ART 26/10/98



# Heath probes World Trade Centre lease

27/10/98 304A (34)

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 looked at by the auditor-general and as far as I know it was 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 Mankahlana said: "Careful attention is paid to detail before such an investigation is authorised."



By Shadrack Mashalaba

THE growing number of corruption cases being investigated by the Health Special Investigative Unit are threatening South Africa's economic and moral fibre.

Head of the unit Judge Willem Heath, addressing the South African Institute of Race Relations last week, said the increase in corruption cases highlighted the urgency with which the scourge should be tackled.

He said his unit had managed to recover or prevent the loss of approximately R670 million in state assets and state money since January this year.

"We are currently dealing with over 90 000 cases with an estimated value of R8 billion," he said.

Heath, however, cautioned South Africans to resist laying the blame of the country's maladies on one another.

He explained that conservative white people blamed corruption on the present dispensation, while conservative blacks blamed it on the past apartheid regime.

"Corruption was rife before the 1994 democratic elections and it is still prevalent today."

### Serious problem

"If the perception is that corruption after the elections has increased and we have a serious problem, then it is probably due to a number of factors which include greater transparency, media investigative capacity and the existence of determined institutions."

While the focus of Heath's investigative unit was on corruption in the private sector, the public sector was not insulated from the "sorry saga" of corruption, he said.

He cautioned that crime knew no colour. "It knows no political party and it knows no status in society. It is not endemic to a specific country or part of the world."

# Unit nips widespread corruption in the bud

*314  
Sowetan 27/10/98*

"It is not something that appears overnight and it is not something that will disappear at the wave of a wand or the crack of a whip."

Heath said the Government alone could not solve corruption. He emphasised that the country could not afford to appoint commissions to investigate cases of corruption.

It was imperative that the private sector also takes proactive steps to deal with the problem.

"It is no use for the private sector to stay on the stands and accuse the Government of being corrupt, whereas it is also infested with corruption," he said.

"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 groups of state employees or individual politicians?"

"Do we just accept corruption in the private sector, which not only destroys prosperity but also succeeds



Judge Willem Heath - head of the Health Special Investigative Unit - says crime and corruption affect both the private and public sector and know no colour. PIC: MBUZENI ZULU

in depleting state funds? Corruption plays a significant role in jeopardising our constitutional ideals.

"The misuse or misappropriation of private or public money has a direct impact on our lives. Interest rates are raised, the price of living increases and the level of trust between the man in the street, the public sector and the private sector decreases.

"Honesty and integrity are com-

promised and respect between individuals becomes something of the past," Heath said.

The Heath special investigative unit was appointed (in terms of Act 74 of 1996) to investigate serious maladministration, corruption, fraud and other matters emanating therefrom in connection with the administration of state institutions, state assets and public money and to insti-

tute civil proceedings arising from such investigations.

The unit, according to Heath, has a staff complement of 70 people. Among his staff are seven lawyers, 40 investigators and computer experts.

He said the unit investigated cases after a proclamation by President Nelson Mandela.

However, while the unit had in many instances succeeded in obtaining proclamations, Heath added that his wish was to see this being removed from the legislation one day.

### Significant strides

Although corruption was a major problem and posed a threat to the well-being of the country, Heath said, the government had taken significant strides in addressing the very causes of corruption.

"If we want to be the powerhouse of Africa and initiate the African renaissance throughout the subcontinent we must be in a position to set an example."

Deputy President Thabo Mbeki has on numerous occasions praised the work of the unit in the fight against corruption, fraud and maladministration in the public and private sectors."

Commenting on those who had information about cases of corruption taking place in the public sector, Heath said informants would enjoy protection.

"People who have information should come forward as there is no risk. The unit will do its best to ensure they are protected."

He assured the public that the unit's records were stringently protected.

"The unit has a sophisticated computer network which is operated by experts. No one will get away easily because a file has been stolen."

"We do not discriminate; we investigate right up to the top," he said.



# Bill aims to curtail gangsters' activities

BY JOVIAL RANTAO  
AND CHARLES PHANLANE  
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 syndi-

cate 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

## Syndicates face fines of up to R1-billion

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."

DD 28/10/98 (34)  
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 000m<sup>2</sup> 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 service 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.

BD 28/10/98

## 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 con-

fiscated 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 those 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.

BD 28/10/98

(33) (34)

Key Market Movements — 26/10 to 27/10

I - NET BRIDGE



# Gangsters set to face R1-bn fines

## SA's '3 strikes' law

(74) ARG 28/10/98

**JOVIAL RANTAO  
AND CHARLES PHANLANE**  
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.

The bill allows gang and syndicate matters to be tried in regional courts, but they would 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.

The committee took a policy decision that this duty would not be extended to private sales. Individuals concluding cash deals involving large amounts would not be required to report them 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 the Government's drastic 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.

Editorial comment, page 15



## Trust plans broad thrust to counter crime on farms

Louise Cook

20 29/10/98 (3)(34)  
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 Raath said farmers were impressed with the constructive way in which the summit was conducted.



# R100-m fund to beef up security on farms

34   
ARGUS CORRESPONDENT

ARG 29/10/98  
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 on farms 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**

**S**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 R136m last year, with a further R4m lost through ATM attacks and burglaries, says Myburg. In the same time, cheque fraud alone (6 044 cases) cost the four major banks R78,3m — 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 R500m in 1997, Myburg says.

Banks had to develop new strategies to identify and investigate fraud, cor-

ruption 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

FM 4/12/98

**A MATTER OF SCALE**

BANK ACTIVITY	vs BANK CRIME
Last year SA banks:	
Processed 467m cheques worth R7,02bn	Lost R78,3m through 6 044 cheque frauds
Handled 664m ATM transactions worth R97bn	Had 210 burglaries on, and damage to, ATMs costing R4m
Spent an estimated R500m on anti-theft security measures & devices	Lost R136m in 465 bank-related robberies.

Handled a total of 3,5bn transactions worth R3,4 trillion.

SOURCE: BANKING COUNCIL OF SA



(34) ST(BT) 6/12/98

# 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, forc-

## LEGISLATION

By HENRY LUDSKI

ing 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.

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 of-

fice to express their "disquiet" over certain of the provisions in the Act.

Justice Minister Dullah Omar told BT 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 or-

ganised 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

(34)  
ed 11/12/98  
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 R96 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 Gordonia in the Northern Cape were satisfied with policing, while 79% of Johannesburg were dissatisfied. A total of 40% 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.

Picture: Page 2



# Heath finally gets nod to probe graft

Mpumalanga departments and parks board in the spotlight following bureaucratic delay

By JUSTIN ARENSTEIN  
Nelspruit

**J**udge Willem Heath's special investigative unit has finally been mandated to investigate corruption and maladministration in four Mpumalanga departments after bureaucratic bungling caused a 79-day delay.

Administrative slip-ups forced the Department of Justice to redraft 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



A mandate at last ...  
Judge Willem Heath

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.

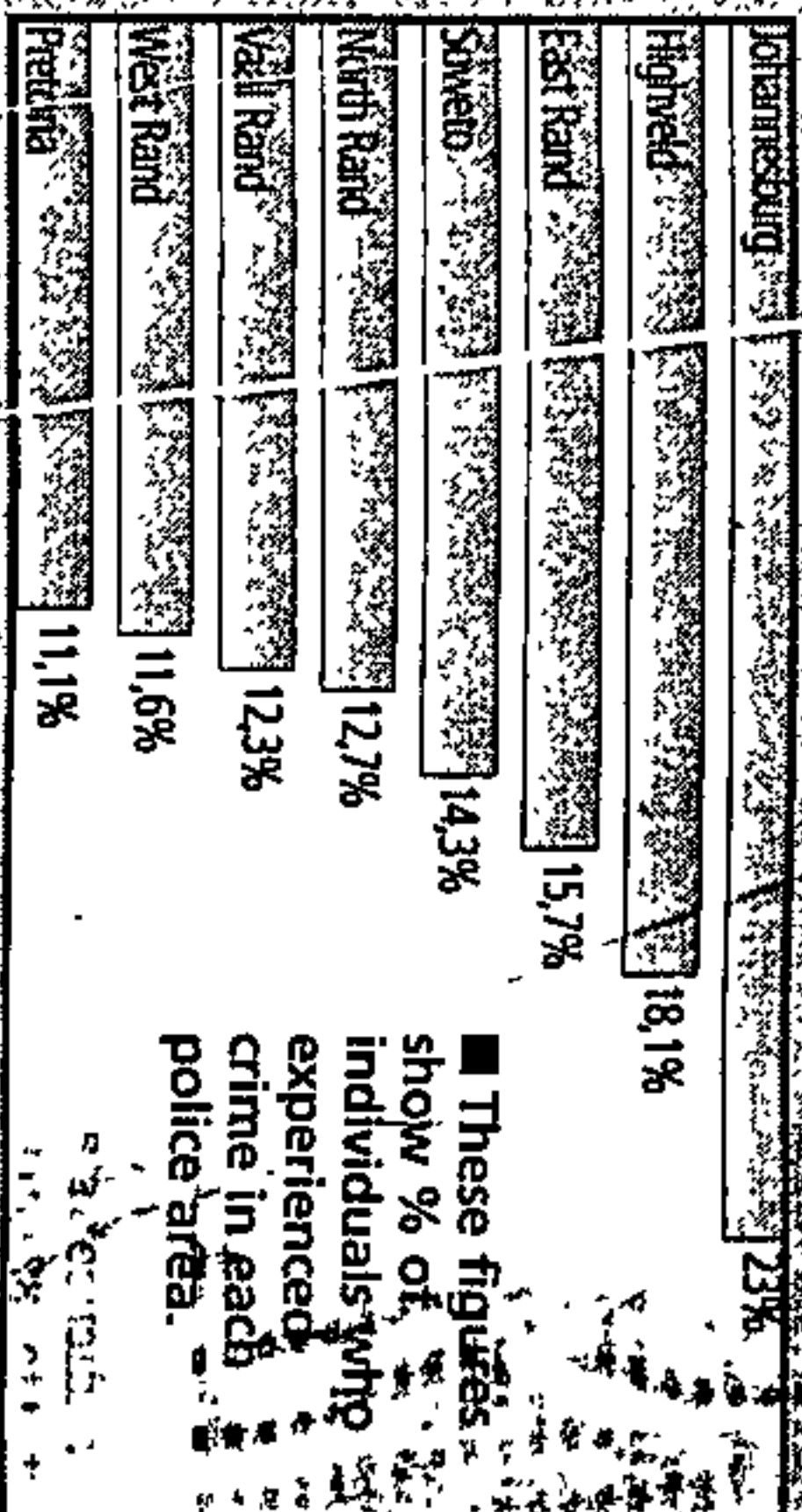
The officials allegedly convinced relatives to set up front companies, which they then contracted to do imaginary government work.

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

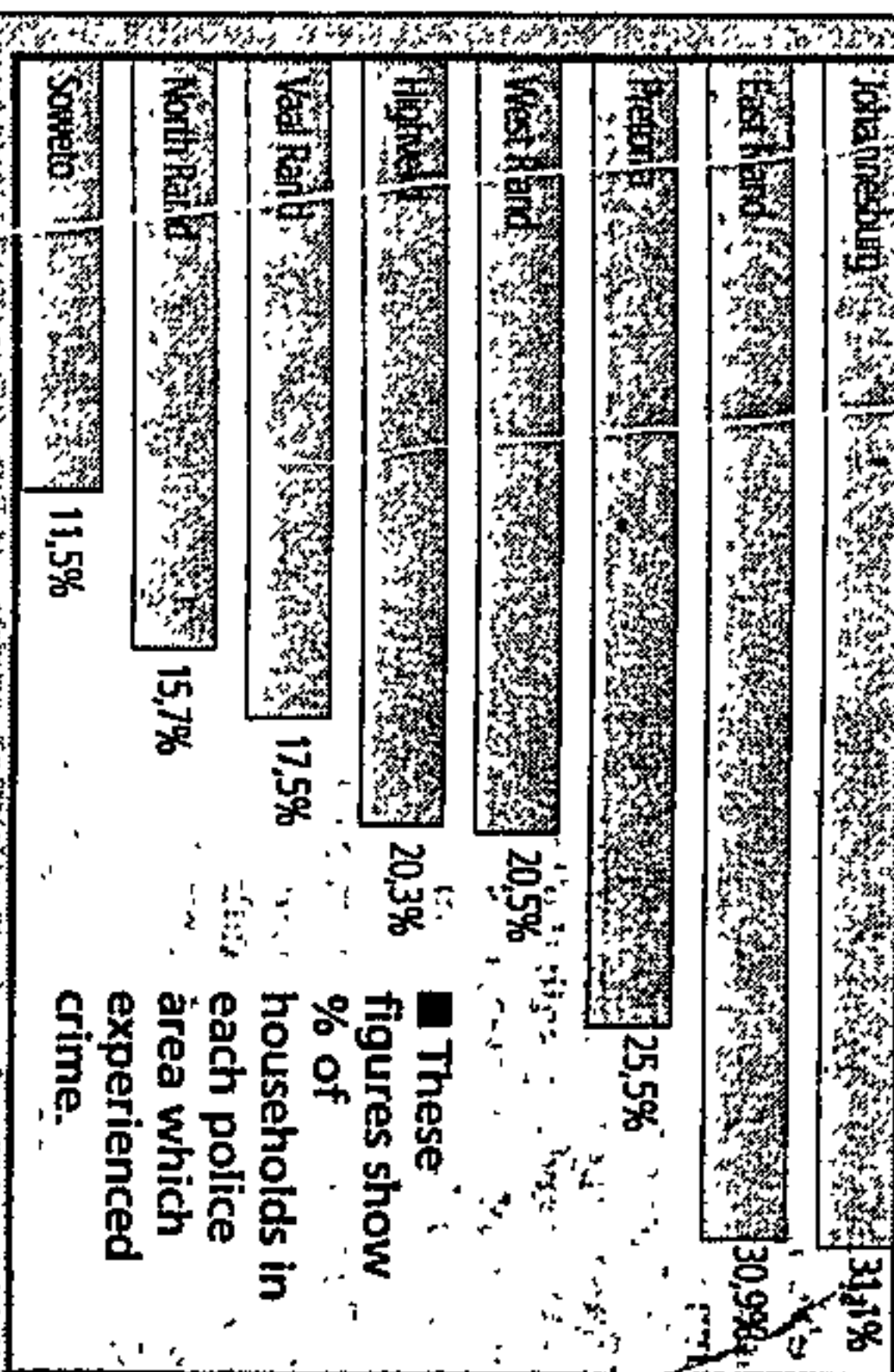


Victims of crime in Gauteng



These figures show % of individuals who experienced crime in each police area.

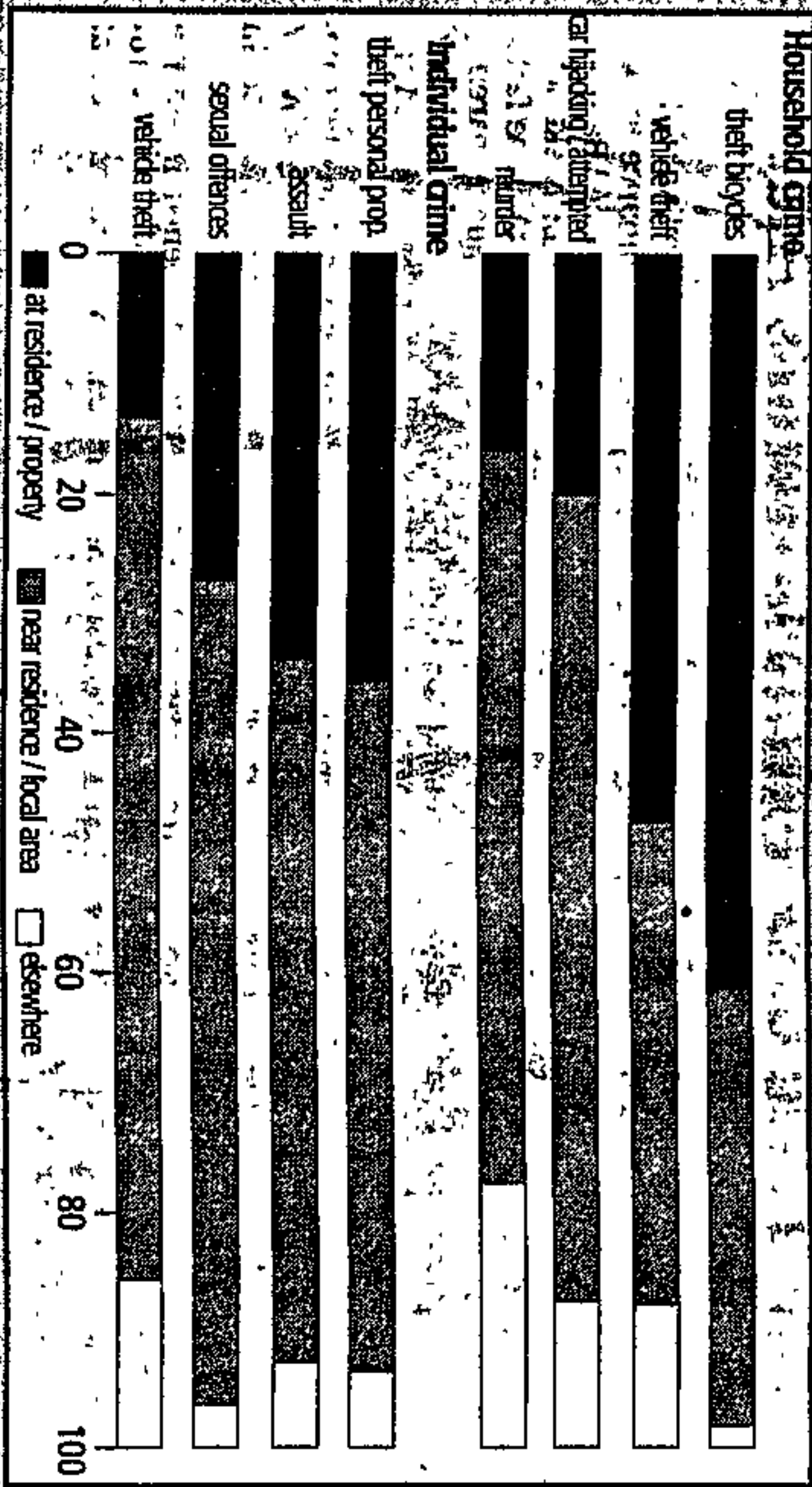
Household crime in Gauteng



These figures show % of households in each police area which experienced crime.



Where most of the crimes look place



First national survey on victims of crime to help raise awareness of rights

By Gill Gifford  
Crime Reporter

The first national victim survey, aimed at supplementing police crime statistics, is designed to give a voice to previously unheard victims, Safety and Security Minister Sydney Mufamadi said yesterday.

The victim empowerment programme has been prioritised by the National Crime Prevention Strategy.

The departments of Welfare, Safety and Security, Justice, Health, Education and Correctional Services have committed themselves to entrenched the victim's basic rights as agreed by the United Nations.

In terms of the programme, victims are entitled to be treated with respect and dig-

A voice for people from all walks of life

... and to receive information, legal advice, protection,

and - in certain circumstances - compensation.

According to a victim empowerment document compiled by Business Against Crime, in partnership with government departments and non-governmental organisations, family and friends play a vital role as a support system for victims.

The document indicates that victims of crime suffer a range of losses, including physical harm, mental distress, trauma, bereavement, loss of goods,

feel anxiety and disorientation.

"Perhaps this range of effects explains why no one is equipped to deal alone with the results of victimisation," said Business Against Crime project director Barbara Holmann.

Employers were being advised to give victims time off for counselling or to attend court, while protection and practical help, was often best provided from within the community, she said.

Stev 11/12/98



By GILL GIFFORD  
Crime Reporter

Crime-rattled South Africans are wary of strangers and avoid dangerous places - but the first national victim survey has revealed that people are mostly likely to be victims of crime in their own homes and the perpetrator is generally someone they know.

The survey, conducted by the state agency Statistics South Africa, indicates that crime patterns do not reflect common perceptions, with a large proportion of household and individual crimes likely to occur within the victim's residential environment, and relatively few crimes happening elsewhere.

According to the survey, one in five South African households experienced a crime in 1997, with poor people more likely to be victimised than the rich. Coloured and white people were more susceptible to non-violent individual crimes than Africans and Indians, who were more likely to experience violent crimes.

The national benchmark household survey, released by Safety and Security Minister Sydney Mufamadi at the Union Buildings in Pretoria yesterday, is the first national survey of its kind and will be used by authorities to gain a greater understanding of crimes and for improving crime-prevention planning.

According to the survey, crime in South Africa follows patterns of inequality, with wealthy households more likely to experience property crime, and poor individuals far more likely to be victims of violent crimes. In general, the lower the income level, the greater the likelihood of being a victim of violent crime.

Households in Gauteng and the Western Cape were most likely to have experienced non-violent household crimes, with violent household crimes most common in the Free State and Mpumalanga. Urban crime was twice as high as crime in non-urban areas.

Reporting figures showed that motor vehicle theft, at 95%, was the crime most likely to be reported, followed by murder at 83%. Statistics SA chief director Ros Hirschowitz cautioned that this did not mean that murder was not being reported, because cases could have been filed as missing persons or in other crime categories. Less than 60% of victims of actual and attempted hijackings reported their cases.

Perceptions of police service delivery indicated that white South Africans were most likely to believe policing standards had deteriorated since 1994, with commercial farmers rating as most satisfied with the police.

When analysed by police area, levels varied dramatically, with Johannesburg, the East Rand, North Rand and Vaal Rand scoring the lowest levels of satisfaction at around 20%.

Hijacking, burglary, car theft and assault victims identified "police showing a lack of interest" as the key reason for their dissatisfaction.

The survey now allows a comparison of the country's crime with that of other countries. While South Africa's crime levels are not as low as those of developed countries, the figures compare favourably with economically, socially and politically similar countries such as those in Latin America, eastern Europe and Africa.

► Report and graphic  
Page 2

# Where criminals strike

By Gill Gifford  
11/12/98  
(31)

Survey shows crime victims are most likely to be targeted in their own homes and at the hands of people they know

# most



# One in five SA homes have experienced crime last year

By McKeed Kotlolo

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 Ros 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 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 (32 percent) as far as households were concerned last year, followed by Johannesburg with 31,1 percent and Giyani was last with 5,3 percent.

Sowetan 15/12/98



## 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 Mathee 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 — Mathee 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 R412,29m in the current budget as well as the backlog of R2bn in equipment that has built up since the present government came to power," Mathee 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. — Sapa.

(34) BD 23/12/98



# Report forecasts 10% dip in crime by 2001

Mo 29/12/98 (34)

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



# CRIMEBUSTING SHAMBLES

ARL 7/1/99

(74)

(S)

## Watchdog raps police performance

JOHAN SCHROENEN  
CRIME CORRESPONDENT

The police National Crime Prevention Strategy is failing because it was based on inaccurate crime information and is poorly managed.

This is one of the findings by auditor-general Henri Kluever, whose latest performance audit exposed serious shortcomings in the day-to-day running of all 12 departments scrutinised last year.

The departments included the SA Police Service, Central Statistical Service, SA Revenue Service and the SA Air Force. In his report, Mr Kluever said the strategy had no business plan to address such crimes as fraud, hijacking and illegal possession of firearms, although it identified them as priority crimes.

Auditor-general inspectors found that although an estimate by the SA Institute of Race Relations that a 50% under-reporting of crime was taken into account by strategists when crime statistics were considered, an important victim survey was not performed.

A victim survey would have further modified figures to establish a realistic scenario before the strategy was compiled.

The strategy had also not addressed the problems of overflowing courts and failed to implement a business plan designed to curb the theft of crime dockets.

The report singled out a court which had 1 267 cases on the roll in May last year, when the acceptable norm was only 120 cases. And at one police station 400 dockets were stolen in the first half of 1996. Mr Kluever said the police and the SA

National Defence Force were poorly managed and squandered millions of rands of taxpayers' money.

In the SAPS, the audit highlighted insufficient and poorly trained staff contributing to poor performance and unacceptable service delivery.

Inefficient control over found and recovered stolen property was also cited as an area of concern.

At one police station, staff could not produce 16 firearms reflected in their registers, the report said.

At another police station, only 28% of members had done their six-month basic training, while five could not read or write.

This contributed to 86 of a sample of 115 dockets being closed before going to court. Of the cases which reached court, only 9% resulted in convictions, Mr Kluever said.



# How our cops die

*Sowetan 8/1/99 (34)*

## Police murders countrywide from 1994 to 1998

Province	1994	1995	1996	1997	1998 to June	Total
Gauteng	136	108	85	82	52	463
KZN	77	69	59	68	33	306
North West	4	9	13	18	5	39
N/Province	0	8	6	9	2	25
Mpumalanga	6	11	6	15	4	42
Eastern Cape	17	12	20	36	12	97
Free State	8	10	14	11	3	46
Northern Cape	3	0	5	1	1	10
Western Cape	14	13	13	14	8	62
<b>TOTAL</b>	<b>265</b>	<b>240</b>	<b>221</b>	<b>244</b>	<b>120</b>	<b>1090</b>

### By Charity Bhengu

**F**IGHTING 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 the 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 Klijptown 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 upends usual perception

(34)

## It appears to be twice as bad in rural areas, for example, as in Gauteng, writes Jonny Steinberg

SA's first comprehensive survey of crime victims, conducted by Statistics SA, was released to little fanfare and a lukewarm media reception.

Given the report's significance, the neglect it has received is odd. Comprehensive victim surveys are probably the only respectable approximation to the real picture we have. If the survey released last month is repeated periodically, we will know for the first time whether crime levels are declining, who is most in danger and how to distribute the police's meagre resources.

Why then was the report released with such trepidation?

"The findings were so counter-intuitive, the safety and security secretariat was not sure what to do with them," a source close to the secretariat said yesterday. "They were not sure whether to believe them, and, if they were indeed

true, how to explain them."

Among the report's more eccentric findings is that the countryside is more violent than the cities.

The Free State, Mpumalanga and KwaZulu-Natal, all predominantly rural provinces, turned out to be the country's murder and hijacking capitals. More than 10% of respondents in the Free State, KwaZulu-Natal and the Eastern Cape were victims of violent crime in 1997. In Gauteng, reputed to be the violent crime capital of SA, the figure was 4.6%, less than half that of its three rural counterparts.

"There is a danger that these results will be dismissed as flawed simply because they appear to be so odd," said the Institute for Security Studies' Antoinette Louw. "That would be a mistake. What the figures appear to show is a hidden abode of rural violence, largely undetected because of the remoteness and neglect of

rural areas. The report is a serious invitation to the secretariat to start gathering real knowledge of rural crime and to finally develop a composite rural crime-fighting strategy."

Speaking late last year, Chris de Kock, head of the police's crime information centre, echoed Louw's sentiments.

"People think the scourge of SA is organised crime and that the wildest places are the concrete jungles. In fact, much violent crime is committed by perpetrators who know their victims, in bars, in homes, in the neighbourhood. And much of it happens in rural areas. Remote areas in the Northern Cape have among the highest assault and rape rates in SA."

Another eccentric finding is that there is no connection between crime levels and levels of satisfaction with the police. Residents of violent rural areas are far happier with the local police than their

counterparts in less violent urban areas. More than 60% of respondents in the Northern Cape were satisfied with policing, while 79% in Johannesburg thought the police were doing a poor job.

"Delivering a good policing service is often about speaking the same language as victims, treating them with sympathy and respect," Louw said. "Ironically, while the police in the Northern Cape may solve fewer crimes, and while people may see them less often, when they do they are satisfied with the way they are treated."

Will SA's first victim survey be written off as a suspect and flawed exercise, or will it help reshape policing policies?

"The survey's findings require investigation," the secretariat's Mark Shaw said yesterday. "That some of them are counter-intuitive is reason to take them seriously, not reason to dismiss them."

BD 11/1/99



# Hope for an end to violence

Cape Town leaders back latest police initiative to combat spiralling urban terror

BOBBY JORDAN and  
NATALIE KAMMIES

**L**EADING Capetonians have come out in support of Operation Good Hope — the latest police initiative to end the urban violence that is threatening to destabilise the city.

Mayor Nomandla Mleketo said: "It definitely has my full support and the support of the city."

She said she believed the operation would succeed, but it needed the full backing of the community. She called on citizens to come forward with vital information about perpetrators and for them to stop buying stolen goods.

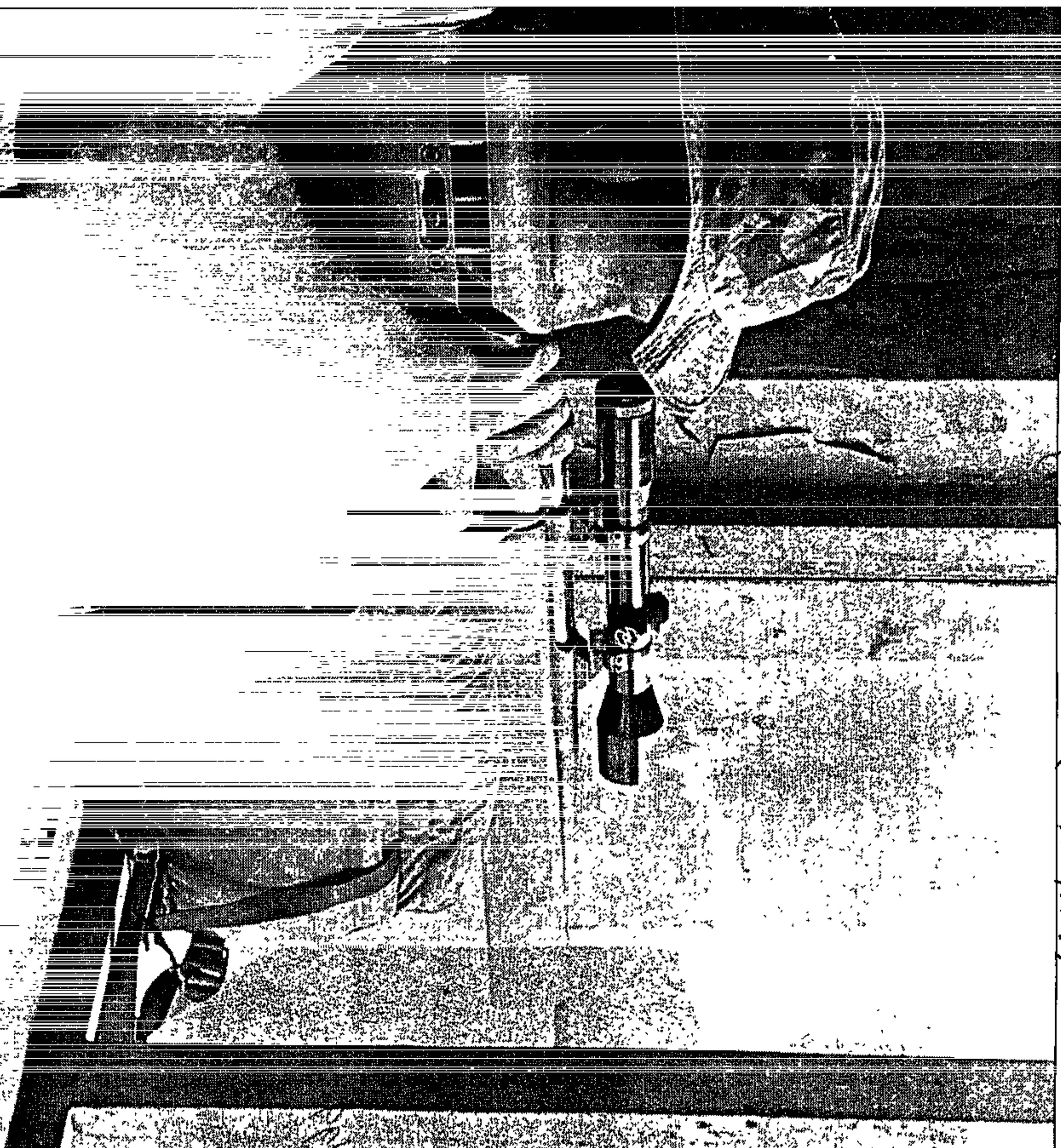
"Assistant Commissioner Ganief Daniels, who has a vital role in the operation, has shown the way but he can only succeed if he has the backing of the community."

Commenting on the failure of the local police to stop the spread of violence, Mleketo said the absence of prosecutions over a year "indicates to me that police have either a lack of commitment or a lack of skills".

She said the Cape was being demoralised by the violence.

Sheryl Ozinsky, Cape Town tourism manager, said: "I think that if we are serious about solving crime, we've got to see who these people are who are committing the crimes and put them behind bars. We've got to reclaim our city from the baddees."

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(34)

ST (cm) 17/1/99



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Ozinsky believed local police were under resourced, witnesses were afraid to come forward and there was a lack of belief in the police force's ability to uphold justice.

"I think vigilantism is a threat to the fabric of our society. We must leave justice in the hands of those who can implement it fairly and justly and to give all the support to the police."

Waterfront spokeswoman Maureen Thompson said an increase in police at the Waterfront had already reassured tourists.

"It is still too early to tell if the operation will be a success, but first indications are very positive."

Unhappily for Western Cape commerce, the flare-up of violence coincided this week with the biggest gathering of US tour agents on SA soil — at a symposium at the Mount Nelson Hotel. Security had to be beefed-up amid fears that the more than 200 American delegates might be a potential target for a terrorist attack.

Hotel spokeswoman Tracy Satvesen said staff deliberately kept the symposium under wraps "in case we jeopardised the safety of the delegates".

Some delegates at the symposium — organised by Allied Perival International — that generates more than R10-billion annually in travel sales — said they'd felt a few jitters about visiting South Africa following the Waterfront blasts.

The delegates said one of the main aims of the symposium was to assess

**LETHAL WEAPON:** He's armed to the teeth, highly skilled and dangerous — if you're a bad guy. Within hours of the assassination of Captain Bennie Lategan on Thursday, members of the crack Special Task Unit for High Risk Operations — South Africa's answer to Britain's SAS — were flown to Cape Town. "These men are specially selected and highly trained in anti-terror techniques and are as good, if not better, than any special force in the world," said Commissioner Andre Pruis, who is charged with ending the Cape's urban terrorism

South Africa's tourism potential

"I'm America often all people know about South Africa is what they see on CNN — and that isn't always a pretty picture," one delegate said.

APL executive Matthew Upchurch warned that bombs could be devastating to tourism. "It's important for SA citizens to understand that they have so much to lose."

The recent violence also prompted a swift reply from the Western Cape Tourism Board, which issued a statement saying "isolated acts" should not be allowed to erode the country's tourist potential.

"Violent incidents in the Western Cape over the past few days should not be taken out of context," said spokeswoman Anthea Roussouw.

"These incidents should be viewed against the backdrop of incidents of political upheaval internationally — not only in the Western Cape, but all over the world. South Africa is now part of the global village," Roussouw said.

"Such random acts of violence by minority groups certainly do not represent the bulk of the country's peace-loving people," she said.



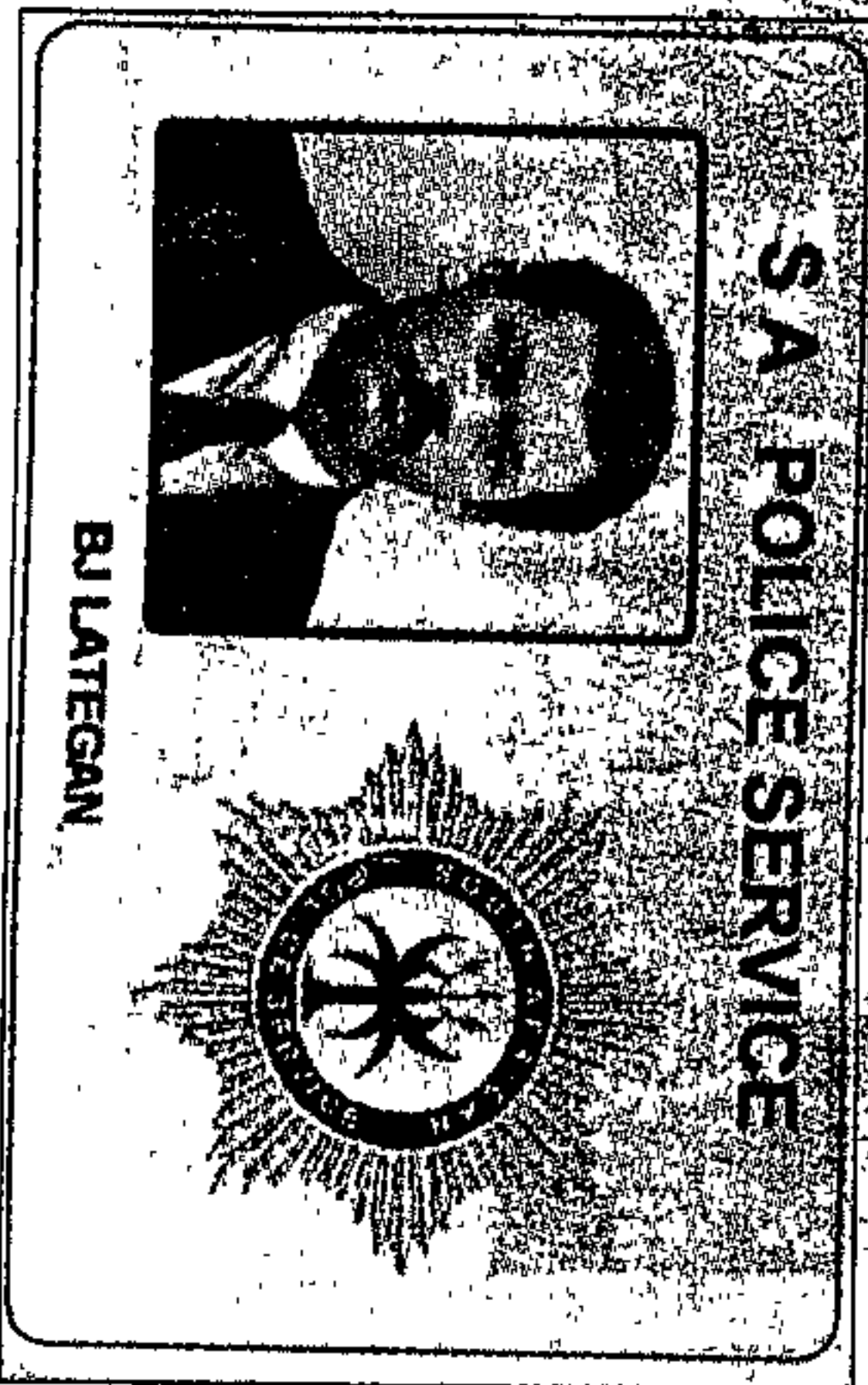
## Slain policeman 'was friend to all'

The late Bennie Lategan's former commanding officer, Senior Superintendent Grant Smith, pays tribute

CAPTAIN Bennie Lategan was far more than just a colleague to the members of the Cape Town Murder and Robbery Squad. He was a friend to all of us.

It is extremely difficult to describe anyone really well, and virtually impossible in circumstances like this, but perhaps the best way to describe Bennie is to say he was a real gentleman. He was quiet, not much of a socialiser, but a good friend to everyone when needed.

Out of uniform he was a sportsman who represented the Western Cape police in cricket and has made the national trials. As far as social life goes, no one in



SAPS POLICE SERVICE

BJ LATEGAN

Murder and Robbery has had much of one recently. As an investigator Bennie was extremely versatile. He was involved in a wide

range of cases, from the St James and Heidelberg attacks to the Waterfront bombings, to serial murders and the Pagad and gangster conflict — he could do any-

thing. He was responsible for the arrest of the prime suspect in a number of Pagad-related crimes — a man facing five possible charges of murder.

Bennie will be sorely missed when that one comes to trial. For all his expertise, Bennie did not start out as an investigator.

He came to us from the Security Branch in 1992 after joining the force in 1984, but he worked hard to develop the skills needed. In fact he worked harder than any of us.

Last year he achieved top marks in a course on serial murders. Whenever there was work to be done, Bennie was first in line.

The sympathies and best wishes of his colleagues go to Bennie's two young children, a daughter of 12 and a son of 10, as well as to his fiancée.



# Illegal, stolen guns

34

18/11/99

By Charity Bhengu

**T**HE growing number of stolen and illegal firearms in the country, be they weapons which once belonged to the police, or civilians, contributes to the high crime rate a Sowetan investigation has found.

Thousands of illegal firearms are in circulation, having been stolen from the police and legal owners by criminal elements who use them to commit violent crimes ranging from murders and car hijackings to cash-in-transit robberies.

In a series of interviews, Sowetan found that the number of firearms stolen from legal owners is regarded as a problem; however, the general belief is that this is but a drop in the ocean.

According to informed sources, there are many more illegal firearms in circulation that originated in neighbouring countries and are leftovers from the liberation struggle. These guns should in fact have been handed in by the former cadres.

Still many more guns are being smuggled into the country.

About 3.7 million licensed firearms were issued to South African individuals and companies last year, Mr Andrew Lesch of the SA Police Service said.

Although there are no reliable fig-

ures on the number of stolen firearms, the Firearm Investigation Units seized 7 055 firearms over the twelve-month period between June 1997 and June 1998. Most were seized in KwaZulu-Natal and Gauteng.

"The circulation of illegal firearms is disturbing and has had a direct influence on the increasing levels of crime in the country," the SAPS said in its quarterly crime report.

The Institute of Security Studies recently warned against the rise in the import of illegal firearms.

Police said some measures were being taken to curb the flows, including tightening border controls and the creation of firearm investigation units in all provinces.

The International Criminal Police Organisation (Interpol) also assisted in the tracing of illegal firearms through its regional offices.

South Africa does have restrictions on the ownership of firearms. These



**This child carries a realistic replica of an Uzi automatic machine gun at a political rally on the East Rand. If toy guns are banned perhaps the next generation of South Africans will not fall in love with firearms.**

are based on age, criminal records, mental illness and the need of a certificate of competence. The penalties for the unlawful possession of a firearm is a fine of up to R12 000 and/or 25 years in jail. In Gauteng about 2 501 firearms were stolen and

used to commit high-profile crimes last year, Captain Siphon Ngunane said. Of that total, 521 pistols and rifles were stolen from the police at the cost of R1.67 million, he said.

"Police arrested 1 497 people for illegal possession of firearms and firearm related offences are still classified as a priority crime this year," Ngunane said.

Soweto police spokesman Inspector John Shiburi said there were a lot of illegal firearms in circulation in Soweto.



## Slight drop in crime, says Government

Star 19/1/99

By Rodney Victor

(34)

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 151 serious robberies per 100 000 population for two years, serious robberies leapt 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 52 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 135 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 theft".

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 those trends which are stabilising, short-term increases have been recorded.

Unisa criminologist Professor Beaty Naude said it did not make sense that a crime trend could be stabilising and at the same time exhibit a short-term increase. Naude also suggested that the true crime figures could be much higher than the official statistics indicated.



# 'Stabilised' crime rate greeted with scepticism

BD 19/1/99 (34)

Jonny Steinberg

POLICE claims that crime rates had stabilised were questioned 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' Antoinette Louw 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 29,1, 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 to nip it 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 an urgent priority."

From now on, police will release crime statistics on a monthly, 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 statistics 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.



# 'Liberal legislation harms crime fighting'

Linda Ensor

(34) BD 20/1/99

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.

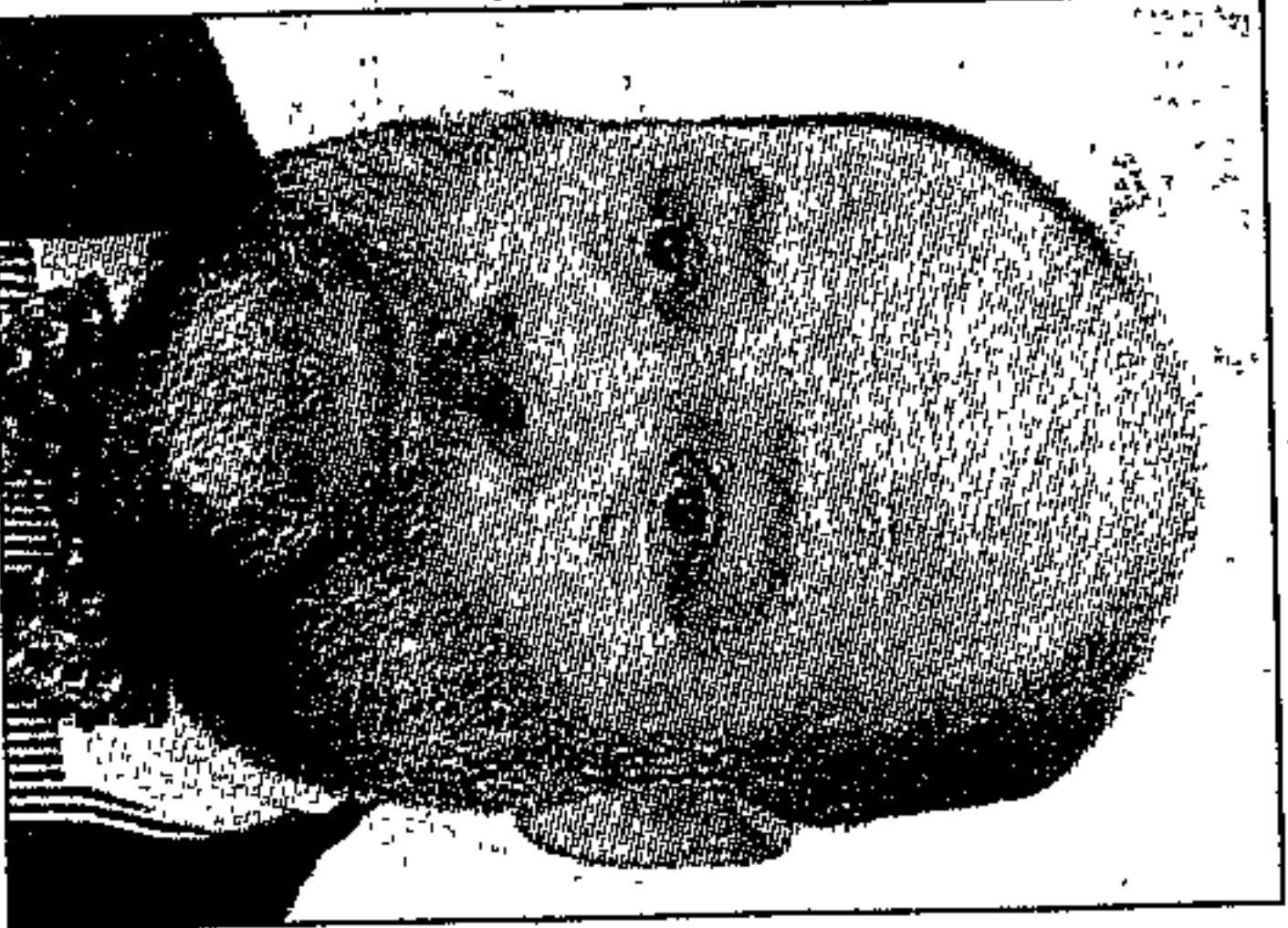


# 'Police in place at right time will beat crime'

## New York's 'Crime Buster' gives South Africa expert advice on how to make streets safer

Star 21/1/99

(74)



Zero tolerance... Jack Maple explains how it worked for him.

BY SELBY BOKABA  
Crime Reporter

**R**ising crime can be stemmed by fielding available police where the criminals are, says Jack Maple, renowned international expert on crime reduction.

Maple, a retired deputy police commissioner for operations of the New York Police Department, was speaking at the launch of the New National Party's "zero tolerance" crime campaign in Parktown, Johannesburg, yesterday.

"Correct deployment of personnel where crime is and proper resources will help to stem the tide of rising crime.

"Political will is also needed to ensure a safer environment for every citizen," he said.

Maple is in the country at the invitation of the NNP to conduct workshops and to share ideas with local police about his highly successful zero-tolerance crime strategy.

Maple devised a four-step approach to crime reduction which included accurate and timely intelligence, effective tactics, rapid deployment of personnel and resources, and relentless follow-up and assessment.

"My tactics led to New York's highly publicised historic reductions in crime, a 39% drop in homicides and a 49% drop in homicides."

Sapa reports that after Maple was involved in reducing crime levels in New York, the *New Yorker* magazine dubbed him the "Crime

Buster", while *The Economist* described him as "somewhat of a legend in America's police departments".

Maple said revolutionary, not evolutionary changes were needed if a policing agency wanted to adopt his policies to root out corruption and crime.

"An organisation has to be changed immediately."

If law enforcement agencies in South Africa experienced budgetary constraints, they should still try to field as many officers as possible in operational roles.

"The vast majority of police officers around the world are not deployed correctly.

"You have to put the cops where the crime is."

NNP leader Marthinus van

Schalkwyk said his party's newly unveiled crime campaign would be conducted under the banner of "No mercy for criminals."

He said the party wanted to bring an awareness to the Government that there were solutions to fighting crime.

"Mandatory sentencing for repeat offenders could serve as a deterrent for potential criminals," he said.

Van Schalkwyk said the NNP had sought Maple's services to impart his knowledge to local police.

He will conduct workshops with police officials, particularly in the violence-ridden Western Cape.

Maple will meet Safety and Security Secretary Azhar Cachalia today



# Farm murders rising at staggering rate, say monitors

Star 22/1/99

(34)

By Norman Chandler  
Pretoria Correspondent

Campaign of rural terror has resulted in 150 deaths in the past year

The number of farmers, their wives and workers killed in attacks on homesteads is increasing dramatically.

The murders of 12 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 in a single year since 1994.

There were 740 attacks in which vehicles and firearms were stolen, and 356 farmers and workers injured, between January 1 1998 and January 20 this year. A total of 311 arrests have been made.

The two latest deaths took place near Christiana, North West, 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. Two suspects were arrested and the bakkie was recovered.

Attacks on isolated farms occurred mostly in central Kwazulu Natal, Northern Province, Mpumalanga, the Free State and North West province. The attacks have been

recorded by the National Operational Co-ordinating Committee, established last year in the wake of meetings on farm security between organised agriculture and the Government.

This followed intelligence reports given to President Nelson Mandela which said, internally, that the attacks were criminal, not politically inspired. Martin Aiyward, of the

Rural Safety Task Team, which operates closely with the committee, said yesterday the latest information was being collated and would become available soon.

The committee's equipment automatically plots attacks on an electronic map from information sent by police and army commando officers. Kobus Visser, spokesperson

for the SA Agricultural Union, said his organisation's statistics showed that the "campaign of terror" against farmers had virtually doubled in five years.

There has been a steady increase in murders, from 92 in 1994 to 145 as of January 31 last year, plus an additional four at Rustenburg, Weenen and Christiana in the first 20 days of this month.

Figures indicate murders over the past few years as working out at just less than 10 a month.

## Mandela for security launch

President Nelson Mandela is to be the keynote speaker at a banquet next month to launch the South African Agricultural Union's Agri Securitas project.

The project, which is aimed at securing and assisting rural communities, is an initiative of organised agriculture and follows on a rural safety summit last October.

Union president Chris du Toit said yesterday that local and international funding for rural protection was being sought, and that a satellite-based emergency communication system was being supplied by the

Daimler Chrysler company. A trauma insurance scheme with medical, life and disability benefits for the victims of violence was also being set in place.

Du Toit said business giant Sanlam had already contributed to the project's Agri Securitas Trust Fund.

Sanlam chairman Marinus Dalling said yesterday his organisation could not allow agriculture to decline as a result of the security situation, with a decline in rural areas, as this would have a negative effect on the economy. - Pretoria Correspondent



# 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

BD 22/1199  
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 Aylward, 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 Dlodlu

SA HAS signalled its intention to become the first African country to join the global fight against corporate bribery in international transactions.

After years of negotiations at the Organisation for Economic Co-operation and Development (OECD), the Convention on Combating Bribery of Foreign Officials in International Business Transactions has been ratified by enough countries for it to come into effect.

Paul Setsetse, spokesman for Justice Minister Dullar Omar, said last night Omar had instructed the department's in-

ternational affairs division to advise him on the possibility of SA becoming a signatory to the OECD anti-bribery convention. "SA is prepared to join any effort aimed at fighting corruption and bribery (SA) will join any fight being waged by the international community against these practices," he said.

The OECD anti-bribery convention will make it a crime to bribe any foreign public official to win or retain business. Until now, only the US had such a law.

An anti-corruption campaigner said yesterday that although there was no evidence that SA multinationals were involved in corrupt practices in the neigh-

bouring states, a possibility for such practices existed, particularly as SA's was a giant economy in southern Africa.

Mpho Nawa, a project officer at the SA chapter of Transparency International, said he expected SA's ranking in the corruption perception index — compiled yearly by the Berlin-based anti-corruption outfit — to improve thanks to the strengthening of anti-corruption measures, including the work of the Health Investigating Unit. The public awareness of corruption had increased following the seminars and campaigns that had been held on the subject.

Last year SA scored 5,2, placing it 32nd

on a list of 85 countries that were ranked. Cameroon was placed last, earning the dubious honour of being the country perceived to be the most corrupt. Denmark was perceived as the least corrupt.

In another step, underscoring Pretoria's commitment to anti-corruption, an interdepartmental committee has been formed in what one official said was a move to make the anti-corruption fight a government-wide initiative.

John Makhubele, an international affairs director at the justice department, said the enlarged committee, now including several government departments, would hold its first meeting next Tuesday.

SD 27/1/99

(34)

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DROP IN BURGLARY, MURDER

# Wiley sets W Cape crime record straight

(34) 3 ET 28/1/99

**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 aflame 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 2 090 to 1 960; burglary from businesses from 709 to 606; 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".



# Fighting fire with fire

(34) Sewetan 1/2/99

**L**AST YEAR President Nelson Mandela warned in Parliament that South Africa can expect tough action on crime when he promised that 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 rack-

President Mandela has kept his promise of tough action against criminals. New laws targeting many facets of crime prove this, writes **Willie Hofmeyr**



Justice Minister Dullah Omar.

eteering 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 accused are convicted of committing crimes, the state must then prove that the boss 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 boss gives 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 the

Cape Flats that are being used to sell drugs. All the state has to prove is a 51 percent chance that a house was used to sell drugs.

No one has to be convicted of drug dealing. More importantly, it is not necessary to prove that the owner was involved in the crime, or even knew about it. Thus it will not help gang bosses to register the house in the names of others.

In the US and Australia, this measure has been very effective. Not only does it hit the gang bosses in the pocket, but it also makes it more difficult for them to operate because the police can seize the houses, bars, nightclubs and even cars that gangs need to operate.

Although the Act has been widely welcomed, some critics

have argued that the law is too harsh or unnecessary, and that Government should concentrate on the effective implementation of existing laws.

Government agrees that effective enforcement is vital. Indeed, national director of prosecutions Bulelani Ngcuka has spent much effort setting up the new elite organised crime unit in record time.

But one of the biggest problems with organised crime is a legal problem. It is very difficult to convict gang bosses because they are seldom directly involved in a particular crime. They usually work through others and do not get their hands dirty.

Our present legal system simply cannot cope with this problem because, under apartheid, it did not keep pace with international developments in combating organised crime.

The new law aims to correct that, and it is very harsh. But international experience shows that such laws are vital if we are to combat organised crime effectively.

As Justice Minister Dullah Omar has said, you cannot fight with popguns against an enemy with the most sophisticated modern weapons.

(The writer is an ANC MP and member of Parliament's justice committee. He was recently appointed as parliamentary adviser to Deputy President Thabo Mbeki.)



# PINION

## How to take on the bad guys

Using NYPD strategies can stem SA's crime wave, writes US expert Jack Maple



**I** was a policeman in New York for 20 years. I served in the subways of New York. I was a uniformed police officer, a detective, a sergeant, a detective commander and then I served as the crime strategist to Police Commissioner Bill Braten.

From there I became deputy police commissioner for operations of the New York City Police Department. I retired in 1996 and now I work as a consultant to five US cities: New Orleans, Newark, Jackson, Mississippi and Birmingham, Alabama. And I have done some consulting in São Paulo, Brazil; Turkey; Guatemala; England and Scotland. So I have a pretty good overview on what police agencies do across the world.

In New York City, in 1993, murders reached 1 946, 5 933 people were shot, 86 000 robberies, 99 000 burglaries, and 113 000 cars were stolen. No one really had any hope. Well, three of us had hope. Mayor Rudy Giuliani, Police Commissioner Bill Braten and me. Braten made

me deputy police commissioner for crime control strategies.

There were 38 000 cops in New York, but, as far as the crime numbers you folks are talking about every month in SA, New York got them every six months. And they all sat around and held hands and hoped crime would decline.

The chief of detectives didn't speak to the chief of narcotics. The chief of narcotics hadn't spoken to the chief of patrol and the uniformed members in a year. They didn't like each other. And everything was very secretive. The vast majority of them worked 10am to 6pm and had weekends off. Unfortunately the criminal element worked nights and weekends.

**I**f I wanted to deal in big drug shipments in New York, I would have done it on a weekend. I would have done it when the Superbowl was on, the Fourth of July or the World Series. Because the cops don't work then. So, we had to address that.

Braten came out with the overarching theme, that we were going to empower our commanders and that we were going to hold them accountable. Accountability, where you actually ask somebody what they are doing.

Braten did something else there. He created opportunities for talented police officers in the NYPD. Too often in the civil service there is no set career path and you don't get easily promoted. Many times it is who you know. It is not how smart you are, or what ideas you have.

If the chiefs fought crime as hard as they fought for a corner office overlooking the river, there would have been no crime in New York. Braten got rid of those commanders. Some of them retired and others were given less demanding assignments.

The organisation was opened up to real commanders, who believed crime could be reduced. They would not lead from behind a desk. They were out on the streets of New York, night and day experiencing the same hardships that the police officers experienced.

So we came up with a number of very fundamental strategies to deal with guns and drugs, and youth violence, and quality of life issues - what you know as "zero tolerance".

**W**e took every precinct commander to headquarters once a week. Put a map up of their precinct. The same one they should have in their command. That precinct commander would have to stand in front of the map, next to the narcotics commander and the detective commander, and they would be quizzed in excruciating detail on those crimes. This has never been done before.

Crime data was only given every six months. We've changed that. Once a week we got it. At the same time commanders were given tremendous authority. Those precinct commanders could put people in plain clothes, take them out of plain clothes, they could direct operations, but they were held accountable. Since 1993 all crime has declined 45%

in New York City. Murders rose to 1 946 in 1993. Murder is now down by 70% - 629 were committed there last year. Still too high, but down dramatically. They had asked me to stay but I decided to go with the guy that took me to the dance. So now the question was, not only what am I going to do, but can this New York success be transplanted anywhere else?

So, as a consultant, I went to New Orleans in 1996. And here was a perfect test. New Orleans has half the cops that New York has; New Orleans was known as the most corrupt police department in America, and it was also the murder capital of America. The police were demoralised.

For many years the criminal justice system was a joke. The criminals laughed at it, because they knew the cops weren't very good at catching them, and then they knew even if they got caught, they weren't good at convicting them. In the first year, crime declined by 25%. It is still on the decline. The same could happen here.

Maple was recently in South Africa at the invitation of the New NP

(914)





(34)  
Star 2/2/99  
Finding the truth  
down on the farm

**W**hen 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 25). 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 (535 farmers and 1 067 farmworkers) 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.

**P**earce 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 that), 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-

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'Political correctness' lies behind  
attack on farm survey, write R W  
Johnson, Lawrence Schlemmer

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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.

**T**here 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 upset that some (though not all) farmworkers were "happy". Farmworkers were satisfied about some areas of their lives and dissatisfied about others.

Pearce and Husy are keen to believe that farmworkers are all miserable and that there is an irreparable 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 farmworkers 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'

*Sowetan 4/2/99* (34)

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 inhabi-

tants 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.



'MORE LOSE IT THAN USE IT'

# 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.

**S**OUTH 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 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 north-eastern 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."

(34) ET 4/2/99



# Anti-corruption bodies join forces

A meeting called by Judge Willem Heath has led to agencies pooling resources, writes David Greybe

JD 5/2/99

34

CAPE TOWN — SA's anti-corruption agencies have joined forces to share information and conduct investigations to speed up prosecutions relating to corruption, maladministration and fraud.

A committee comprising a representative from each of the agencies was formed at a meeting three weeks ago to co-ordinate co-operation and avoid duplication.

The agencies are: the national directorate for public prosecutions; the anti-corruptor-general's office; the police's anti-corruption arm; the directorate for serious economic offences; the Health special investigating unit; the public protector; the Economic Crime Combating and Research Institute of SA; the justice ministry; and the Public Service Commission.

The decision to meet and seek ways to speed up investigations resulted from a resolution taken at the public sector anti-corruption conference held last November in Cape Town.

The meeting was called by Judge Willem Heath, and took place on January 15 in East London.

Among those present were: national director for public prosecutions Bulelani Ngcuka, his deputy advocate Jan d'Oliveira, Auditor-General Henry Kluever, police anti-corruption unit director Hans Meiring, Judge Willem Heath, advocate Jan Swanepoel of the directorate for serious economic offences, senior public protector investigator advocate Stoffel Fourie, justice public relations officer Bennie Bunsee, and Public Service Commission director Sandi Baai.

It was decided at the meeting that the co-ordinating committee would meet monthly, but individual agencies would meet to share information on specific cases whenever necessary.

"The main benefit of the agreement is we can now spread the anti-corruption net much wider," Heath said yesterday.

"Culprits can be investigated simultaneously for both civil and criminal misdemeanours — if they get away on the one we can catch them on the other."

The agencies adopted a four-point resolution at the meeting. They agreed to:

- Establish direct lines of communication between them. Each organisation will have a dedicated contact person who can be contacted for information;
- Enhance co-ordination "of facilities, mechanisms and abilities" at the disposal of the agencies "for assistance to other bodies in investigations of corruption, fraud and maladministration";
- Share information "on a regular basis" and;
- Send to all government departments "information on the operations of each body, its modus operandi, (and) its powers and methods of recourse". This was "to make them aware of the roles of each anti-corruption agency".

Future plans include a "manual on guidelines to govern control measures within government departments", and a media campaign "to highlight the different roles of the various agencies in the fight against corruption".

The co-ordinating committee also will discuss suggestions to be put forward at the national anti-corruption summit

expected at about the end of next month.

Public Protector Selby Bagwa's recommendation to President Nelson Mandela last week that the Health unit should probe alleged abuse of funds by former councillors of the Independent Broadcasting Authority was described by the agencies as the first public sign of the new-found co-operation.

Bagwa recommended to Parliament that, if necessary, the Health unit should use its special powers to recover any "improper or unlawful expenditure".

Another example was this week's announcement that Bagwa had joined forces with the auditor-general, the director of public prosecutions and the Health unit to probe allegations of fraud and corruption in Gauteng's housing department.

The four bodies said they would meet regularly, share information and co-ordinate investigations. The reason for bringing in the Health unit was that it had wider powers to subpoena witnesses, seize documents and initiate moves to regain public money lost via fraud.



# Zero tolerance makes little sense

M+G 5-11/2/99

(34)

**Ted Leggett**

**T**he police have promised a "zero tolerance" approach to the Western Cape crisis, 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 as 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 515km<sup>2</sup>.

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 bobby 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 \$2.4-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 dri-

ver's 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 almighty 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.

**U**ntil 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 ambience 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 loiterers 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 Leggett is editor of Crime and Conflict Quarterly*



# MEC VOWS to stamp out corruption

Sowetan 8/12/99 (34)

By Joshua Raboroko

**G**AUTENG 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.

**Our commitment to maintain good governance and root out corruption in collaboration with all agencies remains unswerving**

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 unwavering 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

DD 8/2/99

(34)

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 hap-

pen 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?

ARLT 9/2/99

(34)

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 expos-

ing 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."



**POLITICS & P**

# Reply to Mandela focuses on crime

For every 1 000 crimes committed, there are 77 convictions and 36 people go to jail

CAPE TOWN — Leaders of SA's opposition political parties launched their election campaigns yesterday, focusing on crime, corruption, nepotism and employment.

"This government has monopolised the market in the four C's: Crime, corruption, cronyism and centralisation," Democratic Party leader Tony Leon told the parliamentary debate on President Nelson Mandela's state of the nation speech.

Mandela presented his last state of the nation speech to parliament on Friday. In this he lauded government's achievements in bringing water and electricity to millions of homes since 1994. He

admitted failures in crime and jobs. His office said government aimed to hold the country's second all-race poll between May 18 and May 27.

New National Party leader Marthinus van Schalkwyk attacked Mandela's African National Congress government for undermining democracy by placing its own acolytes in positions of power to wield influence at all levels. He focused on the crime wave sweeping the country and threatening to destabilise the Western Cape. "For every 1 000 crimes committed in our country today there are only 77 convictions. Only 36 people are sent to jail and only eight for longer than two

years," Van Schalkwyk said. Mangosuthu Buthelezi, in the uncomfortable position of being the leader of the Inkatha Freedom Party as well as being a government minister, called for an audit of the way government worked so as to rid its ranks of corruption. He urged government to adopt a "zero tolerance" stance towards crime, and to reinstate the death penalty.

Gen Constand Viljoen, leader of the right-wing Afrikaner Freedom Front warned of a threat to democracy. "A government which cannot ensure safety and security and cannot sustain economic growth will have a serious effect on democracy," he said.

Sapa reports that Viljoen said identifying the sickness of SA society was commendable, but for Mandela to blame it all on apartheid was wrong. Viljoen said the president's "reconstruction of the soul" concept should be a high priority. However, the contamination of South Africans' minds stemmed mainly from the time when the African National Congress gave up the idea of a military victory and took the revolution to the townships, he said. It was then that people were taught to murder, to disrespect life and property, create ungovernability, burn schools and books and to intimidate. — Reuter, Sapa.



# More money 'to help fight against crime'

By Morgan Naidu

**T**HE 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 has 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.

(34) / Journal 10/2/99



# 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

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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".

(34) (24)  
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.



'ADEQUATE MEASURES' IN CONSTITUTION

# Omar admits 'urgent' need for anti-terror law

CT 10/2/99

(34)

**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.

**A**DDRESSING 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 "paucity 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 Bainsvlei 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 60 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."

SECRET 11/2/99



# Battle-lines drawn against crime - Mandela

SPW 11/2/99 (34)

**BY JOVIAL RANTAO**  
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

BD 11/21/99  
Jonny Steinberg (34)

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'

BO 12/2/99

(34)

## 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 1996, 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 R31m 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 Zuma, among others, will appear before the special tribunal. The unit is seeking to recover 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 \$50m (R340m) without the necessary government authorisation.

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 1997, 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 ..."

# Total ban on AKs in tougher laws

All owners must re-apply for licences and some toy guns to be outlawed

(72) 66/2/71 JS

**T**HE 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, R4s and R5s, 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 led by Peter Gastrow of the Institute for Security Studies, who last year drafted the tough new anti-gang Prevention of Organised 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 R50 gun licensing 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 20 000 South Africans with criminal records had firearm licences that had not been

## 20 000 South Africans with criminal records have firearm licences

revoked.

An investigation of 891 cases found that 138 of these people had been convicted of serious crimes, including assault, treason and murder.

De Caris also confirmed that police were busy drafting a proclamation that would ban certain types of toy guns.

"The exact parameters of the ban haven't yet been determined but it is almost certain to include those that are potentially dangerous and those ... mistaken for the real thing."

Bona fide sportsmen, collec-

tors and hunters would also be prevented from owning fully automatic weapons, said De Caris.

Safety and Security secretary Azhar Cachalia said this week: "It is very clear to us that there are far too many firearms in circulation that have either been obtained legally or else stolen."

"We want to make it much more difficult for people to own firearms."

The Arms and Ammunition Act, which had been in existence since 1969, has proved totally ineffective in controlling the proliferation of firearms. In the past

few years thousands of South Africans have died in gun-related violence.

On Wednesday, 62

South African organisa-

tions signed a charter for

gun control demanding stricter legislation to restrict the allocation of gun licences only to those who can demonstrate "special need" to own a gun.

Adèle Kirsten, director of Gun Free SA, yesterday described the planned tightening of legislation as "very positive. We really welcome any effort on the part of government to introduce stricter gun legislation."

She said they urged the government to pass the new law in the second parliamentary session this year so it could come into effect by 2000.



# SA pays dearly to be the world's crime capital

The cost of lost opportunities from our violent society are immeasurable, writes JANETTE BENNETT

**STREET LEVEL**  
**W** HETHER the murder of Daewoo SA's president, Yong Koo Kwon, in Johannesburg last week was an assassination or a botched hijacking attempt, the message is the same: another foreign businessman has been killed, and South Africans have to pay dearly.

A day after Kwon's murder, criminals struck again, reinforcing the perception that SA is the crime capital of the world: a butcher and five workers suffocated to death in a horrific circumstance after they were locked in a meat van during a suspected robbery in Verreuging, south of Johannesburg.

Just to end the week off on an even more sour note, Canadian high commissioner James Hartman was attacked and robbed — in his hotel room — in Cape Town's Seapoint on Friday night.

Although it is impossible to quantify exactly how much crime is costing the economy, the Nedcor project on crime, violence and investment took a

shot at in 1996, and estimated it at R31.3-billion a year. But lost investment and tourism, as well as the continuing brain drain, certainly push those costs far higher.

Economist Tony Twine said lost opportunity cost was "immeasurable, quite literally."

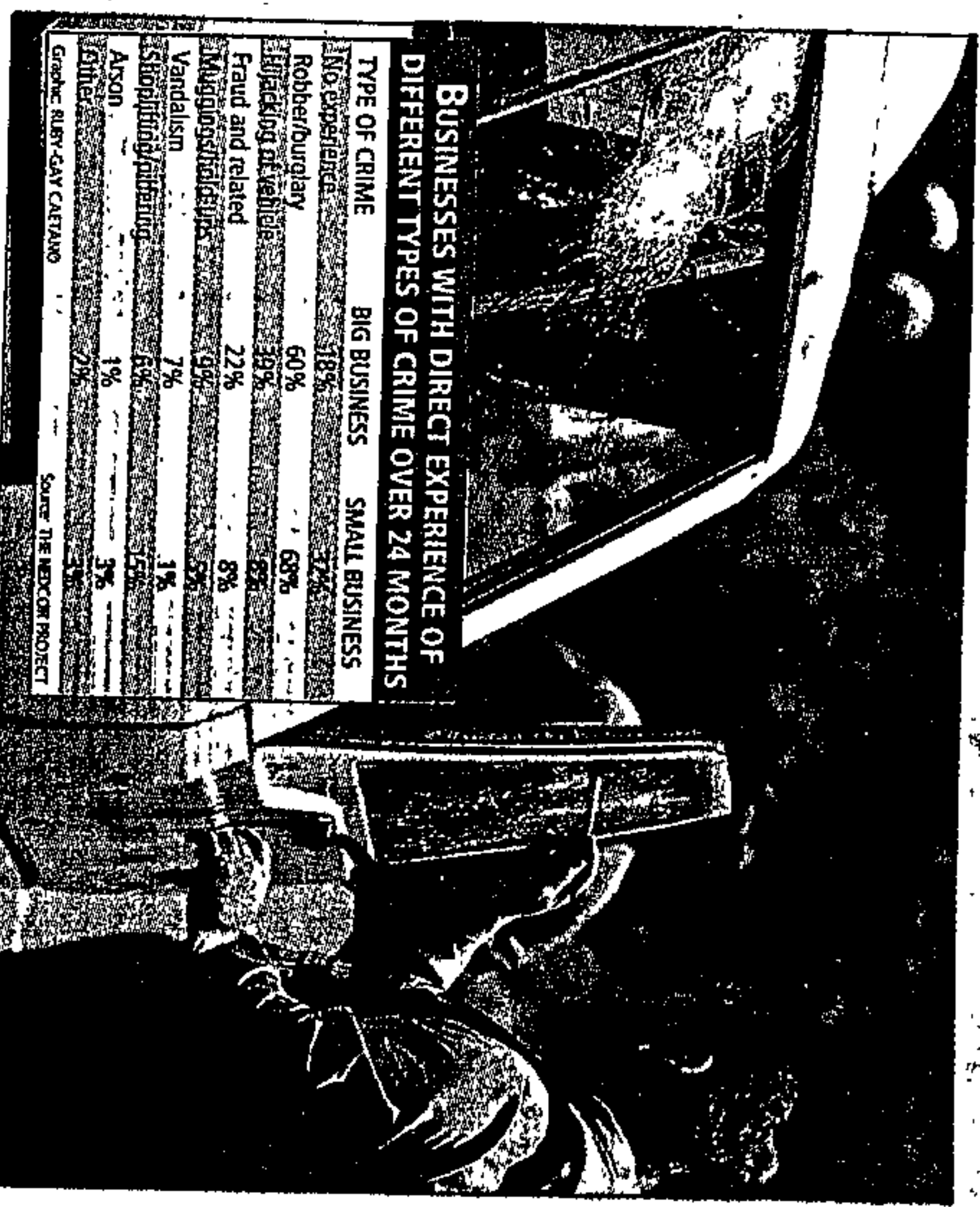
"How do you know what an investment which was stopped or put on hold would have been worth? You never find out what the actual costs are. If business could spend on training what it spends on security, our economy could be moving forward on a far more steady basis."

A good indication of the impact of crime on the economy comes from the insurance industry.

The SA Insurance Association estimates crime costs insurers nearly R4.5-billion a year — 35% of the value of total claims.

Of that, car crime — theft and hijackings mostly — accounts for R1.5-billion.

The association's chief executive, Barry Scott, points out



that the real losses are certainly far higher because only about 35% of cars in the country are insured.

High claims mean high premiums, and Scott says the impact of theft pushed up motor insurance premiums by more than double over five years.

In general, premiums have climbed from below 2% of household income 20 years ago to nearly 10% today.

Scott says such increases are just not sustainable. Certain vehicles in some areas are uninsurable.

Also uninsurable are losses from bank and cash-in-transit robberies.

With domestic savings almost non-existent, South Africa desperately needs foreign investment to help fund economic development.

In 1997, foreign direct investment in SA was worth about \$1.7-billion, about double the amount in 1996.

Following Kwon's murder, Daewoo indicated it would not halt its expansion in SA.

Daewoo Motor SA general manager, Pieter Coetzee, said

the company was committed to Kwon's business plan which extended into next year.

"Daewoo is the 18th largest company in the world in terms of turnover," he said. "It is sad to lose one of its top executives but the company will go on."

Korean Embassy spokesman Chong Yo Kim said Kwon's murder could slow his country's investment in SA. South Korea invests about \$80-million a year, mostly in the motorizing industry, electronics and heavy machinery.

"The Korean mass media have focused very strongly on this incident," he said.

"For the development of the African continent, including SA, safety and security must be addressed so that the society and the economy can develop, and the African Renaissance can be accomplished."

Klaus Schuurman, head of the German Chamber of Commerce and Industry, said despite the sadness of Kwon's murder, companies based in SA would not just pack and leave, but "the difficulty will be in recruiting new talent and

skills to come here."

He said many factors were considered when deciding whether or not to invest in a particular country. "It would be wrong to say that crime is a total deterrent, but it can be an obstacle."

The chamber's last survey of members showed that crime was "problem number one" in American Chamber of Commerce in SA executive director Luanne Grant said crime was an "ongoing concern."

She added: "American companies are always very aware of security all over the world. It's standard practice to take security measures."

Police figures show SA's annual murder rate is 52 out of 100 000 people.

The SA Police Services monthly bulletin for January said crime showed signs of stabilising last year.

But the bulletin also expressed "great concern" at a 24.1% increase in robbery with aggravating circumstances from 1997 to 1998, 12.4% more carjackings, and a 35% increase in truckjackings.



# SA pays dearly to be the world's crime capital

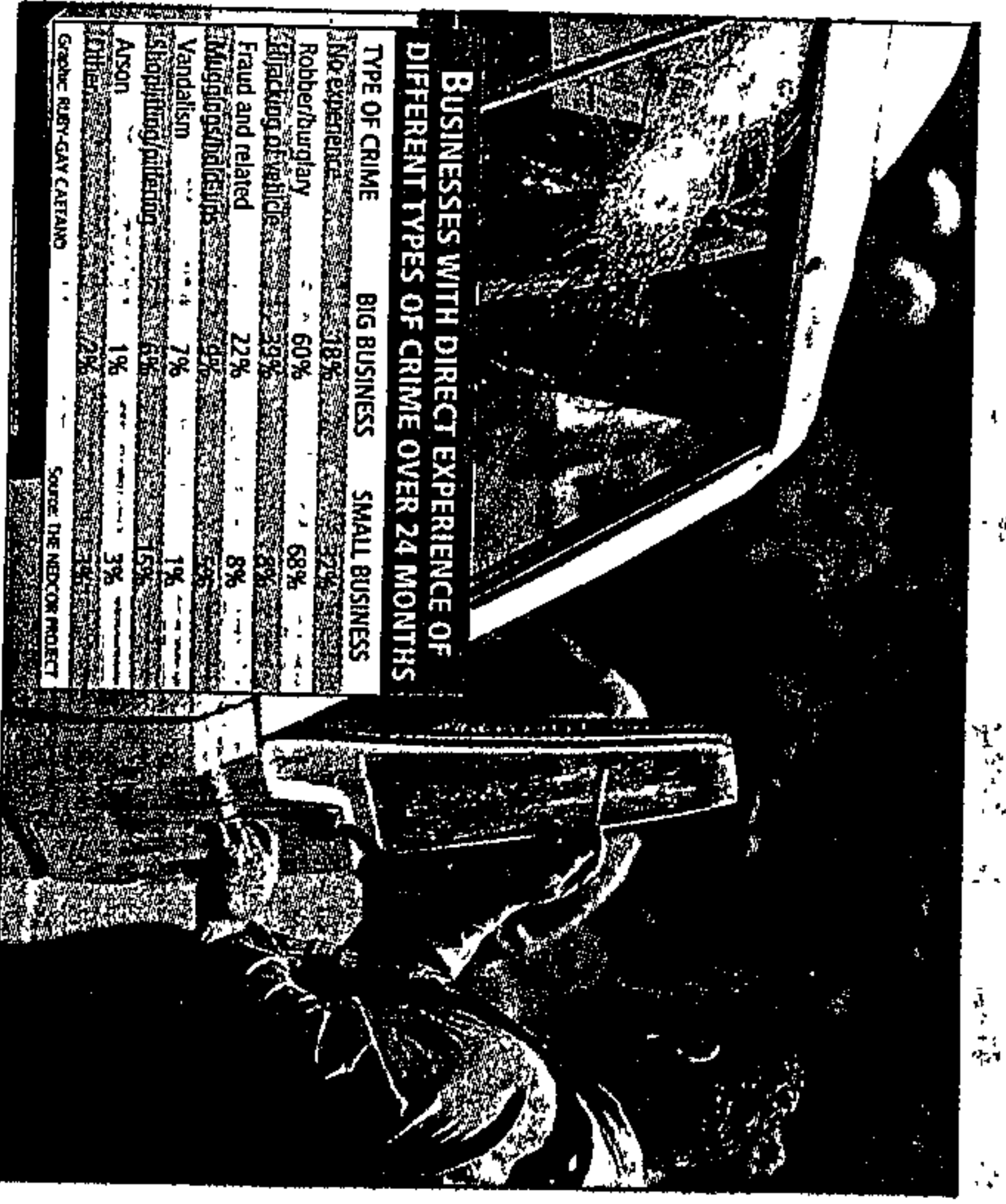
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BUSINESSES WITH DIRECT EXPERIENCE OF DIFFERENT TYPES OF CRIME OVER 24 MONTHS

TYPE OF CRIME	BIG BUSINESS	SMALL BUSINESS
No experience	18%	24%
Robbery	60%	68%
Snatching of vehicles	38%	32%
Fraud and related	22%	8%
Kidnapping	2%	2%
Vandalism	7%	1%
Hostage taking	1%	1%
Arson	1%	3%
Other	2%	2%

Source: THE NEDCOR PROJECT

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# Attacks on township visitors threaten tours

Mamelodi incident brings warning that operators may cancel visits to avoid being sued by their clients

(34)

Mar 15/2/99

BY BUNTY WEST AND SAPA

Attacks on township tourists could do immeasurable harm to South Africa's tourism business, tourism experts warned yesterday.

Tourism Johannesburg's executive director Keith Brebnor 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, Brebnor 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 rands in revenue in the township, Brebnor 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," Brebnor 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 sti-

ple 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 Elder Hostel group were all over 55 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 rands 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.

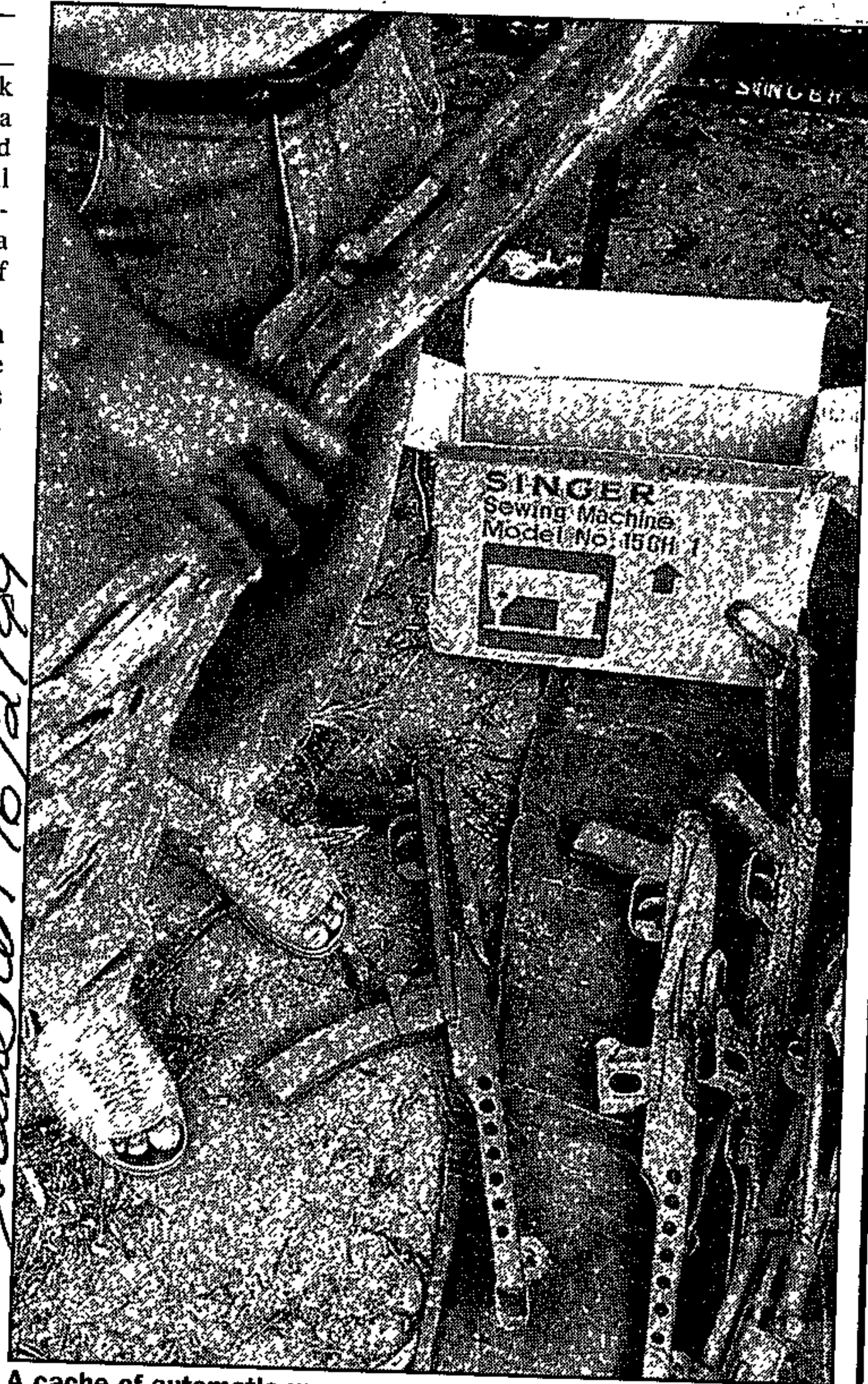
The study said: "Many weapons are being smuggled by organised syndicates using a variety of ingenious methods to escape detention at the Mozambique border."

"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



A cache of automatic weapons recovered by security forces in Mozambique. The arms are believed to be the bitter fruit of the ongoing programme by gunrunners to smuggle weapons into South Africa.

PIC: PICTURENET

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

(34)

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. **BD 16/2/99**

He was responding to a weekend report that government would push through tough amendments to the Arms and Ammunition Act this parliamentary session. The report said the amendments would result in:

- Scrapping the clause in the act permitting licensed gun owners to lend out their weapons for 14 days;
- Reviewing firearm licences every five years;
- Revoking licences of those convicted for violent crimes, or found to be alcohol or narcotics dependants;
- Totally banning automatic weapons (at present, gun collectors and private security firms can apply for licences); and
- Banning toy guns that look real.

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."







# Meeting to combat bribery is a step in the right direction

Every country in the world should enact and enforce strong laws against the acceptance and solicitation of bribes by public officials, writes William Daley

**I**N RECENT weeks, the Salt Lake City Olympics scandal has surprised and disappointed the world. But the sad fact is that this sort of corruption is not unique. Bribery of government officials has been an all too frequent factor in international business transactions, for example, not only in the early parts of this century but right up to the present day.

The US department of commerce has identified instances of bribery in more than 60 important international contracts signed in the year between May 1997 and April last year and valued at nearly \$30bn. And most of the world simply looked the other way.

However, several countries are taking an important step in the fight against corruption at the Organisation for Economic, Development and Labour Council (OECD) convention on combating bribery.

Signatory nations are required to criminalise bribery of foreign public officials in a manner similar to that of the US Foreign Corrupt Practices Act.

This convention takes effect this week in the US and the 11 other countries that have adopted implementing laws: Iceland, Japan, Germany, Hungary, Finland, UK, Canada, Norway, Bulgaria, Korea, and Greece.

Unfortunately, 22 of the countries that signed the convention 14 months ago have not yet acted. Four of these nations — France, Italy, the Netherlands, and Belgium — represent almost a quarter of all OECD exports. We need them, and all the others, to keep their commitment.

The core concept of the convention is very simple: a country should outlaw acts of bribery directed toward the officials of another sovereign state.

Even so, the agreement took more than eight years to negotiate. The entrenched interests trying to keep bribery "business as usual" were hard to beat.

These interests are still trying to maintain the status quo. For that reason, enactment of legislation prohibiting bribery will not be enough to make the convention's promise a reality. Every signatory's laws must be examined to ensure that they live up to the letter and the spirit of the agreement.

The OECD will be doing precisely that over the next year.

Unbelievably, several OECD member countries still allow tax deductions for bribes paid to foreign officials.

Others allow tax deductions for these bribes unless there has been a criminal pros-



BB 18/12/99

(34)

William Daley ... countries are taking an important step in the fight against corruption.

ecution and conviction relating to the particular instance of bribery.

After legislation is enacted, the battle-ground will shift to enforcement.

The OECD countries have agreed to re-

view each other's enforcement efforts.

We need public attention to ensure that strong laws do not become dead letters because prosecutors decide bribery is a low priority or that it deserves no attention.

Why is the effort to stamp out bribery so important? First, because it is right. But also because bribery of public officials hurts real people. Citizens of a country with corrupt officials must suffer under, and pay for, government decisions motivated by the self-interest of bureaucrats and elected officials, not by the best interests of the nation. And if the Asian financial crisis has taught us anything, it is that government corruption creates a financial structure that cannot be maintained.

That is why the international business community is one of the strongest supporters of this convention. Although the convention is an important step, it is only a first step. The OECD has more work to do, addressing outstanding issues not fully covered in the convention, such as bribes to political parties, candidates, and party officials. And the OECD agreement addresses only the so-called "supply side" of corruption — companies and individuals who offer bribes. We also must address the "demand side". Every country in the world should enact and enforce strong laws against the solicitation and acceptance of bribes by public officials.

We stand ready to work with the private sector, other governments, and nongovernmental organisations.

It is time to get serious about bribery and corruption worldwide. If the Olympic scandal has taught us anything, it is that we cannot tolerate bribery as "business as usual".

□ Daley is US secretary of commerce.

## City blasts: Net widens after arrests

~~(34)~~ (34)

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 while 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

ET 18/2/99



# Tide turning in the fight

(34) Nov 18/2/99

## IN HIS OWN WORDS



**SYDNEY MUFAMADI**  
MINISTER OF SAFETY AND SECURITY

In despair about the crime?

Sick of the daily headlines of murder and mayhem?

Afraid to leave your home?

Doubtful about the police force's effectiveness?

Well, according to the Minister, signs of improvement and hope point to a safe and secure future

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 while 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. Some have gone 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 1 000 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 Grayston robbery of R4-million, two are connected to the Bainsvlei 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 R31-million taken, R5,4-million in cash has been recovered and R11-million has been attached in a joint venture between SAPS investigators and Lloyds of London attorneys.

■ The Siyabuswa robbery. There are 16 accused in this R10-million robbery. One has escaped and the other 15 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 1 597 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:

- Capitol Park, Pretoria, 1999, seven victims.
- Thohoyandou, 1998, nine victims.
- Wemmerpan, Johannesburg, 1998, 50 victims.
- 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 1998. The lab has been decentralising 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 con-

Athlone in November 1998. The person arrested was linked to the case by DNA.

Detectives in the cases related to urban terror had 243 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



ERIC MILLER/VAP

### ▶ SERIAL K



MYKEL NICOLAOU

### ▶ CASH-IN-TRANSIT HEISTS



RIAN HORN

### ▶ POLITICAL



PETER ANDREWS/REUTERS

fessions. 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 arrestee and a crime scene has been made.

You will recall a murderous attack which claimed the life of a four-year-old child in

With the measures that were introduced in terms of Operation Good Hope, we are beginning to overcome the problem deriving from the paucity of crime intelligence. For instance, the arrests 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 SA 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?

34) Nov 18/2/99

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tality with impunity, increased their ominous activities with little end in sight.

From the beginning we resisted pressure to tackle this problem by adopting the perverse 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.

profound misreading 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 chronicle of unerring interventions. There have been problems in Richmond, some of which compelled us to close down the Richmond Police Station in August 1998.

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 3 1998.
- The "Shezi Massacre" in Esimozmeni 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 1998. On September 3 1998, the late Sifiso Nkabinde reported that two UDM supporters were abducted in Ndalen. 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 1998 to February 1999, there were notable successes:

- The arrest of 15 people who were charged for cases of murder and attempted murder. This covers suspects in the "Tavern Massacre".
- When arresting two of the accused, namely B Mkhize and T Jama, an R-4 rifle was recovered and this rifle has been ballistically connected with six other murder scenes in which 25 people were killed. The incidents include the Shezi Massacre and the Jama Massacre. Both Jama and Mkhize were also found in possession of a .38 revolver ballistically connected with another scene where two people were killed. The accused are members of the UDM.
- On September 7 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 Eric 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 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."

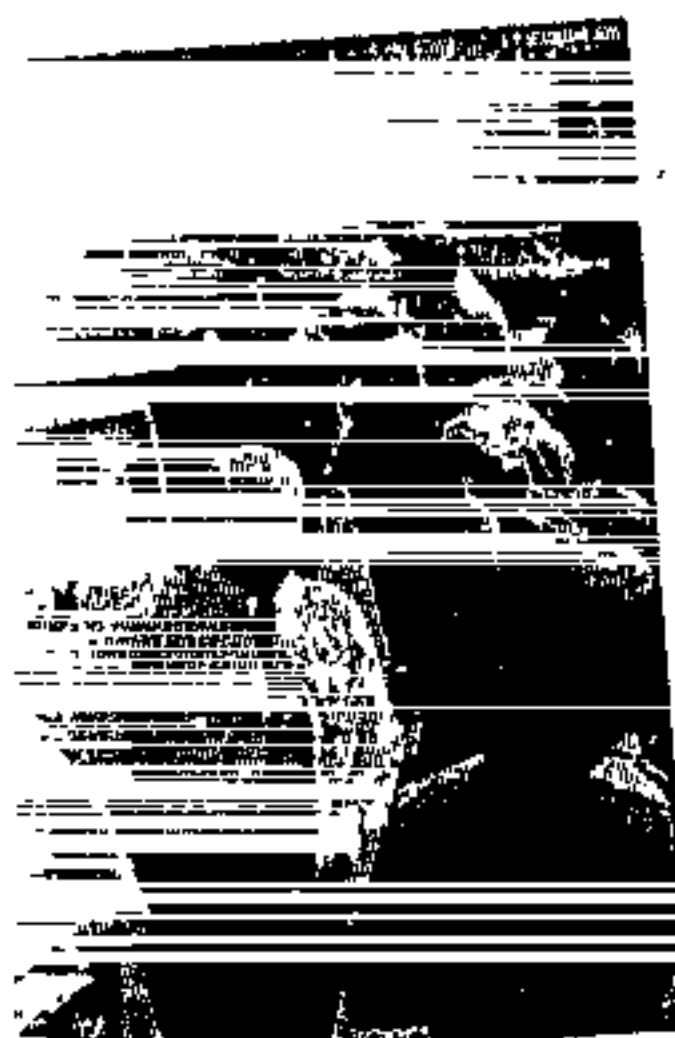
## HAVE BEEN SUCCESSES IN TACKLING ...

### ► SERIAL KILLERS



MYKEL NICOLAOU

### ► HEISTS



### ► POLITICAL VIOLENCE



PETER ANDREWS/REUTERS

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According to the SA 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 arrestees included ex-members of the Kwazulu Police and the SAP, members of the SADEF/SANDEF, ex-members of the UDF and members of the ANC, the IFP and the National Party.

By February 1997, the Human Rights Committee was able to say in its report: "The levels of political violence in KZN as evidenced by death have dropped dramatically in the month of January (1997) to 18 deaths, the lowest (yet)."

The situation is even much better today than it was in January 1997.

Yet there are those who continue to peddle the notion that the Government has failed to solve the problem of KZN. This is based on a



# US-SA commission tackles crime,

Special training courses to be held in the US for SA law enforcement agencies to teach police and prosecutors

Wynndham Hartley

CAPE TOWN — The US-SA binational commission ended its sixth session yesterday by concluding two key agreements on the creation of permanent structures to address crime in SA and to promote trade and investment.

Deputy President Thabo Mbeki and US Vice-President Al Gore co-chaired a plenary session which received various reports from

the nine committees, which make up the commission, including one on a deal struck between US attorney-general Janet Reno and Justice Minister Dullah Omar to establish a permanent anticrime co-operation committee. The committee will begin its work almost immediately.

The benefits of the agreement should be felt quickly as the training and technical assistance promised by the US are fed into the office of National Director of Prosecutions

Bulelani Ngcuka.

There will also be special training courses in the US for SA law enforcement agencies. These will teach South African police officers and prosecutors about how the US dealt with its crime situation which was once considered to be out of control.

The trade and investment agreement, signed by Trade and Industry Minister Alec Erwin and US Commerce Secretary William Daley creates a council on trade and invest-

ment that will meet regularly to discuss problems. High on the council's list will be the antidumping actions brought by the US against a number of SA companies exporting products to the US, particularly steel.

Gore said the agreement — which follows the signing of a trade and investment framework deal six months ago — would speed up the expansion of two-way trade between the US and SA.

Mbeki said the US had also agreed to

share its expertise on AIDS with SA. He said the successful conclusion of the session "showed the rapid growth in the detailed relationship between the two countries."

Gore said the anticrime committee would "give SA officials access to resources from the FBI, the Drug Enforcement Agency, Customs, the Immigration Service and other law enforcement agencies and is a step forward in crime-fighting co-operation between SA and the US."

investment  
how to deal with crime  
BD 19/1a/99

## 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 pe-

riod, 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.

BD 19/2/99



# Meyer Kahn upbeat about fight on crime

## Five-year plan 'achievable'

OWN CORRESPONDENT  
AKY 20/2/99  
Duncan

**O**utgoing South African Police Services (SAPS) chief executive officer Meyer Kahn likens the process of transforming the crime-fighting agency to pushing a wheelbarrow.

"The minute you stop pushing," he says, "things simply stand still."

And, according to the man given the task of creating an effective, implementable five-year plan for restructuring the SAPS into a leaner, more efficient and properly equipped crime-fighting agency, the wheelbarrow has already been pushed.

What is needed - and what he believes will be forthcoming from top-flight police management - is the will and the capacity to carry on pushing the "barrow".

Mr Kahn is convinced that the plan he and top police executives have drawn up during the first 17 months of his tenure and have begun to implement is workable.

He dismisses criticism from police unions and some opposition parties on the basis of their skewed understanding of his brief.

In becoming non-executive director of South African Breweries' London-based operations, Mr Kahn will not be leaving South Africa despite claims to the contrary by some of his critics.

The move will see him making history: he will be the first director of a UK Footsie (the index of Britain's top 100 companies) who is not resident in the UK.

"I have never quit anything in my life and I'm not going to start doing so now," he said, squashing rumours that he was "abandoning" South Africa.

"I'll still be here on the last second of the last minute of the last day of my job. People do not understand the mandate. I was seconded from South African Breweries for a two-year period which expires at the end of July.

"My brief centred on developing a programme to transform the service into a manageable and financially more effective

organisation.

He said this plan, which focused on cutting down on personnel expenditure and re-allocating funds for equipment and training, had been approved by Parliament's safety and security portfolio committee, Commissioner George Fivaz, Safety and Security Minister Sydney Mtshali, the Cabinet and Deputy President Thabo Mbeki.

The SAPS salary bill had taken up 84% of its budget in 1997. This had been pruned to 80% for the last financial year and would be reduced in steps until it reached the more acceptable target of 75% in 2001.

He said this level of expenditure would leave more money for vehicles, forensic and finger-printing equipment and other resources needed for effective crime-fighting.

"In this day and age, you can't be a good detective without access to on-line finger-printing facilities, DNA testing and other forensic equipment. That is what we are freeing up money for in terms of the five-year plan."

Absenteeism, which he described as the "cancer" of the SAPS, had been reduced by 21% by last September while sick leave was down by 27%.

Crime, he said, was still at a totally unacceptable level.

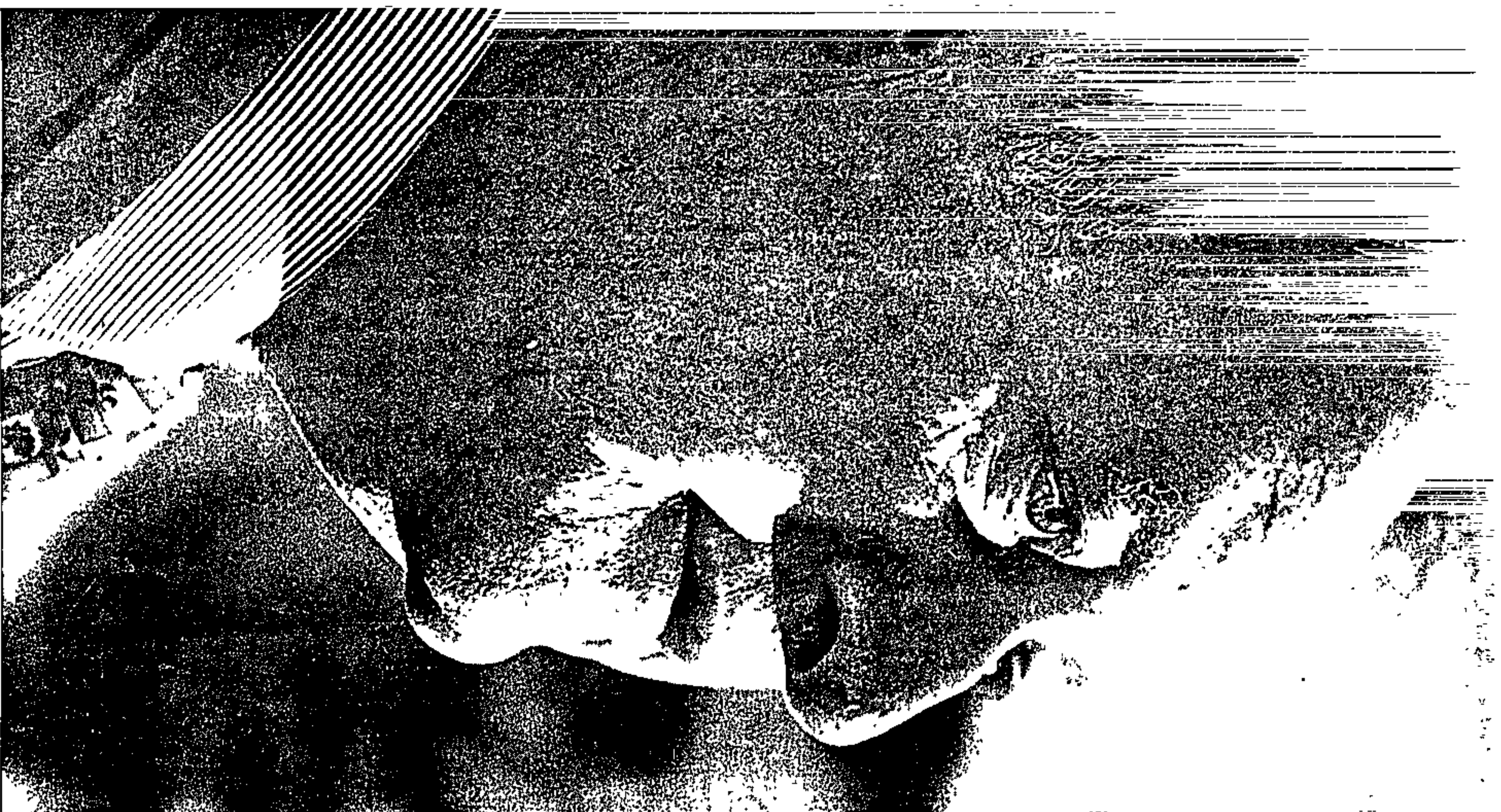
"No South African can say crime levels are acceptable but I am comfortable with the strategic approach we have adopted. It is doable and achievable.

"We still have a helluva high hill to climb but I'm bullish that we are going upwards."

He described his secondment to the SAPS as "the toughest call of my life. I'd never expected it to be easy but my work has been made easier by the team I had with me."

Highly placed sources in the ministry are also upbeat about his contribution and have also played down the fact that his contract is not being renewed.

"The reality is that Meyer Kahn was brought in for a specific task over a specific period and we believe he has gone a long way towards getting it right," the source said.



CHEERS: outgoing SAPS chief executive officer Meyer Kahn. "We still have a helluva high hill to climb."



# Debate blazes over pros and cons of new gun law

Lobby wakes up too late, writes Jonny Steinberg

BD 22/2/99

DESPITE constant murmurings in government during the past 18 months about tightening gun ownership laws, SA's gun lobby has failed to live up to its formidable reputation.

Then, last week, a newspaper leaked some of the impending changes to the Arms and Ammunition Act and the gun lobby finally woke up — perhaps a little too late for its own good.

"Government's intention is to disarm the populace of legally owned firearms under the pretext of going after criminals and illegally held weapons," SA Gun Owners Association spokesman Juan de Greeff said. "The effect will be to push gun ownership underground, well beyond the clutches of enforcement."

It is still early days. A task team headed by Peter Gastrow, Safety and Security Minister Sydney Mutamadi's former adviser, began drafting a new act on Monday. The draft goes to Mutamadi for endorsement next month, then to the public. Main changes proposed are:

- Scrapping the clause that lets licensed gun owners lend out their weapons;
- Reviewing all firearm licences every five years (these convicted of violent crimes, or dependant on alcohol or drugs, will have their licences revoked);
- Banning automatic weapons; under existing law, gun collectors and security firms can apply for licences; and
- Banning toy guns that look real.

In its attack on the proposed law, the gun lobby appears to be caught between two stools. On the one hand, De Greeff argues that the law robs citizens of their only form of self-defence. On the other, he says the law will be ineffective.

"Applied properly, existing laws already permit the authorities to refuse a licence to drug and alcohol abusers and to those convicted of violent crimes," De Greeff says. "The problem is not the law, it

is government's capacity to enforce it. It already takes up to three months to register a weapon because of bureaucratic incompetence. Reregistering firearms every five years is not remotely possible."

National Crime Prevention Strategy head Bernie Fanaroff admits that enforcement capacity is probably the greatest hurdle. "Our aim is not to eliminate the legal ownership of weapons, but to curb the proliferation of weapons. Where guns are at hand, disputes get settled lethally. Where once people used fists and sticks, today people are using guns."

"Look at the statistics on police deaths," Fanaroff argues. "Half of policemen murdered are killed off duty, either because someone wants to take their firearm or because policemen go to bars with their weapon on their hip and end up using them in a fight."

"We need a three-pronged approach: a tighter law, far better enforcement and a public education campaign, which convinces people that the more guns in circulation, the more people will die."

The gun law reform debate is likely to turn on whether South Africans agree with Fanaroff's view that mass gun ownership fuels criminal violence. The gun lobby says owning a gun is an act of last resort in a violent and lawless land.

Says Man Magnum Magazine editor Ron Anger: "Criminals use guns aggressively. Legal gun owners have them because police do not catch criminals, they own guns reluctantly, out of desperation. There are 2.2-million licensed gun owners in SA. Do you see 2.2-million bodies?"

Nonsense, says Chief Rabbi Cyril Harris, a signatory to SA's Gun Control Charter. "Buy a gun and it is much more likely to be used against you than by you. That is not an emotional appeal. It is a cold hard fact. South Africans must understand that their guns are not their friend."



SAs lawful gun owners may have woken up to late



# Alliance to fight organised crime

By Sharon Chetty

THE resources and expertise of the United States crime fighting machinery will soon be used in South Africa's battle against crime.

Last week one of the key agreements signed between the South African and US governments during a binational commission meeting in Cape Town was a deal on safety and security.

Justice Minister Dullah Omar held talks with US attorney general Janet Reno and agreements were signed on the

setting up of two permanent committees one on policy and strategy and on technical cooperation, which will include training and capacity building in dealing with organised crime.

Omar says that the biggest areas of improvement will be in the administration of justice.

"South Africa has had a late start in dealing with corruption and organised crime," he said.

"It will involve experts coming here and working on the job with our people ... we believe it will be the best way of

strengthening our crime-fighting ability.

The minister said the agreements had been preceded by much behind-the-scenes work by both governments.

He said a valuable part of the discussions had been an assessment of the methods used by the police and justice departments.

A major shift will be the fact that investigations, especially into organised crime and syndicates, will in future be led by prosecutors.

Omar said the office of the national director or public prosecution will thus be strengthened.

Units will be established in Western Cape, Kwazulu-Natal and Gauteng to deal with gang-related violence, political violence and car hijackings, respectively.

Organised crime, financial crime, cross-border controls, trafficking in people and firearms, computer-related crimes, and crimes against women and children have been identified as priorities, he said.

Handwritten notes: 12/2/99, 21

# Army adds weight to farm crime plan

(34)

ART 25/2/99

Pretoria - The army recruited 2500 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

(34)

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 37% 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

Star 1/3/99

# Top civil servants face jail threat

## Overspending could put negligent officials behind bars for five years (34)

CLIVE SAWYER  
POLITICAL CORRESPONDENT

In a far-reaching move against corruption and inefficiency, the Government has tabled a law which will send public officials to jail for up to five years if they neglect or willfully fail to act against overspending.

The new legislation has been approved by all parties in the National Assembly and is expected to be followed by similar measures applying to local government. Minister of Finance Trevor

Manuel, introducing the Public Finance Management Bill, said it was in line with the Government's mantra: "Reprioritise, reprioritise, reprioritise."

"Our mantra will bear fruit only if we continue taking bold steps to ensure that more of every rand we spend goes to improving the quality of people's lives and is spent for the purpose (for which) it was appropriated."

Mr Manuel said the bill was part of steps to reform budgeting and ensure value for money. Replacing the fragmented and contradictory system of financial man-

agement, the bill brought coherence to the system and put it in line with international best practice, he said.

"Accounting officers - in other words, the heads of government departments - will be responsible for ensuring departments do not overspend and for timeous financial reporting."

The bill sets out disciplinary procedures and strict sanctions for accounting officers and treasury officials who are negligent and make no effort to comply with their responsibilities. Provision is made for criminal

prosecution in cases of gross and wilful financial misconduct."

Steps will be taken when accounting officers deliberately or negligently fail to implement effective financial controls, collect money owed, take steps to prevent unauthorised or wasteful spending, or safeguard assets under their control.

New Public Service Act regulations and the introduction of performance contracts for department heads would complement this approach, Mr Manuel said. Strict disciplinary procedures and sanctions will also apply to

accounting officers of parastatals and public entities, excluding the Reserve Bank and auditor-general's office.

Other significant measures in the bill will change the way Parliament dispenses funds.

It will vote money by programme rather than by department, with new restrictions on the ability of departments to move money between programmes.

This would give Parliament improved oversight over the spending of public money, Mr Manuel said.

ARUT 11/3/99



# SA a mecca for international criminals,

WASHINGTON — The US state department says in its latest review of international drug trafficking and of governments' performance in policing it, that the SA's finance department's tardiness in bringing forward the Money Laundering Control Bill is benefiting organised crime.

"Delays caused by the transference of authority for promulgating the bill from the ministry of justice to the ministry of finance, in January 1997, have contributed significantly to the success that criminal groups are having in SA," the report, released at the weekend, said bluntly.

The bill, based on August 1996 recommendations by the SA Law Commission, was close to being introduced by the justice ministry when Finance Minister Trevor Manuel took over responsibility for it and decided to appoint a "task team" to study it further.

With its "relatively sophisticated" banking and financial services sector, SA "harbours great money laundering potential" and is already a "major trans-shipment point" for drug traffic "for hundreds of domestic and international criminal organisations", the report says.

Among syndicates cited as active in SA are the Russian mafia, which is said to be involved in diamond and weapons smuggling; Chinese Triads, "which specialise in the trade of endangered species"; and Nigerian drug rings. "These organisations diversify and conduct legitimate operations to launder their money."

## The finance department's tardiness is giving organised crime a free ride, writes Simon Barber

Not only are they attracted by SA's developed transport and communications infrastructure, their entry into SA is "nearly unfiltered" thanks to "long porous borders and weak border control, including undermanned ports and numerous secondary airports".

The Prevention of Organised Crime Act, passed last November, included previous legislation criminalising money-laundering and established requirements for reporting suspicious transactions.

It also provided that persons reporting such transactions should be safe from prosecution and would be released from any obligation, other than lawyer-client privilege, to

preserve confidentiality. The commission recommended that institutions be required to identify their clients and to report any transaction above a certain cash limit to the authorities. It also proposed the creation of a financial intelligence centre to "analyse, investigate and disseminate" the information thus obtained.

Barber

(34) BD 212144

Mozambique is cited as a growing hub of criminal activity and attendant laundering of "illegal proceeds". Smuggling is rampant, with the country now a major transit point for drugs, arms, tobacco, alcohol and other consumer goods destined for SA and illegal gold and stolen cars headed the other way. It is also said to be a staging point for illegal weapons shipments to Angola.

According to reputable estimates, "the report says, "70% of Mozambique's consumer goods are smuggled into the country because of high tariffs and official corruption".

In Tanzania, drug smuggling has fuelled a sharp rise in organised crime, gang warfare

and other violence, according to the report. It has also "given rise to a myriad of cash-intensive businesses set up to launder money, including travel agencies, import-export firms, the construction of new office buildings and apartment houses, and textile mills". Money-laundering is a crime in Tanzania, but enforcement is "virtually non-existent". Police corruption has created "an environment conducive to financial crimes". Kenyan authorities have announced a crackdown on money-laundering, spurred on by the discovery that launderers have been taking advantage of the availability of bearer bonds and certificates of deposit from Kenyan banks. The resulting "significant investments in short-term, high-yielding instruments, have caused financial stresses on the economy".

# says US report



# SA wants crime-free (34) country - survey

66/13/12  
2/13/99  
S. M. M.

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 627 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.





Police Investigators examine the overturned wreck of an armoured van belonging to Khulani Springbok Patrols that was forced off the Nasrec off-ramp on the N1 freeway in an attempted cash-in-transit heist yesterday. PIC: ANTONIO MUCHAVE

# Banks act on gangs

(34) Sowetan 2/3/99

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 Director 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, Collin Chauke 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, Siphon 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 Alrode heists.

He has since been charged with two counts of escaping from custody.



# Billionaire gives R13-m to fight crime

ARG 6/3/99

(34)

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 inter-

national 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 invest-

ment 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

Star 10/3/99 (34)

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.



Deputy Minister Joe Nhlanhla ... "Remnants of third force continue to use their old networks."

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 Beyers.

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 Ndlovu 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

Star 10/3/99

(34)

By RICH MKHONDO  
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, underfunded 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

(34) *STAN 11/3/99*  
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 9 000 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-seizure 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

# SA 14th on list of riskiest places to do business

BD 15/3/99

Neil Berhmann

(34)

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 85 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 £15bn 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 Lamberti

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 sent Manuel an invitation to visit its offices in East London "to see the files and what work we are doing". Rich said the unit 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 his unit received in this year's budget allocation from Manuel. The unit received R16,894m compared with R16,192m previously.

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.

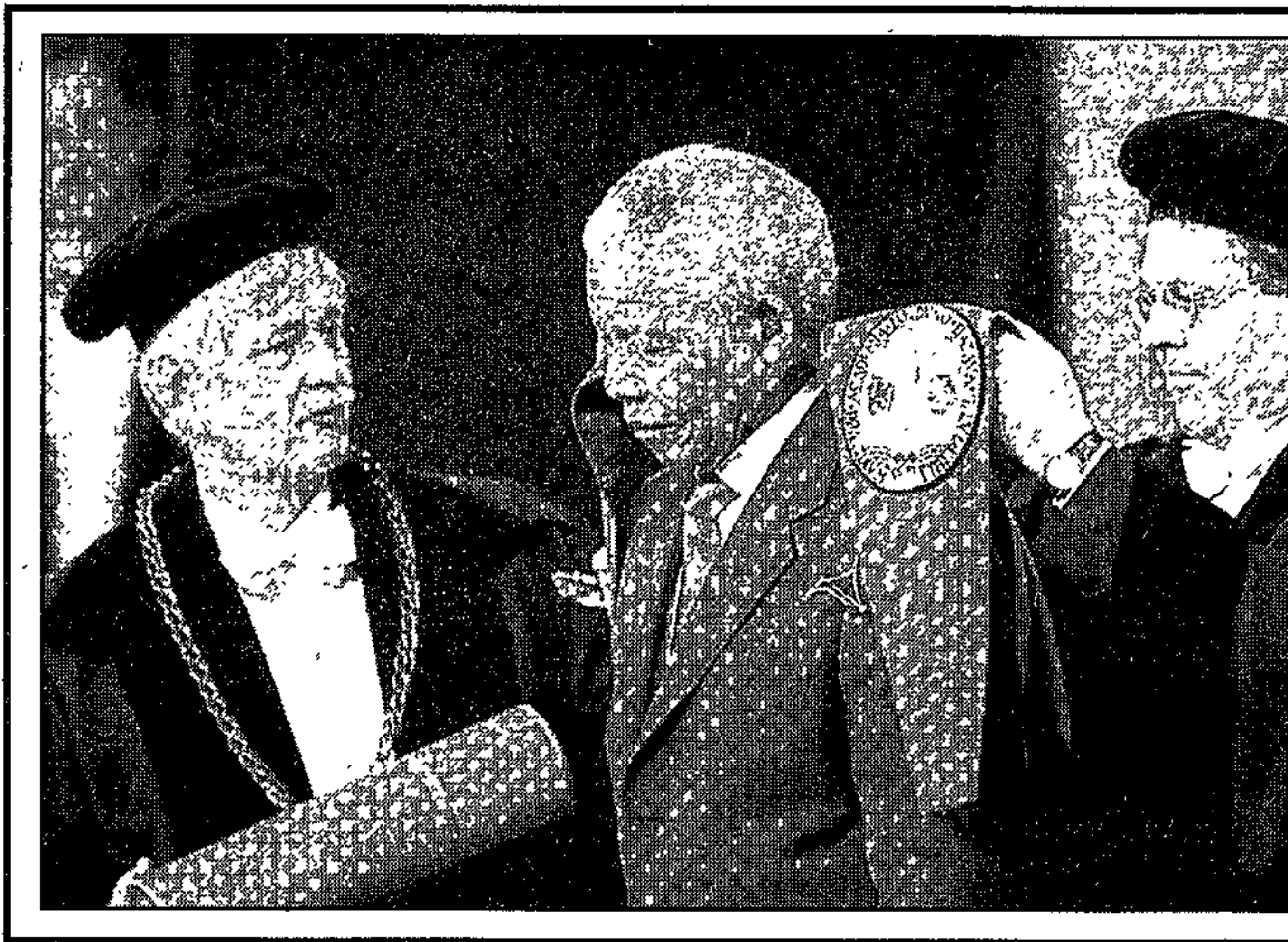
Meanwhile, the New National Party (NNP) said on Saturday that Manuel's and Justice Minister Dullah Omar's recent criticism of Heath was out of control, and the unit was the best investment government had made.

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.

BO 15/3/99

(34)



President Nelson Mandela receives an Honourary Doctorate at Leiden University, Holland, from Dr WA Wagenaar (left), the rector-magnificus professor of the university, in Leiden.  
PIC: AP

## 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

criminal 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 per cent 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.

(34) Lowelton 15/3/99



# Heath backtracks on corruption recoveries

Anti-scarn unit <sup>AKA 17/19/99</sup> chief withdraws four cases at parliamentary justice committee briefing

ZIBEDA JAFFER  
PARLIAMENTARY EDITOR

Judge Willem Heath today withdrew a number of cases on a list of savings and recoveries which he reported his unit had achieved.

The judge, who heads the special investigating unit given the task of recovering state assets, presented a list of 41 successful cases valued at more than R891-million to Parliament's justice portfolio committee.

But as he proceeded to report on each case in detail, he asked the committee to ignore the case of the Butferworth action, listed as having accrued R31-million.

Then he withdrew the case of the rental agreement between the Government and the KIM Diamond Company in the Northern Cape.

This was listed as having brought in R3,2-million.

By the time he had reached case 20, he had withdrawn at least four.

Judge Heath did not provide detailed explanations of why these were listed in the first place.

However, Judge Heath said there was a computer error in the case of the Magwa Tea Corporation where he claimed to have recovered R10-million.

"The computer made a mistake.

Or should I say we made a mistake," he said.

According to a document which he had prepared for the committee, the cash amount which he had so far recovered was R41,3-million.

Before he started explaining the different cases listed, Judge Heath said he was concerned that his credibility was being questioned and had brought along actual court orders, all acknowledgments of debt and an updated list of monies collected.

He also said he was grateful for the strong support he had been given by the Government and especially the president and deputy-president. Committee chairman Johnny De

Lange told members they would have an opportunity to ask questions when the judge completed his report.

Judge Heath was expected to come under fire at today's justice committee briefing.

Tensions between him and the Government are likely to surface again, especially over what has been called his "egotistical claims" that his unit has recovered for the state billions of rands lost through corruption and maladministration.

Today's briefing was preceded by a number of hi-for-tat exchanges between the judge, Justice Minister Dullah Omar and Finance Minister

Trevor Manuel.

At a broader level, there appears to be widespread dismay in government circles over Judge Heath's allegation that the Government is not serious about fighting corruption.

Last night, Mr Omar said the Government had the power to create more investigating units under the Special Investigating and Special Tribunal Act.

This was an option that he might consider, he said.

"Judge Heath has a specific brief to recover state assets and money.

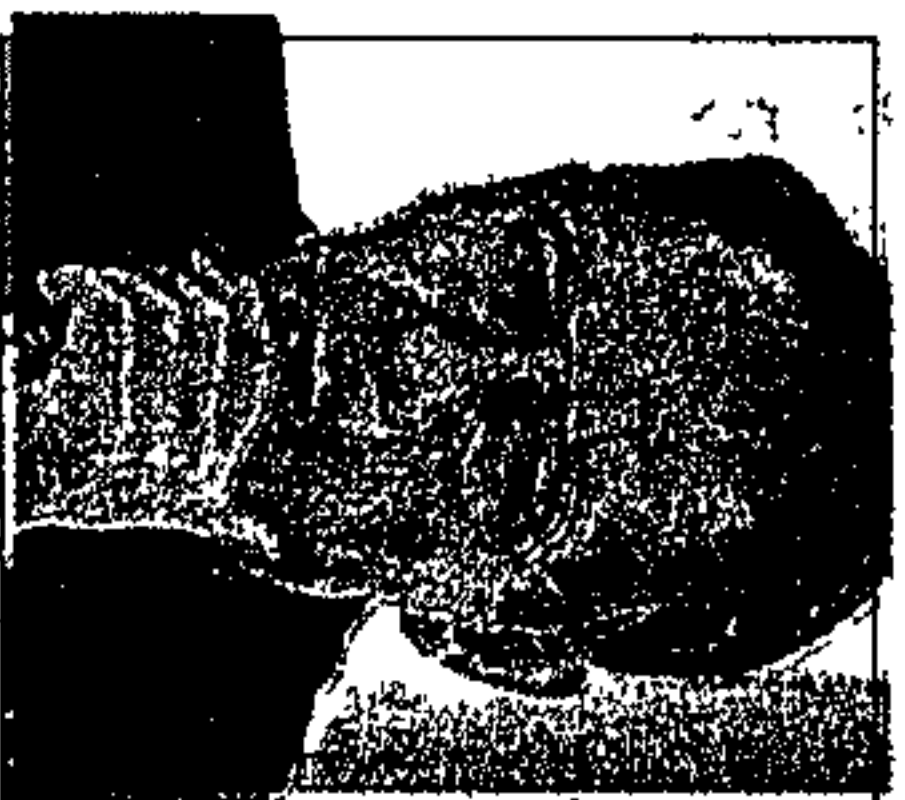
"There are at least five other units set up to fight specific aspects of the corruption problem."

And Logan Wort, spokesman for the minister of finance, said last night that Judge Heath had not paid any money into the National Revenue Fund as required by Section 213 of the constitution.

He said Mr Manuel was concerned about how the judge had arrived at figures of money and assets recovered.

The ministry would be meeting Judge Heath soon to discuss the matter.

The Department of Finance had tried unsuccessfully to find records of the billions of rands which Judge Heath claimed to have restored to state coffers.



Tension: Judge Willem Heath

# 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

(34) (2170)  
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.

ND 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 383 injuries in 763 attacks.

The majority of those killed or injured have been elderly. In many cases, according to police reports, no part of art 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.

Row 18/2/99(34)

# Heath gets slap on back from justice committee

(34) ARG 18/3/99  
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 R891,39-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 R840-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 1 600 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

Sowetan 18/3/99

(34)

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 to 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 Mr 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 18 333," 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 per cent 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.

19/13/99 (34)

## 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 Wort, said yesterday a meeting would take place at Manuel's Cape Town or Pretoria office. - Sapa

► Dishonest lawyers

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# GRANNIES' GUARDIAN

## Omar assigns aide to help elderly after 'Clockwork Orange' attack

BOBBY JORDAN

(34) ST (am) 21/3/93

**J**USTICE Minister Dullah Omar is preparing to get tough with criminals who prey on the elderly.

This follows last week's murder of a 70-year-old woman in her Cape Town flat and the subsequent arrest of three schoolboys aged 15 to 17. One had allegedly killed her by bashing her head against a wall.

Omar's spokesman Paul Setsetse said yesterday the minister had appointed a senior representative from his office to meet the South African Council for the Aged to discuss proposals to prevent assaults on the elderly.

"The minister is sympathetic to their cause and hopes the meeting will be fruitful."

Syd Eckley, director of the South African Council for the Aged, said Omar had also written a letter to the council pledging his support for elderly people's rights.

"I think he's serious about this — he has apparently spoken to other Cabinet members," Eckley said.

"We are pleased to receive such a positive response."

The council has called for changes to the Aged Persons Act to bring legal protection of the elderly in line with that given to children under the Child Care Act.

"We want to ask Omar to look carefully at the type of criminal who senselessly beats up older people," Eckley said.

The criminals were of a special kind and required special treatment by the courts, he added.

"What we've found is that the brutality of the acts has dramatically increased in the past 10 years."

An 80-year-old woman in Mowbray was recently beaten up, stabbed and strangled, while two killings of elderly people in Bellville and Parow late last year prompted a police operation, dubbed Operation Senior Citizen, aimed at getting the elderly to register with their nearest police station.

Eckley said the murder of Oranjezicht pensioner Inge Landsberg was particularly worrying because it allegedly involved schoolboys.

Of the three boys arrested two were pupils at Cape Town High and one at Groote Schuur High School. A 41-year-old man was also arrested and in court this week was refused bail along with the others.



**STRATEGY:** Dullah Omar is taking on criminals who target the elderly

Investigating officer Superintendent Andre Hefer said the boys used to play soccer together in a park that was close

to Landsberg's apartment.

One of the boys allegedly knocked on her front door, pretending to be delivering a parcel that was too big to fit through her security gate. When she unlocked it, he overpowered her and bashed her head against the wall, Hefer said.

The boy ran away, taking on the keys to the flat, but returned with his friends two days later to steal some valuables, including silver coins.

"It looks like something went horribly wrong," Hefer said, adding that the motive appeared to have been robbery.

"These were boys from good homes — not skollies. Their parents were incredibly shocked when we went to arrest them," he said.

Pupils at the schools the youths go to described them

as "good guys" and not murderers.

"We couldn't believe it when we heard about this thing. We're all naughty to some extent, but not like that — that's full-on," said one pupil.

Anthony Connell, spokesman for the South African National Union of Seniors, warned that attacks on the elderly would carry on until adequate legislation was passed.

"It is clear existing arrangements for control are neither adequate or relevant to South Africa's present circumstances," Connell said.

"The elderly are too commonly regarded as soft targets and past-tense social baggage. Human rights do not diminish with age, but, as everywhere, they always need corporate strength for delivery," said Connell.

# Farm attacks blamed on hatred for whites

Star 24/3/99 (34)

Criminologist believes there is no evidence of third force activity or organised terrorism

By **NORMAN CHANDLER**  
Pretoria Bureau

**T**he 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 enormously 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 reformation 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

## Loot seen as just a bonus

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.



NATIONAL

# 'Farm murders are not about robbery'

## The freedom struggle resulted in violence and intolerance being sanctioned as part of popular culture, says academic

**Louise Cook**

PRETORIA — Racial hatred was one of the key motivators for the spate of brutal attacks on farmers and their families over the past few years, says SA Criminology Society president Neels Moolman.

Condemning a key report on farm attacks by assistant police commissioner Suiker Britz and director Errol Seyisi last year, Moolman, who is a University of the North academic, told police investigators at a special workshop on farm attacks yesterday that their report was flawed and superficial.

Its finding that in most cases the motive for farm attacks had been purely robbery, was a "preposterous conclusion," Moolman said.

President Nelson Mandela ordered the report on the causes of farm attacks last year after calls by the SA Agricultural Union for a judicial commission to establish if farm attacks were politically motivated. Britz's report was handed to Mandela late last year.

Moolman said the report did not explain the brutality of the attacks and it failed to explain why farm killings were escalating while other types of murders were declining.

"The political struggle in SA was motivated by the hatred for the architects of apartheid. As a result of the freedom struggle of the past 25 years, violence and intolerance are widely sanctioned as part of the popular culture. This is one of the reasons why farm attacks will not be rooted out overnight."

He said that under apartheid discriminatory and humiliating laws — which even forced black people to be dipped like cattle — gave rise to prejudice against farmers that was likely to die only with the generation which participated in the freedom struggle.

The murders were aimed at intimidating white farmers, perceived as settlers and land invaders by many blacks. In addition, government was primarily responsible for the state of affairs because it was the first time that new black voters were exposed to unfulfilled pre-election promises.

Dismissing robbery as an important factor, Moolman said: "The loot is merely the bonus and not the primary aim."

He said other reasons for farm attacks in-

cluded the public hearings of the truth commission which opened up old wounds and spurred on emotion, slow redistribution of land, collapse of moral fibre, availability of illegal firearms and poor conditions.

"For some the waiting (for land through redistribution) has been too long and the impatience becomes unbearable."

Referring to Land and Agriculture Minister Derek Hanekom's reported view that he would rather cope with impatience from the landless than compromise on the quality of land reform, Moolman said it would not be the minister but the farmers who would have to bear the brunt of the impatience.

"Violent conflict as a result of land invasion seems to be unavoidable in SA."

(34) (35) BB 24/3/99



Plea: Shelley Barry, paralysed in a taxi shooting, at the Methodist Mission in Greenmarket Square to support calls for gun control LEON MULLER

# Charter urges more gun control

ANDREA BOTHA  
STAFF REPORTER

(34)

ARG 26/3/99

"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 Iitha 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:

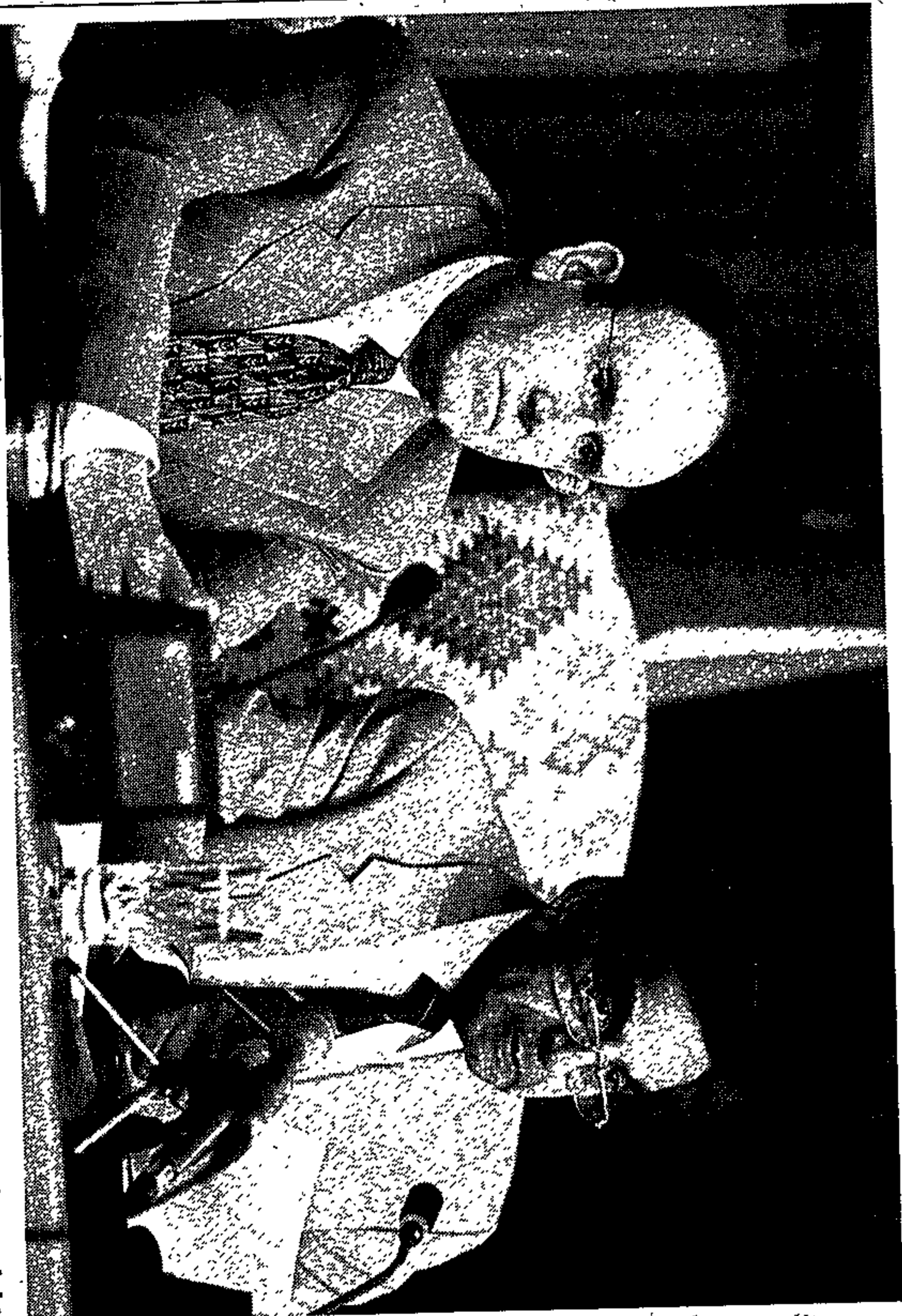
- 30 people die from gunshots each day - many more are injured and disabled.

- 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:





United Nations Undersecretary-General Pino Arlacchi, left, is in SA to help Justice Minister Dullah Omar, right, and other government departments in their fight against organised crime and drug trafficking. Picture: ROBERT BORTH

## SA commended for its anti-crime efforts

(34) BD 30/2/99  
Taryn Lambert

UNITED Nations (UN) Undersecretary-General Pino Arlacchi commended yesterday SA's involvement in the global fight against organised crime and drug trafficking.

At a conference in Pretoria attended by diplomats, police chiefs and government representatives, Arlacchi said SA's developed banking, financial and telecommunications systems, as well as its extensive air links, offered criminals the temptation to use the country as a base for their operations.

Arlacchi met several ministers yesterday to advise them on their departments' efforts to stamp out crime and corruption. Justice Minister Dullah Omar said Arlacchi had also agreed to look at the government's anti-crime legislation "because there is always room for improvement".

He said SA provided security in a volatile region because it was the "most developed and wealthiest" country in the area. Immediately after last year's session of the general assembly, SA was accepted as a party to the UN's convention against illicit trafficking in narcotic drugs and psychotropic substances.

SA's national drug master plan had also just been approved by Parliament.

Arlacchi also commended new public prosecutions director Bulelani Ngcuka's "energetic measures to shake up the country's criminal justice system".

Omar said SA's biggest challenge now was implementation of anti-crime strategies.



# SA well-placed to combat crime

(34) BD 30/3/99  
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

ET 31/3/99 (34)

**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 Ganief 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 permeates "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.



LEON MULLER

**Happy to help:** visiting UN drug and organised crime expert Pino Arlacchi, left, with national Director of Public Prosecutions Bulelani Ngcuka, centre, and Western Cape special prosecutor Percy Sonn at a news conference at parliament

## UN crime fighter backs SA efforts

JOHAN SCHRONEN  
CRIME CORRESPONDENT

ARG 31/3/99

(34)

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

(34)

CP 4/4/99

THE Western Cape, Northern Cape and Gauteng are the crime provinces of South Africa while the Northern Province has the lowest incidence of crime.

These facts were 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 1998/1999 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, carjackings 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.

Incidences of assault also increased from 161,4 in 1997/98 to 166,6 per 100 000 people in 1998/99.

Burglaries of residential properties increased from 159,2 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 6,9 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 - 44,5 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.

# Special Investigating Unit accused of claiming glory for spurious successes

which the government would eventually own. But because provinces do not have the power to enter into such agreements, it converted the lease into a rental agreement, but without going through tender procedures. The provincial cabinet ruled that the matter had to go before the tender board and called in the unit to assist with negotiations with the developer.

Rich said: "The unit brokered the negotiations. There was also the possibility that the rental agreement should have been signed for a lot less."

There is also a discrepancy in Heath's claims over the recovery of vehicles on behalf of the KwaZulu-Natal provincial department of transport.

The unit has valued the recovery and potential savings brought about by its actions at R68-million. But Jenny Gray, the provincial head of the transport department, said she valued the recoveries at R37-million.

While the Heath Unit had based their estimate on the value of the vehicles when they were lost, Gray said she had valued them at the amount they were worth when recovered.

JUDGE Willem Heath, head of the Special Investigating Unit, has inflated his success by almost R200-million, according to Enoch Godongwana, the Eastern Cape Finance MEC.

Godongwana said a number of claims made by Heath in his presentation to Parliament last month were not bone fide recoveries of money that would have been lost by government had the unit not intervened.

Officials in KwaZulu-Natal have also disagreed with his figures.

Heath claimed successes amounting to R891-million following criticism by Trevor Manuel, the Minister of Finance, who said he was yet to see the money.

In the first detailed response to Heath's claims Godongwana has disputed: "The recovery of farms in the former Transkei valued at R51-million.

Godongwana said the farms were never lost to government and were still occupied by peasant farmers who were given 10-year leases by the former Transkei government. The leases expired in 1997, and since then the farmers have been attempting to renegotiate them, but because of land claims on the farms the matter had not been resolved. "As a result they were left without leases through no fault of their own," said But Guy Rich, a spokesman for Heath's unit, said the farmers had been given notice to vacate the land.

"Some of them were subletting the farms and others had abandoned them. Instead of being subsistence farmers, they were profiteers who were ripping off government," he said.

● The recovery of R22,5-million invested by the Eastern Cape premier's office in a joint venture with a Malaysian company.

Godongwana said the R22,5-million was never "lost", but was transferred from the premier's office into a fixed deposit account for use in a joint venture with a Malaysian company.

The provincial government became suspicious of the deal and withdrew before it went ahead. It was then decided to leave the money in the account until the fixed term expired, he said.

Rich replied that the unit had taken steps to recover the money because "there was a possibility that it might have been lost".

He said as far as he knew the money had been recovered. "The prevention of the loss of R125-million in a rental agreement for government offices in Queenstown, Godongwana said this could not be recorded as a saving because negotiations were continuing.

He said the problem began when the provincial department of public works signed a lease agreement with a developer to construct offices, oper

*He claimed to have saved R891-million after criticism by Trevor Manuel that he was yet to see the money*

CAROL PATON

# Heath 'cooked' his books

ST 4/4/99 34



# Auditor-general to investigate Heath's claims

Kevin O'Grady  
and David Greybe

(34)

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. I put it 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 \$50m (R340m) were issued without the necessary government authorisation. As the notes were "invalid" the unit could claim no saving, Manuel said.

# Watchdog set to check Heath's books

## Judge's meeting with Government ends in deadlock

ARGUS CORRESPONDENT

Pretoria - Auditor-General Henri Kluever is to be approached to verify Mr Justice Willem Heath's claims that his unit has

recovered or saved R840-million through its anti-corruption work. Judge Heath and the Government failed to reach agreement on the issue after a meeting in Pretoria.

Judge Heath met Finance Minister Trevor Manuel and Justice Minister Dullah Omar yesterday in a bid to resolve a dispute between the ministers and himself over the effectiveness of his investigation unit after

weeks of public disagreement over the amount of cash recovered and the savings effected by the unit.

But the only agreement reached was to "agree to disagree".

Mr Manuel, who earlier criticised Judge Heath for sensationalising the figures, said they had agreed to call in public spending watchdog Mr Kluever to verify the unit's claims.

"I will probably continue to disagree with the quantum of the recoveries and determination of the savings. There is still pretty fundamental disagreement on this," he said. Regarding funding for the unit,

Mr Manuel said further clarity was needed on the focus of the Heath unit's work. He believed Judge Heath should "focus on bigger issues" rather than "trivial matters".

"We have agreed there are certain matters that, from the reports, do appear to be rather trivial in terms of some of the recoveries made, and it would assist in the efficiency overall if the focus were on the big issues," he said.

Judge Heath said that, although there was still disagreement, the Government and his unit were "working towards the same goal - to curb corruption".

"We may differ about the methods and the extent of our success, but we are all fighting corruption together," he said.

Mr Omar summed it up: "We are not here as boxers in a ring. We are fighting on the same side. There are no problems with differences.

"In any democracy you will find tensions between independent institutions and government. But that kind of tension is healthy and doesn't necessarily mean you are working at cross purposes."

The two sides also agreed to pursue legal opinion on where any recovered funds should be deposited.



Face to face: Finance Minister Trevor Manuel and Judge Willem Heath yesterday.

PRETORIA NEWS

(3A) ARS 8/4/99



# Corruption comes under the spotlight

(34)

## 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 anti-corruption meeting.

Meeting co-ordinator Stan Sangweni said yesterday attention would focus on tougher measures to protect whistle-blowers and witnesses, blacklist 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

BD 12/4/99  
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, Ernst & Young, AngloGold, the Banking Council of SA, New Africa Investments, Thebe Investments and Nedcor.

Nongovernmental organisations and professional bodies include the SA Medical and Dental Council, the SA Institute of Chartered Accountants, Idasa, 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

DD 13/4/99  
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. (34)

Calland, head 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 there 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 (34)

CT (MR) 14/4/99

**LUKANYO MNYANDA**

ECONOMICS EDITOR

Johannesburg - President Nelson Mandela yesterday praised Judge Willem 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 Kluever, 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 Kluever'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

*& Star 14/4/99 (34)*

Summit of delegates from various sectors to look  
at ways to wipe out the scourge at national level

**BY ANDRE KOOPMAN**  
Cape Town

**T**he 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 Frene Ginwala 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 and 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

(34) BD 15/4/99  
Linda Ensor

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.

**CORRUPTION** *Bar criminals from state work, conference delegates told*

# 'Zero tolerance' for fraud

LYNDA LOXTON

PARLIAMENTARY CORRESPONDENT

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 anti-corruption 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.



(34)

**VIGILANCE**

*Trevor Manuel (left), the finance minister, and Thabo Mbeki, the deputy president, discuss fraud and corruption at the national anti-corruption summit that started in parliament yesterday, while a security guard watches attentively*

PHOTO ANDREW BROWN

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 deliv-

er 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.



# Africa cannot fight crime in isolation — FIVAZ

MOTSHIDISI MOKWENA

It was important that Africa comes up with a collaborative and co-operative approach in dealing with crime, and there was also a need for policing co-operation between the African countries.

This view was expressed by National Police Commissioner, George Fivaz at the 15th Interpol African Regional Conference yesterday.

Fivaz said that issues were raised regarding how Africa should structure itself to deal with transnational crime.

Wide-ranging issues, from co-operation among African countries especially in relation to terrorism and organised

crime, to drug-trafficking and money-laundering, vehicle hijacking and environmental crime were discussed.

He added that the main issue was how Africa was structuring itself to deal with crime, how to improve police capacity within the framework of Interpol and how to utilise capacity in dealing with crime. "We cannot fight crime in isolation. If we want to win against the threat of global crime it is important that there is a commitment to work together," Fivaz said.

The use of information technology to conduct analysis and link up the different countries was also crucial, he added, and Interpol was "playing an important role in creating a database to

make crime intelligence available".

A representative of police in Zimbabwe, Augustine Chihuni, added that the co-operation sought was not restricted to Southern African Development Community, (Sadc) countries, but extended to all the other regions in Africa. He pointed out that no country could fight crime alone and that the conference was meant to bring all the African countries together.

"We, as a continent, are making a special effort to work together to fight crime," Fivaz said. "And Interpol is a glue that brings countries together."

There was a need for uniformity in as far as investigations were concerned, continued Fivaz, and joint initiatives

were in place where police officers from African countries received training courses in South Africa and vice-versa.

Vice-president for Interpol in Africa, General El Din Al Rouby, of Egypt, said it was important the media played its role in combating crime.

He said that the media had the power to reach out and inform the public on such issues.

"We cannot reach out to the man on the street except through your efforts. You are our allies in focusing on important missions," Rouby said.

"We all spoke in one language and there was no political influence that would have down-played the delegates' efforts."

CF 15/14/199

# NEWS

*Business wants strong measures*

## Corruption summit backs (34) accountability

LYNDA LOXTON

PARLIAMENTARY CORRESPONDENT

*CT (BR) 16/4/99*  
Cape Town - The national anti-corruption summit called yesterday 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.

Business Watch, Page 2



# Cabinet gets new battle plans in war on corruption

## (34) Summit seeks special courts

Hard-hitting steps against corruption, including special courts, blacklisting of offending businesses and individuals, and toughening up legislation are to be considered by the Cabinet.

These are among moves proposed at the close of a two-day national anti-corruption summit in Cape Town, and will be discussed by an inter-ministerial committee before being put to the Cabinet.

Justice Minister Dullah Omar assured delegates, who came from the public sector, business and labour, that the Cabinet would treat the proposals "very seriously".

The Anti-Corruption Act, under which there have been few prosecutions, is likely to be tightened up.

The Open Democracy Bill and other legislation aimed at increasing transparency are to be fast-tracked.

A resolution approved by delegates called for the development of "whistle-blowing" mechanisms.

These include measures to protect people from victimisation when they have exposed corrupt and unethical practices.

A national co-ordinating structure, as well as co-ordinating bodies for the various sectors of society, were proposed to lead the anti-corruption drive.

The Public Service Commission is to be briefed to set up a "cross-sectoral" team to establish these structures.

Businesses, organisations and individuals which, in the words of the resolution, are "proven" to be involved in corruption will be blacklisted and these lists made public.

CLIVE  
SAWYER



POLITICAL CORRESPONDENT

The blacklisting proposal was supported by the SA Insurance Association, Business Against Crime and the SA Chamber of Business.

Disciplinary action "and other proactive measures" should be taken against corrupt people, the resolution said.

The summit called for analysis and research on the causes, effects and growth of corruption, as well as monitoring of the effectiveness of anti-corruption strategies.

For every sector of society, codes of good conduct and disciplinary codes should be negotiated, it said.

South Africans should work together to inspire society with a higher moral purpose and ethos that would not tolerate corruption.

Training and education in occupational ethics should be given at all levels of society.

The summit called for a sustained media campaign to highlight the causes of, and solutions to, corruption.

Mr Omar rejected criticism by opposition parties, which were not invited to the summit, that it had been no more than a talk shop. He described it as "very successful".



# Corruption courts to nab cheats?

## Conference takes tough stance on costly fraud

ESTELLE RANDALL  
POLITICAL CORRESPONDENT

The first of several special courts to deal with crimes of corruption will be set up in Pretoria in two to three months.

Sipho Nqwana, speaking for National Director of Prosecutions Bulelani Ngwenza, said discussions were under way with the Department of Justice, the South African Revenue Service, Business Against Crime and the South African Banking Council to finalise arrangements for the courts.

He said one of the issues to be decided was whether the special courts would handle cases being investigated by the police's commercial crime unit.

The establishment of the special courts, to speed up prosecution of commercial criminals, was one of the practical proposals to come out of the two-day

Anti-Corruption Summit held in Cape Town this week.

According to Bob Tucker, of the South African Banking Council, cheque fraud amounts to about R150-million a year while fraud in general comes to about R500-million.

"Banks and financial institutions have a direct interest in the Justice Department developing a special focus on commercial crime," Mr Tucker said. Business has undertaken to help

finance the special courts on a voluntary basis because the Department of Justice will be unable to meet the costs with its current budget.

Said Justice Minister Dullah Omar: "We need some means to tide us over until the next medium-term expenditure is agreed."

The special courts are among several components of a national anti-corruption strategy agreed by the 245 delegates from the Govern-

ment, religious groups, business and non-governmental organisations who attended the summit.

The strategy consists of steps to prevent and combat corruption and to build a culture of integrity and morality.

Measures to prevent corruption include publishing the blacklisting of businesses, organisations and individuals proven to be involved in corrupt or unethical practices, establishing an anti-corruption hotline to make reporting of corruption easier and implementing sound ethical financial and management practices in businesses and organisations.

Steps to help combat corruption included revising existing legislation to address shortcomings and drafting new legislation where necessary, developing and implementing measures to encourage whistle-blowing on corruption and speeding up the enactment of the

Open Democracy Bill, which would foster greater transparency and accountability in all sectors of society.

Delegates also agreed that work had to be done to build integrity and raise public awareness about the effects of corruption.

There were suggestions that April 15 be declared National Anti-corruption Day.

The key to implementing the strategy effectively will be the establishment of a national coordinating structure to lead, coordinate, monitor and manage the strategy.

The Public Service Commission will be responsible for ensuring that the coordinating structure is established as soon as possible.

Mr Omar said the national coordinating structure would not replace existing structures combating corruption.

Existing anti-corruption structures include the Health Special Investigating Unit, the Public Protector, the Office for Serious Economic Offences and the National Directorate of Public Prosecutions. The police also have a special anti-corruption unit to combat corruption among its members.

"The steps have been agreed," said Mr Omar. "Now the issue is one of implementation."

He said the strategy developed by the summit would be discussed by an inter-ministerial Cabinet committee and then by the Cabinet

itself.

Mr Omar said the Cabinet would take the recommended strategy seriously because of the gravity with which the Government viewed corruption and its link to organised crime.

He cited South Africa's involvement in anti-corruption initiatives on the continent and abroad.

South Africa was involved in drafting an anti-corruption convention that would bind all states in the Southern African

Development Community and was also involved in the drafting of a United Nations convention on organised crime.

South Africa was also hosting an international anti-corruption conference in Durban in October.

Although South African taxpayers did not foot the estimated R1-million cost of the conference - the money came from the European Union and the Danish government - expectations are high that the strategy agreed by delegates be implemented speedily.

Connie September, the vice-president of the Congress of SA Trade Unions, told delegates that no one expected a blueprint for tackling corruption to emerge from the summit.

However, the summit had to give people confidence that the seemingly pervasive scourge of corruption would be stopped, she said.

**'People need confidence that the scourge of corruption would be stopped'**

Existing anti-corruption structures include the Health Special Investigating Unit, the Public Protector, the Office for Serious Economic Offences and the National Directorate of Public Prosecutions. The police also have a special anti-corruption unit to combat corruption among its members.

"The steps have been agreed," said Mr Omar. "Now the issue is one of implementation."



TAKING IT SERIOUSLY: Justice Minister Dullah Omar takes a grave view of corruption and its links to organised crime

AKL517/4/99

(34)



# 'Honesty our policy'

**A**MID the rhetoric of electioneering, President Nelson Mandela did some straight talking about crime, corruption and violence to both party supporters and non-supporters at two major gatherings last week.

When addressing a group of Afrikaners on Thursday night, the President was quick to raise the issue of crime and corruption and once again admitted that people within his ruling party's ranks had used the system to enrich themselves.

In Durban, when accepting the freedom of the city at an elaborate ceremony at the City Hall on Friday, the soon-to-retire president urged all sides to keep the peace in the province and called for vigilance against those fomenting violence "even if they come from within our own ranks".

In Pretoria, Mandela was speaking against the backdrop of yet more depressing news of violent crime.

Earlier that day a senior United Nations official had been raped and the UN residence in which she lived was robbed.

Burundi's ambassador to SA had for the second time been held up at gunpoint and this time robbed of his German sedan.

In a speech in Afrikaans, Mandela praised Afrikaners for responding generously to his requests for funding of development projects and urged the community to be part of the nation building process his Government had undertaken.

He emphasised that his Government took the aspirations and concerns of minority groups seriously and said the same would be done by Deputy President Thabo Mbeki, who is most likely to take office as president after the June 2 election.

However, he reminded the audience that the white minority had in the past repeatedly voted into power some of the worst governments, which, believing they had the sanction of God, committed numerous atrocities.

Whites should not repeat the mistake of once again grouping around white parties, he urged.

Black people (referring to Africans, Indians and coloureds), he said, were holding out a hand of friendship and whites should not spurn it.

Warning that it was time for whites to "put fear behind you" and to stop regarding themselves as a minority, but to instead start becoming part of the majority, Mandela also pointed out that "amongst blacks there are extremists who say Mandela is bending backwards" to accommodate whites.

On a more conciliatory note, he said that there was no need for white people to sideline themselves.

"Don't worry about having lost political control ... white supremacy will never come back

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**.

(34) Souetan 19/4/99



**President Nelson Mandela was kept busy last week addressing various groups around the country.**

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 Afrikaans 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 Ngubane, 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



**T**HE 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 Jele'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.



**Bishop Stanley Mogoba**

"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 spokeswoman 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

*Sowetan 19/4/99*

*(34)*



# 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 Maarohanye 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,'" Maarohanye 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 crime 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 donkey 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 eke 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's 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."



(34)

# LOOT LAW MAY BE TIGHTENED

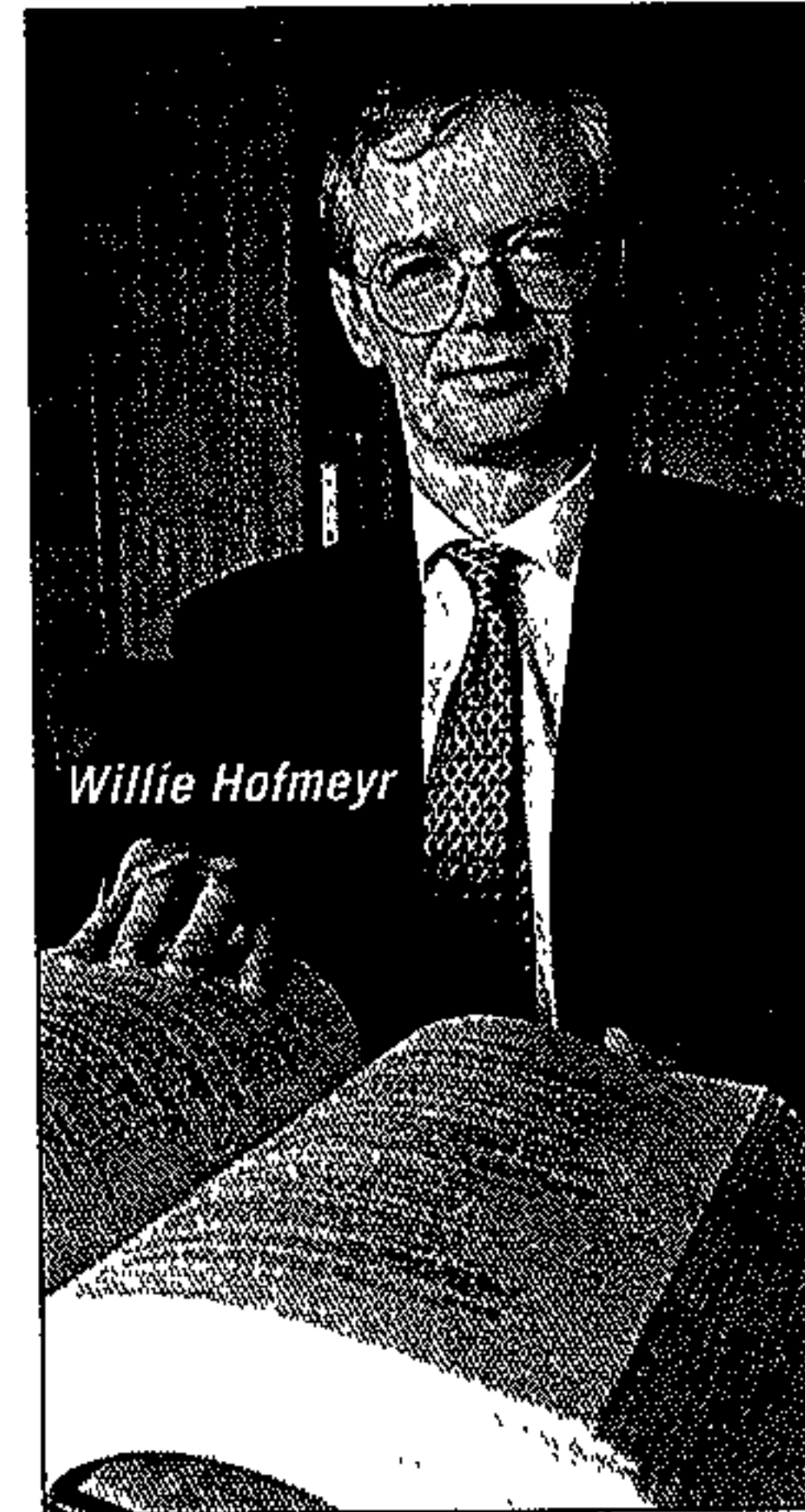
## Hofmeyr set to collect spoils

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 Ngcuka'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 André Bignaut 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 Ngcuka has appealed against Bignaut'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



Willie Hofmeyr

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."

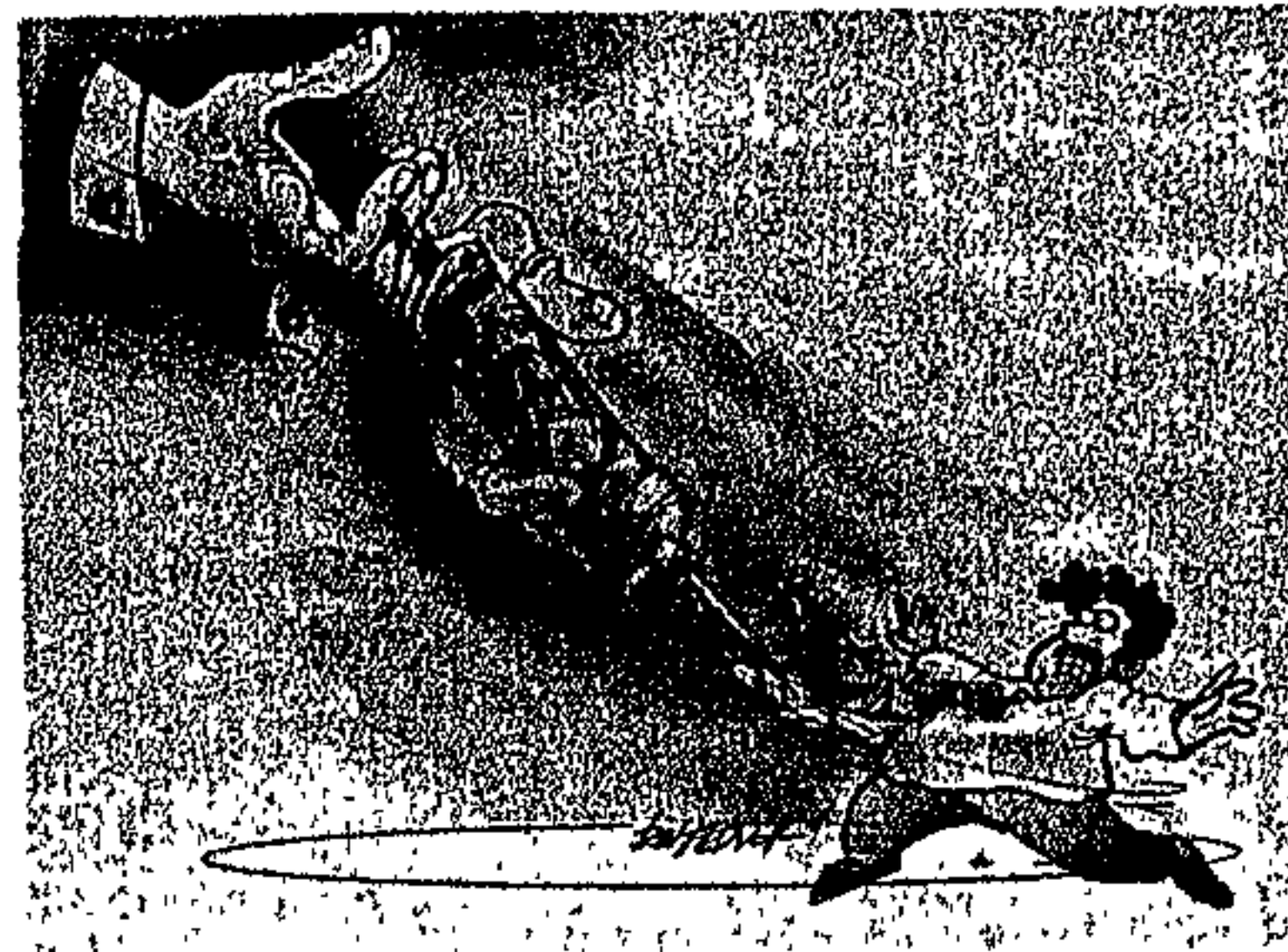
Seized funds and assets should ideally be returned to their rightful owners, the victims — or possibly in some other way benefit the crime-struck community. But whether by way of reparation or improved policing, the Act is designed to cut off the gangster's lifeblood, his or her loot.

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

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BD 29/4/99

THE Azanian Peoples 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, Chris Mokoditso, 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.

Mokoditso 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.

Mokoditso 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 Mangena Mosibudi, Pandelani Nefolohodwe, Nkosi Molala and Zithulele Cindi.

There is also a sprinkling of students from the University of Venda on the list.

# South Africa's murder rate rises after a four-year decline

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 cement-

ed 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.

"One 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.

(34) BD 29/4/99



# From martial law to more reform

Political parties have pulled out crime as a major electioneering issue. Jonny Steinberg looks at how seriously, or not, one should take them

(34) BD 4/15/99

**T**HE party political crime-fighting manifestos written on the eve of election 99 are unlikely to take their place in the canon of great election literature. Only two — those of the African National Congress (ANC) and the Democratic Party (DP) — evidence any serious thought about the police force as an institution, what is wrong with it, and what needs to be done. The others need only detain us briefly.

The New National Party's crime manifesto is an endless labyrinth of disparate one-liners. The only way to make sense of it is to concentrate on the first four or five bullets and assume that it embodies what is most important to Marthinus van Schalkwyk. The long and the short of it is that if policemen, prison warders and judges are given licence to behave like brutes, criminals will really start to sweat.

The problem is that criminals can be manhandled only after they have been caught, and the criminal justice system's only serious problem is that it cannot catch them. Van Schalkwyk appears to have caught the wrong boat and is now miles out in some oceanic wilderness.

The Freedom Front describes SA's crime wave as "a violent revolution" and appears to believe nothing short of martial law will plug the dam wall. It advocates that murderers, armed robbers and rapists be executed, that states of emergency be declared in crime-ridden areas, that the army be deployed in crime-fighting and that petty offenders be subjected to forced labour and corporal punishment.

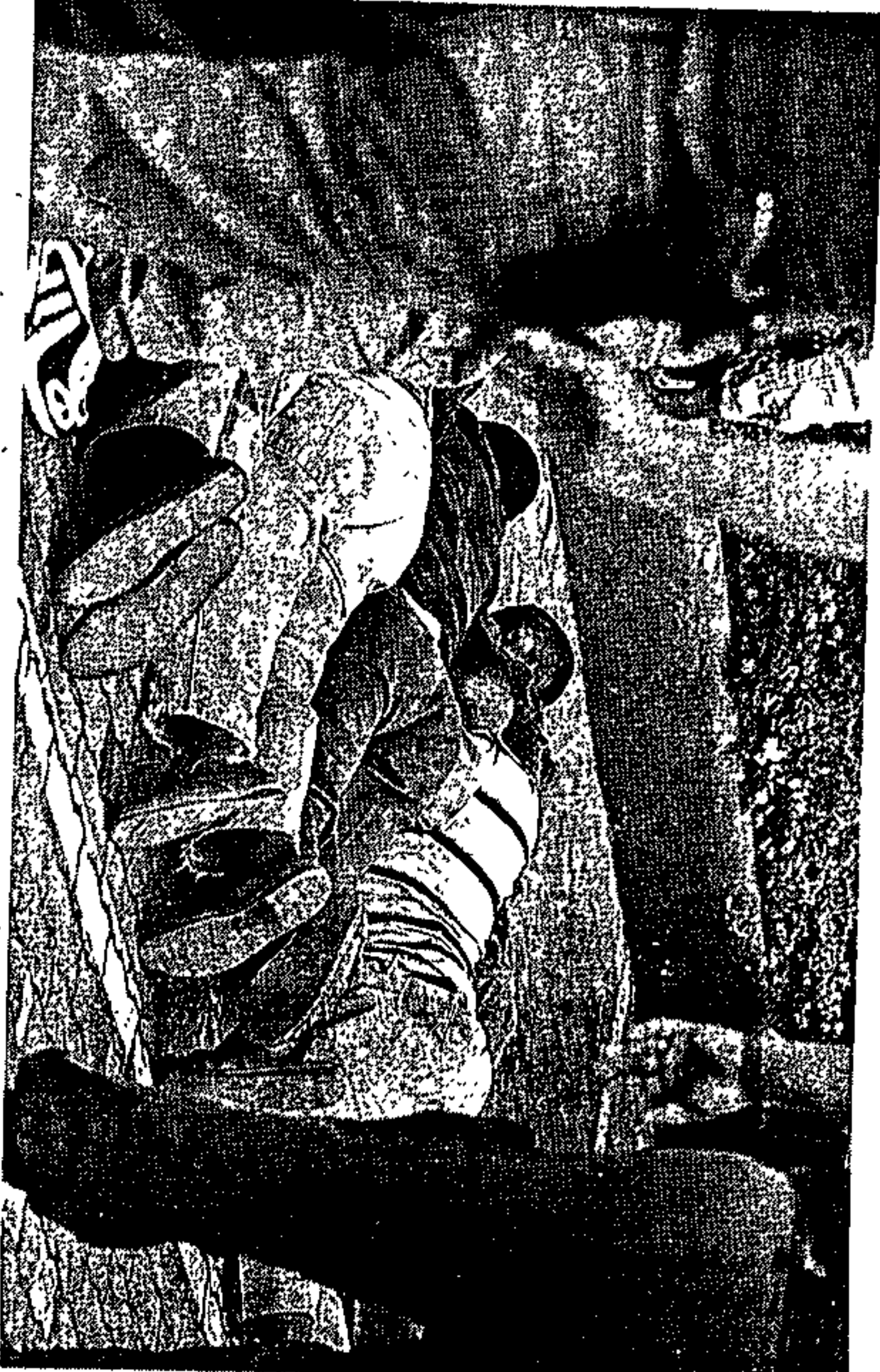
It appears that a certain general is feeling a mite nostalgic about his erstwhile career in uniform. If the Freedom Front's manifesto tap-dances at the doorway to a police state, the Inkatha Freedom Party (IFP) throws the gate wide open. It would fence suburbs and "electronically monitor" its boundaries; litter public areas with closed-circuit television and mobile road blocks and establish "permanent manned observation points in high

crime areas". The IFP is on the lookout for nasty strangers. It may come as a surprise to the party to learn that 70% of violent crimes in SA are committed by offenders who know their victims — in homes, at work and in bars and she-bens. Bringing out the force of the state to capture the enemy turns to farce when it is discovered that the enemy is actually inside — in families, communities and friendships.

The United Democratic Movement correctly identifies lack of coordination between the components of the criminal justice system as a crisis of governance. Its remedy, though, falls short on both imagination and common sense. It advocates a new ministry of civil order to co-ordinate the ministries of justice, police, correctional services, intelligence and defence.

How yet another head office in Pretoria is going to unclutter the magistrates' courts or get detectives communicating with prosecutors boggles the mind. Opposition parties are entitled to slam government for failing to fight crime. However, they should grace their criticisms by showing some evidence that they have thought about the problem themselves.

The ANC's manifesto looks suspiciously as though it was penned by National Crime Prevention Strategy head Bernie Fanaroff. It uncannily prioritises all his pet problems, and this is quite a good thing. Fanaroff's job is to think smart. Instead of chasing each individual criminal around the country, Fanaroff's job is to think of simple and effective ways to cut off crime's oxygen supply. You cannot shoot anyone if you do not have a gun. A growing body of evidence suggests licensed handguns are the most common tool of murder, armed robbery and hijacking. Stem the circulation of legal firearms and the underworld should suffer a mortal blow. Not to mention bar-room brawls and domestic lifts which end in death, rather than a broken nose. That is number one on the ANC's



Fighting crime is more than just making criminals sweat

agenda: "Drastically reduce the number of guns in circulation, and introduce tougher gun controls." The ANC promises also to clear the prisons of petty offenders and awaiting-trial prisoners, clearing space for hard-core violent criminals. Given that our prisons are overflowing, that more than half their population consists of short-term prisoners and those thus far convicted of nothing, the promise to change things is long overdue. Also high on the ANC's list is a project "to improve co-operation between all elements of the criminal justice system". This is arguably the most vexing problem facing the criminal justice system. Arresting an offender is a waste of time if the justice system through which he must journey is an entangled and confused fiasco of bureaucracy that soon loses him.

On paper the manifesto sounds good. It punts the right issues. The problem is that government has been punting these issues for a long time now. Enforcing stricter gun laws will rely on an administrative infrastructure which government candidly admits does not yet exist. Similarly, Crime's elaborate plan to streamline the criminal justice system will cost, at a conservative estimate, R2bn. Herein lies the rub. The criminal justice system's budget is not growing, but each plan in the ANC's manifesto requires a commitment from cabinet which, thus far, has not been forthcoming. Intriguingly, government's most interesting and novel thoughts on crime barely get a mention in the ANC manifesto. If there is a mover

and shaker in the realm of crime-fighting it is national director of public prosecutions Bulelani Ngcuka. His formula of mixing hand-picked prosecutors, detectives and intelligence agents into elite, single-tasked units is at the cutting edge of crime-fighting in this country. If Ngcuka's ad hoc initiatives find their way to their logical conclusion, SA will soon have a new crime-fighting agency — an "FBI-type" elite body which mixes the work of those who fight court cases and those who retrieve evidence. Whether the new body would be housed in the justice department, as in the US, remains a moot point. It would certainly have its own line of command, though, separate from that of the police commissioner. While this idea does not get a mention in the ANC's manifesto, it is being debated behind the scenes.

A new detective agency does get a loud mention in the DP's crime manifesto. The product of six to eight months of thoughtful research, the DP advocates a wholesale restructuring of policing. Aside from the idea that detention be removed from the police command and placed closer to the work of prosecutors, the DP advocates a dramatic move to revamp the managerial culture of the police, immediate, lateral recruitment of about 800 graduates into all three tiers of police management. The DP's manifesto tracks and at times mirrors what the ANC is only murmuring about. When the ANC came to power it saw the police as the most likely institution to reject which a coup might be launched. Safety and Security Minister Sydney Mufamadi's brief was to keep the torch of reconciliation burning brightly and not to upset anyone too much. Unfortunately, this style of management continued to hold sway long after the perceived threat of a coup receded and the police's glaring managerial problems started to show. Some in the ANC say the inauguration of the (Thabo) Mbeki government will signal an about-turn in government's relationship with the police. The ideas of institutional reform, hinted at by the ANC and trumpeted by the DP will begin to take effect. If and when this about-turn happens, the politics it brings in its wake may be difficult and dirty. Those agents who run the police service may well fight tooth and nail any reform which threatens to dismember careers fully constructed empires. Nor are they enamoured of the fact that Ngcuka and his team of seconded detectives are getting the little kudos at the moment. Any major institutional reform of the police force will be met with resistance. Government will have to find the stomach to take on an institution it has thus far kept at a safe distance. Unless it is prepared to do so, good-looking manifestos will not be worth the paper they are written on.



SAPS IN SPOTLIGHT

# Crime a hot topic for parties

CT 10/5/99

(34)

**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.

**O**NLY 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.

**T**he meeting, organised by the Western Cape Anti-Crime Forum, was attended by the ANC, UDM, PAC and Azapo. The NNP, DP, IFP 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

**The New National Party is not soft on crime, says Sheila Camerer, who spells out its blueprint to**

**T**WO issues are crystallising as the main issues being put on the table in the 1999 election campaign by opposition parties, namely combating crime and creating jobs. While the African National Congress initially tried to ignore these issues, it is now trying to catch up, acknowledging SA has a problem with crime (while at the same time trying to downplay it) and making some rather futile gestures in the direction of job creation.

In a sense the two are related. The crime wave engulfing SA has undermined investor confidence and economic growth potential, contributing to the loss to the economy of more than 500 000 jobs since 1994.

It is the New National Party's contention that the ANC government has failed in its duty to protect its citizens against the ravages of crime.

Crime levels are at a record high — SA has the shameful reputation of being the rape capital of the world with 120 rapes per 100 000 of the population. It also has the world's second-highest murder rate.

Several categories of violent crime such as hijacking, robbery, housebreaking, assault and child sex crimes — 36 000 cases last year — are still on the rise.

The NNP stands for the constitutional right of all South Africans to be safe and secure in their homes, their places of work, in the streets of our towns and cities and on farms. That is why we have compiled an anti-

crime strategy, our blueprint to fight crime, which we believe, if implemented, can cut our soaring crime rate by 25% in the next year and 70% in the next five years.

From the beginning of our campaign the issues of crime and jobs have been the two priority election issues for the NNP.

We prepared thoroughly in the development of our policy positions. At the beginning of the year we brought to SA Capt Jack Maple, the senior police officer who, with William Bratton, helped turn around the crime situation in New York. Maple spelled out how an effective zero tolerance approach to crime can deliver dividends.

We also brought to SA Michael Howard, home secretary in John Major's government, whose policies had a big impact on violent crime in Britain.

Last year we developed a detailed policy document on how to combat violence against women and children, containing numerous proposals to combat this scourge of our society.

It is time to focus on the victims of crime and their rights rather than just those of the suspect or alleged perpetrator. Therefore, we have developed a victims' charter to safeguard the rights of victims.

We have proposed amendments to the Criminal Procedure Act to give a meaningful

role to victims of crime in court, as well as ways to compensate victims.

Rampant government corruption has also received our attention. The party's corruption barometer has been tracking it for the past two years. We have made detailed proposals to combat corruption.

Accordingly, the NNP's tough crime fighting policy based on a zero tolerance approach consists of a package of proposals.

Firstly, it aims to stop criminal elements from developing the feeling that they are in control. It clamps down on any manifestation of crime and disorder through uncompromising law enforcement. This will certainly require empowering the police, recruiting more policemen and keeping experienced police officers in the service by paying professional salaries.

Above all, though, we propose a new management system in the police service leading to greater accountability, particularly of middle-ranking officers. Crime hot-spots should be identified through computerised crime information and mapping systems so policing resources can be targeted.

Besides re-energising the SA Police Service, the party has further specific proposals, particularly in regard to sentencing. We advocate reintroducing the death penalty for the most heinous and brutal murders and

rapes, and certainly for the murder of policemen. The former mayor of New York, Ed Koch, said when his state reintroduced the death penalty in the late 1980s: "It is by executing the highest penalty for the taking of human life that we affirm the highest value of human life."

In SA there is no death penalty and life is cheap. We believe something drastic needs to be done to curb this scourge of criminal violence and have petitioned the president by way of a countrywide postcard campaign to reinstate it.

The party agitated for an appropriate qualification to the right to life in our bill of rights throughout the constitutional negotiations. We called also for a referendum at the time in order to gauge public opinion on the issue.

However, the ANC majority in the Constitutional Assembly turned our suggestion down flat, although the death penalty was supported by about 186 376 petitions from the public.

We got no support on this issue from either the Democratic Party or the Inkatha Freedom Party.

The NNP proposes tougher sentences in general: for example, double time for criminals targeting the defenceless in our society — the aged, children and the disabled; a

□ Camerer is NNP leader in the National Assembly and the party's chief justice spokesman.

The NNP has put practical plans on the table to address the whole problem of crime because we are convinced that success in this area is the key to SA's success generally.

And let prisoners help build them. Other vital aspect of our blueprint to fight crime. And let prisoners help build them. Other vital aspect of our blueprint to fight crime. And let prisoners help build them. Other vital aspect of our blueprint to fight crime. And let prisoners help build them.

This leads me to the point we have been making repeatedly in Parliament: the SAPS and the justice department are seriously underfunded — to the tune of about R2bn in terms of their budgets for the past two years, according to the responsible ministers. There must be some re-prioritising of the national budget so the police can be empowered, expertise in the justice department can be retained, new legislation can be implemented and more prisons can be built — another vital aspect of our blueprint to fight crime. And let prisoners help build them.

In addition to heavier sentences, the NNP recommends implementing stricter bail and parole measures. Some measures have been enacted, but are not being implemented because the criminal justice departments lack the funds and the manpower.

SOCIETY  
11/5/99  
fight 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 59,2 per 100 000 of the population in 1997 to 58,5 in 1998, the actual figure has increased. Actual cases reported in 1997 were 24 588, while last year's total was 287 higher at 24 875.

A total of 49 280 women were reported raped last year (52 159 in 1997), while 266 817 housebreakings were reported (249 375 in 1997). A total of 107 513 cars were reported stolen during the same period (100 637 in 1997), while 15 111 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 1998 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 out 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.”



# 'According to needs analysis we require R8-million more'

8 Nov 14/5/99 (34) (SPP)

The Public Protector has successfully finalised half of the complaints received and has forged relationships with similar minded bodies against corruption

By EDWIN MANDU

The Public Protector, Advocate Selby Baqwa, has received more than 11 000 complaints since his office began operating with a staff of eight in 1995.

Baqwa said his office does not represent people as lawyers, but goes the extra mile to ensure that government officials follow the correct procedures when dealing with ordinary citizens.

Of the 11 182 complaints received, 5 391 have been finalised while the others have been referred to the SA Human Rights Commission, other organisations and even to consumer television personality Isabel Jones.

The majority of complaints came from pensioners who had been deprived of their payouts through maladministration by civil servants, prisoners who were ill-treated, environmental activists, local authorities and individuals from all walks of life, Baqwa said. Civil servants have also lodged complaints.

"We are accepted by everybody, irrespective of creed or economic circumstances. That is something we cherish very much."

Baqwa said the office, set up as a Chapter 9 organisation to support democracy, has made an impact on the lives of many citizens who

would have previously endured abuse from government officials in silence but could now speak out.

It has also played an integral role in the anti-corruption initiative.

Probably the biggest breakthrough, he said, was that his office forged working relationships with similar minded bodies, including the Office for Serious Economic Offences, the Health Special Investigating Unit and the auditor general's office.

Baqwa said information between these agencies is

## We cherish that we are accepted by all the people

shared and has resulted in greater successes against corruption.

The current high profile Baqwa's office enjoys is a far cry from the days when it began operating with a small staff and an "inadequate" budget of R5-million. They will have 91 staff members and will open offices in the Eastern Cape and North West Province from June 1. The headquarters will remain in Pretoria. However, the number of

complaints received still swamp the number of staff dealing with them.

The budget for 1999/2000 financial year is R15,5-million although Baqwa had asked for R23,5-million.

"We are a Chapter 9 organisation, here to underpin democracy. But in a country with more than 40 million citizens and nine provinces, we have to assist people as quickly as possible, cutting through red-tape.

"For example a pensioner cannot be made to wait for several months for money which is needed urgently," he said.

"We were inadequately funded in 1995 and are still inadequately funded. This has been a sore point and we have to recognise that the amount we received since we started has increased.

"We do not want to sound ungrateful, but according to our needs-analysis we would require at least R8-million more," he said.

Talking on the need for anti-corruption agencies, Baqwa pointed to Hong Kong which, he said, was rife with corruption in the 70s and effected a real turnaround with the appointment of an Ombudsman charged with stamping out corruption.

He says the Hong Kong Ombudsman has a budget of US\$91-million (R450-million) though Hong Kong only has six million people



In aid of democracy... from having a staff of eight when it started in 1995, Selby Baqwa has seen the office of the Public Protector grow to 91 members of staff but still not able to cope with all the work load



# National vehicle database could stop theft

Motor industry observers say information bank is crucial for crime prevention, writes Jonny Steinberg

A NATIONAL database of locally manufactured vehicles will make the sale of stolen cars on the domestic market almost impossible, the Automobile Association and information management company HPI claimed this week.

But the system will not be as effective as it could be until the police download their database of stolen vehicles onto HPI's system — and government says it is not yet in a position to do so.

"We went to every manufacturer in the country and asked for the birth certificate of every vehicle on record," HPI MD Hennie Boudjelthia said this week. "We have 6.3-million vehicle records on our database: the vehicle identification number, engine number and model of each vehicle. If a bank, a second-hand dealer or an individual checks a vehicle against our database and finds that it is not there, there is a 90% chance that the

vehicle is not or has been tampered with."

National Crime Prevention Strategy research estimates that 107,000 cars and light commercial vehicles were stolen in SA in 1996, 60 000 of which were not re-covered and 32 000 falsely reregistered and sold on the domestic market.

One of the central ideas behind HPI's system is to make the sale, financing and insuring of stolen cars practically impossible.

"At the moment the bulk of our clients are institutions: finance houses, dealers and insurers," Boudjelthia said. "So a bank will access our database before financing the purchase of a used car. If it does not appear on the system the bank will know the car is probably stolen."

However, HPI's database will remain incomplete until the police download their record of stolen vehicles onto HPI's system. HPI has not put in a formal offer for the position to sell it.

"HPI may well be a good option," National Crime Prevention Strategy's programme manager on vehicle theft Alan McKenzie said this week.

"They know their business and we have confidence in their ability. But a number of issues need to be sorted out. Firstly, we have not seen HPI's database or any documentation on it, despite having asked for it. Secondly, the whole question of commercial gain and its place in crime prevention needs to be thought through.

"Many commercial players are interested in the database and giving one of them a privileged position in the market place is not our chief concern.

"Delivery is the key. If delivery does end up involving commercial gain, all well and good. But the issue needs to be thought through."

Motor industry observers say that while a data bank like HPI's is crucial for crime prevention, it is simply one arm of a comprehensive programme.

"HPI cannot stop the sort of transactions where the dealer, the buyer and the financier all suspect that the vehicle is stolen, but do not really care," said a source in the motor industry, who asked not to be named.

"Ultimately, nothing is foolproof without police enforcement and enforcement is the big stumbling block.

"Until there is a standard physical identification system on all vehicles, police will not have the capacity to spot a stolen car," the source said. "And the industry cannot agree on what that marking system will be."

Some say the industry's inability to reach consensus is a symptom of its scepticism about police capacity.

"Why spend a great deal of money on an identity system when the police are not competent enough to deliver the goods and enforce," said one industry player.

"It is chicken-and-egg. Police can't enforce until the industry comes to the table. And the industry will not deliver until the police are seen to be capable."

If there is indeed a Catch-22 scenario playing itself out, government is soon going to end it by legislating a single identification system.

Next week 130 role-players, including all SA's car manufacturers, will attend a workshop in Midrand to discuss vehicle identity systems.

Delegates will be given about a month to respond to the debate in writing. Then government will close the curtain on the debate and draft new legislation.

BD 19/5/99



# Blowing the whistle on fraudsters (34)

Richard Stovin-Bradford

BANKING EDITOR

Johannesburg – South Africa's corporate governance performance received a welcome boost yesterday with the launch of Tip-Offs Anonymous, a joint venture between Deloitte & Touche, the professional services firm, and Brian Adams & Associates, the security consultancy.

Tip-Offs Anonymous was established to help blue-chip corporate, parastatal and government department subscribers fight commercial crime.

In the first half of last year, 29 556 cases of commercial crime involving R2,2 billion were reported to the South African Police Service (Saps). But 90 per cent of fraud is thought to have gone unreported or undetected, with costs running possibly into tens of billions of rands.

Vassi Naidoo, Deloitte & Touche's chief executive elect, said statistics such as these had resulted in the introduction of a service that enabled clients'



**WHISTLE WHILE YOU WORK** (from left) Guy Brazier of Tip-Offs Anonymous, Vassi Naidoo of Deloitte & Touche and Brian Adams of Brian Adams & Associates. The corporate, parastatal and state employees to blow the whistle on crime in the workplace. PHOTO: JOHN WOODROOF

stakeholders to blow the whistle on crime and workplace dishonesty. In complete confidence and anonymity.

Durban-based Tip-Offs Anonymous is totally independent. Through its R3,5 million high-tech call centre, it provides secure freephone, e-mail, fax and mail facilities for management, and not one has turned down

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our service. We already have 30 subscribers in the pipeline. Naidoo, whose firm holds a majority interest in the venture, said: "One of the purposes of Deloitte & Touche is to be a custodian of good governance. This will contribute to stopping crime in the first place."

□ Business Watch, Page 2



# New Act aims to curb misuse of state funds

By Shadrack Mashalaba

THE move by the Ministry of Finance to put in place the Public Finance Management Act is a commendable effort to introduce accountability while at the same time ensuring value for taxpayers' money.

The Act, which is expected to be promulgated in the near future, will modernise financial management and address the elimination of corruption and wastage in the public sector.

In an address at a presentation organised by the accounting firm Deloitte and Touche in Pretoria last week, Finance Minister Trevor Manuel said: "There is a need to introduce proper systems of financial management.

"Managers should take full responsibility. We need to place an obligation on managers to produce timely and qualitative information. What we endeavour is corporate governance."

Manuel said it was critical that South Africa focused on the Reconstruction and Development Programme, which is geared to delivery of services for a better life.

In terms of the RDP's vision to transform society, Manuel said the Public Finance Management Act would be vital.

"We want to see the Act giving effect to the management of public funds. It will set a good framework for the new Parliament into the new millennium," said Manuel.

The key elements of the Act include:

- Formulating a framework for the management of cash and the establishment of appropriate and effective cash management and banking arrangements;
- Establishing a system of internal audit under the control and direction of an audit committee;
- Devising a system for properly evaluating all major capital projects prior to a final decision on such projects;
- Submitting to Parliament measurable objectives for each main division within their department's vote for the annual budget;
- Preventing unauthorised and fruitless expenditure, ensuring that expenditure is in accordance with this vote, preventing overspending and reporting on overspending;
- Complying with measures imposed by the treasury to prevent overspending;
- Managing available working capital efficiently and economically, setting all contractual obligations and paying all money owing within the prescribed or agreed period;
- Obtaining assurances regarding effective, efficient and transparent financial management and internal control systems from entities to which funds are to be transferred;
- Preparing financial statements for each financial year in accordance with generally recognised accounting practice;
- Preparing annual reports and financial statements that fairly represent the state of affairs of the department, its business, financial results and performance against its objectives and financial position;
- Providing the treasury with a monthly breakdown of revenue and expenditure;
- Ensuring the "articulation and cascading" of responsibility, authority and performance expectations to all levels of management (performance management); and
- Reporting on the collections of revenue due and shortfalls in budgeted revenue.

Implementation of the Act will be the full responsibility of the ministers concerned, said Manuel, and the directors-general will determine the policy framework.

The focus will be on a need to eliminate waste and corruption.

"This law will go down in history as part of establishing a framework to deal with corruption and holding Government accountable on public finances," he said.

In addition, the Government is trying to put in place fully compliant financial systems.

The new Act will apply to all financial managers in government departments, public entities and state-owned properties.

Manuel estimated that there were 850 entities under government control



Finance Minister Trevor Manuel ... the Public Finance Management Act will establish a framework to deal with corruption and wastage in the public sector.

which annually have to report to Parliament about their activities.

When the new Act comes into effect, it will offer government agencies an opportunity to manage their assets and liabilities prudently. Manuel said it will also enable these agencies to interact.

The challenge "will be to ensure that we delegate the effective operation of the Act to all institutions, even those at the lower level of government tiers".

Manuel sees a key role for the private sector as well.

The Act can be successful if the Government establishes close cooperation with the private sector.

"Professionalism in regard to financial management, output-based management, integration of financial services and introduction of accelerated

accrual systems are key to achieving efficiency," Manuel said.

An accounting officer or official will be liable to a fine or to imprisonment for a period not exceeding five years if found guilty of wilfully or in a grossly negligent way failing to comply with the Act.

In consultation with the auditor-general, the minister will also appoint the members of the Accounting Standards Board, which may establish its own operating procedures.

According to the Act, the treasury must prepare consolidated annual financial statements to be submitted to the auditor-general within three months after the financial year-end.

Manuel said the implementation of the Act will be phased in gradually, and fully implemented by 2003.



# Legal hawk ready to pounce on assets of organised crime

(34) DD 21/5/99

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 Stef Cassella, Hofmeyr's opposite number in the US justice department, which collects \$500m 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 nation-

wide, 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 businesses. 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.

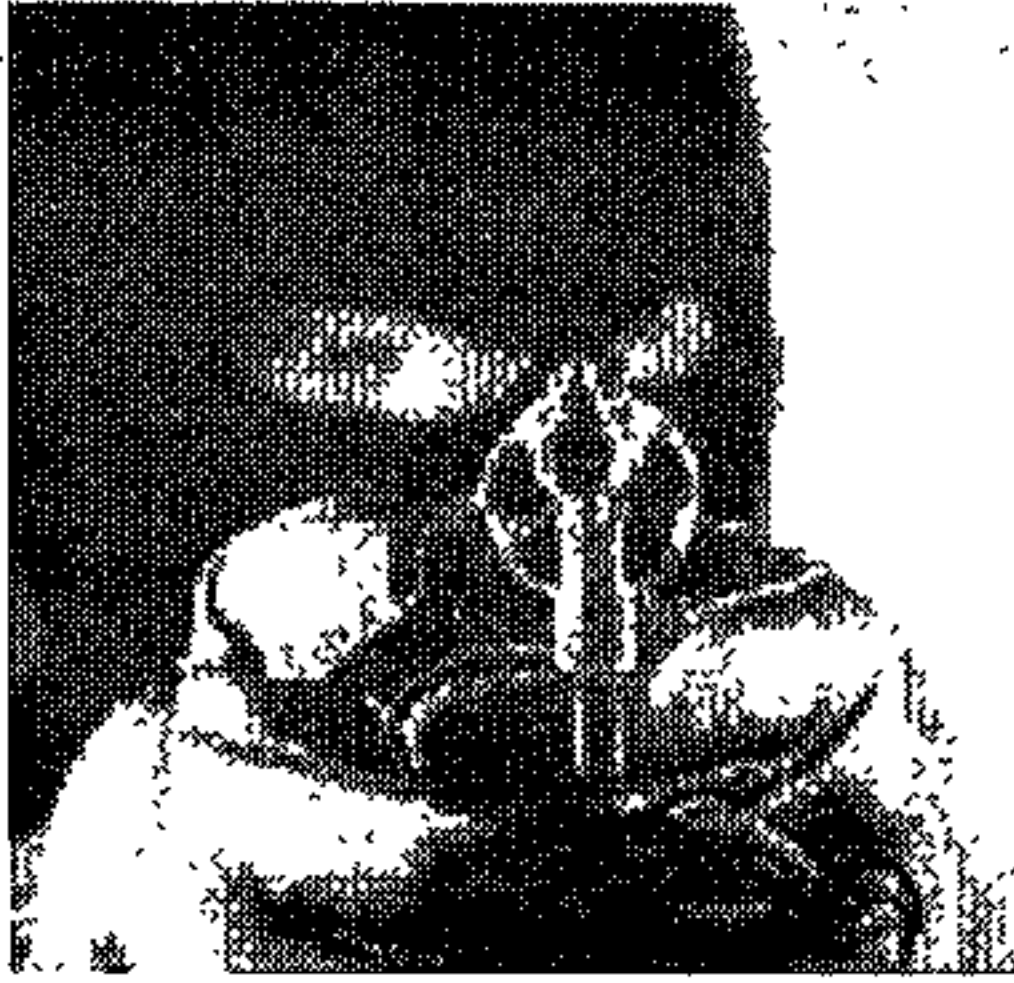
"Every day cars are pulled off the road containing R50 000 in cash. Don't just arrest the driver, seize the car as a matter of course. Make things as difficult as possible by seizing the instruments of crime."

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 transactions. 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."





## Crime and the legal system - January to June 1998

Crime	Number of cases reported	Number of cases referred to court	Number convicted	Convictions as a proportion of reported cases
Murder	11 569	5 397	1 885	16,30%
Rape	13 951	6 008	1 066	7,60%
Armed robbery	36 809	4 323	981	2,70%
Serious assault	110 676	44 294	15 376	13,90%
Housebreaking	124 906	16 129	6 435	5,20%
Theft of motor vehicle	46 906	3 181	1 031	2,20%
Hijacking	7 041	503	145	2,10%

KUBEN DAVID Source: SAPS

# 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 Schönreich

**T**HE 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 rands 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 Mbuli, 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 Seipei 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 Makhaya Ntini, 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-intended 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 11 569 murder cases reported to the police between January and June 1998 (the latest period for which figures are available) only 5 397 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.

□ Schönreich is a senior researcher with the Institute for Security Studies.

(34) BD 21/5/99



# Heath to probe the misuse of state finances

(34)  
Reneé Grawitzky

PRESIDENT Nelson Mandela signed a proclamation this week granting the Heath special investigating unit the go-ahead to investigate 20 alleged acts of theft or misappropriation of state funds in seven Northern Province government departments.

Opposition parties have welcomed the move, claiming it was long overdue. Northern Province premier Ngoako Ramatlhodi said his government would give the unit its full support during the investigation. The unit said yesterday the investigations would start within the next two to three weeks following consultation with the provincial administration.

The unit said the sum of money involved would become known once the investigation was under way. The affected government departments include public transport, education, health and welfare, public works, agriculture, trade and industry and local government.

Ramatlhodi said the majority of the cases concerned unauthorised or irregular payments by departments to employees and nonemployees and the theft or loss of spares and equipment.

The Northern Province's Democratic Party leader, Michael Holford, said his party was now calling on Ramatlhodi "to do the honourable thing" and step down.

Meanwhile, the Northern Province Council of Churches has expressed concern about allegations that the African National Congress (ANC) provincial office was bought with the assistance of one of its traditional business friends, who has been linked to acts of corruption.

The council said: "Without echoing any political tunes we call on the ANC to be morally sensitive to the needs of this province and remain vigilant not to be drawn into controversial deals that are meant to disempower the very people it purports to be working for."

BD 21/5/99

# Theft of private guns is big problem

BY ETTIENNE HENNOP

Illegal firearms are often used to carry out violent crimes in South Africa. Some of the chief sources of illegal firearms are from within South Africa itself. Identifying the sources and gradually gaining control over them will be one of the important tasks if firearm crime is to be brought down in the country.

The major sources of illicit firearms in South Africa are: the theft or loss of state-controlled firearms; the theft or loss of firearms owned by defence force and police service members; firearms lost by or stolen from civilians; and the smuggling of firearms into or through South Africa.

State-controlled firearms include all firearms under the control of the South African National Defence Force, the South African Police Service, and governmental or provincial departments that have firearms. Thefts from these armouries are often well organised and are usually carried out with the assistance of a person working inside the armoury or someone with knowledge of its security procedures.

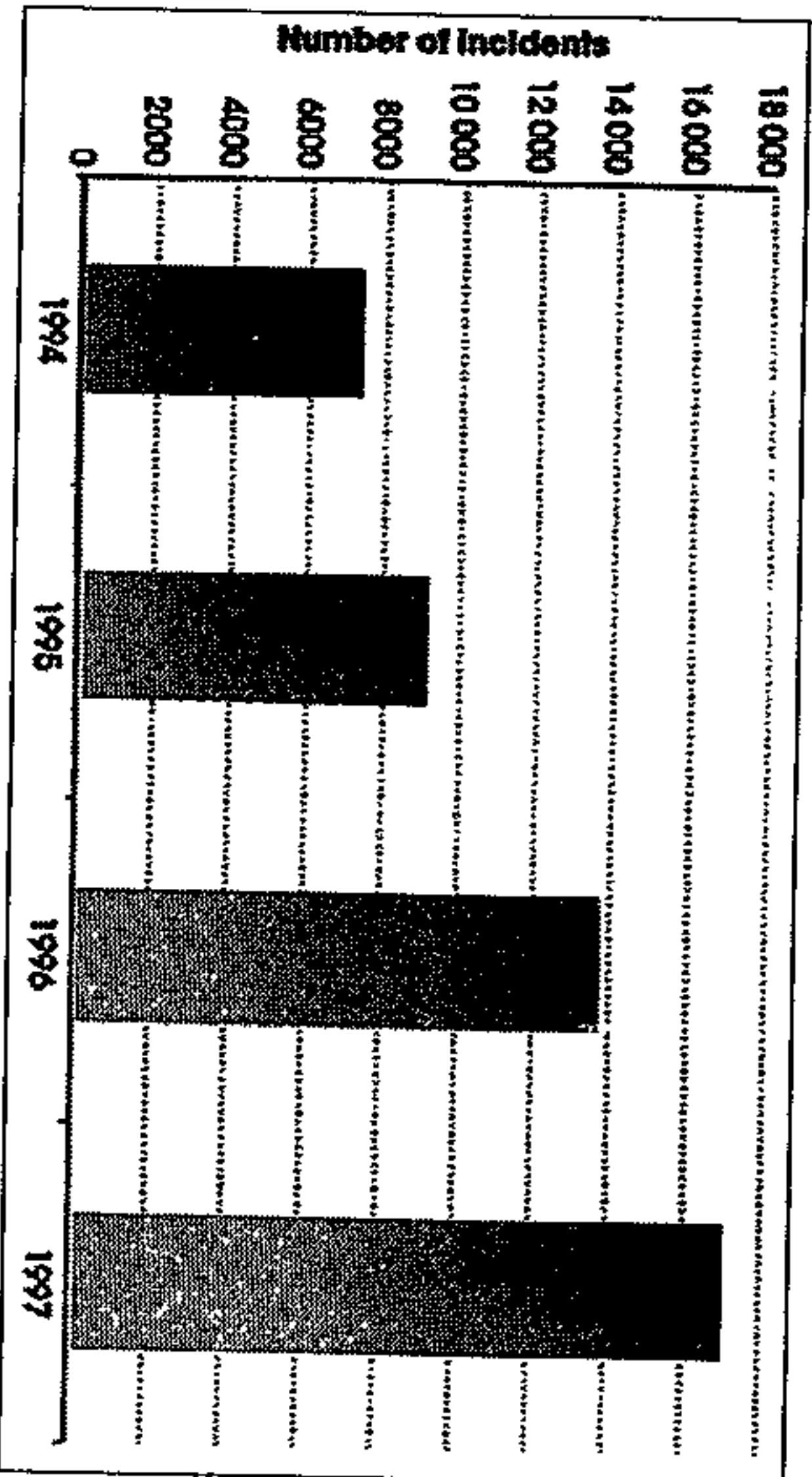
In the Western Cape, a new trend is emerging: the armed theft of firearms and ammunition from police stations. These thefts have included the loss of assault rifles, pistols, ammunition and other police equipment. Between January and March this year, six assault rifles, six shotguns and 23 9mm pistols were stolen from police stations in the Western Cape. It is

believed that gangs and vigilante groups in that province are responsible for these robberies, using the stolen weapons for the ongoing drug and gang wars.

Members of the SAPS and SANDF are also targeted, both on and off duty, for their firearms. A large number of weapons are also lost by members of the security forces through negligence. Last year, 1 775 firearms were either lost or stolen from members of the police force.

firearm, the stiff penalties (including forfeiting the right of ownership if the loss is through negligence) may dissuade many from reporting lost weapons to the police.

In March this year, in response to a question in Parliament, Minister for Safety and Security Sydney Mufamadi stated that in 1998 a total of 29 694 firearms had been reported stolen or lost to the SAPS, including those lost or stolen from police and defence force members. The smuggling of firearms into



**FAREWELL TO ARMS:** The graph shows the alarming increase in the number of firearms stolen and lost between 1994 and 1997

While difficult to quantify, one, if not the largest, source of illegal firearms in South Africa is the theft or loss of civilian-owned firearms. Statistics from 1994 to 1997 show that the number of reported lost or stolen firearms has risen steadily, from 7 285 in 1994 to 16 963 in 1997. While owners are required by law to report the loss or theft of their

and through South Africa by criminals and organised syndicates continues, but the smuggling of firearms on a large scale into South Africa for political reasons has decreased dramatically since the first democratic election in 1994. Joint operations with Mozambican police and the SAPS have been successful in destroying hundreds

of tons of weapons and ammunition inside Mozambique, preventing their being trafficked into South Africa. However, cross-border smuggling remains a threat, and police remain alert to smugglers and organised-crime rings dealing in weapons.

The porous borders of South Africa and its neighbours are difficult to police. For example, military weapons went missing from a Lesotho army base during the Southern African Development Community intervention into Lesotho last year. There are fears that they may appear in South Africa among criminals and in areas that have the potential for violence in the run-up to the election.

The government has identified firearms as a priority within the National Crime Prevention Strategy, and efforts such as the joint operations with Mozambique, improved border control and breaking organised-crime rings have gone some way towards reducing the number of illegal weapons entering the country. However, the loss and theft of weapons from within the country is a disturbing trend which must be addressed.

National police commissioner George Fivaz announced recently that reducing the number of illegal firearms was a priority. Through legislation, enforcement and preventive measures, the police will be able to go some way in this regard.

■ *Ettienné Hennop is a researcher at the Institute for Security Studies. This article appears in the current Nedcor-ISS Crime Index.*



# Mbeki warns 'thieves' who join government (34)

Farouk Chothia

24/5/99

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

DD 2/6/99

(34)

**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 R4,3m. 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.

"Theft of government cheques is a major problem," he said. "In Umtata, 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 depart-

ment 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

The tendency to causally associate unemployment with lawbreaking may lead us to wrong policy conclusions, argues Jeremy Baskin

RIME and unemployment are the big election issues, and everyone assumes that the two are connected. But are they? I know something about unemployment and very little about crime, and from that angle I cannot see the connection.

A cursory look at the statistics shows that serious crime is highest in those provinces where unemployment is lowest. Top of the murder rankings is the Western Cape, with 20,8 murders for every 100 000 people for the first three months of the year. And yet the Western Cape is the province with by far the lowest unemployment rate. The province also has the worst record in relation to house-breaking, theft from motor vehicles, other thefts, attempted murder, and common assault.

It even tops the league table in shoplifting — an area where common sense might suggest a link with unemployment.

Gauteng runs a close second to the Western Cape in most of these crimes and tops the league in the categories of other robbery, vehicle theft and commercial crime. And yet Gauteng has the second lowest unemployment rate... an expanded rate of 28% according to the 1996 census. Compare this to a massive 46% unemployment rate in Northern Province, the province

which consistently reports the lowest crime rates in almost all major crime categories.

Are those who commit crime more likely to be unemployed than the average citizen in their age group? I know of no studies which show this. If unemployment and crime are linked, how does one explain that unemployment rates are substantially higher among women, while perpetrators are overwhelmingly male? The most basic error in statistics is to assume that simply establishing a correlation means one has proved a causation (that people who drink water die).

Surely we are making an even bigger logical error by blaming unemployment for crime when the figures do not even show a simple correlation? Are we suggesting that the unemployed are criminal? Are we saying that if unemployment drops then so will crime? Are we excusing those engaged in crime because their unemployed condition drove them to it? Any of these arguments has big implications for our approaches to crime, social policy and even job creation.

The only evidence of a connection that I have seen suggests that high crime rates reduce business confidence and contribute to reduced levels of investment and poor economic performance. This, in turn, affects job creation.

## Unemployment and crime

Province	Expanded unemployment rate	Murders per 100 000	Rank	House-breaking (residential)	Rank	Commercial crime	Rank	% of employed earning less than R4 500 monthly	Rank
Western Cape	17,9	20,8	1	284,4	1	59,3	2	12,4	2
Gauteng	28,2	17,4	2	256,2	2	86,2	1	15,6	1
Northern Cape	28,5	16,9	4	166,0	4	38,4	3	8,1	5
Free State	30,0	10,3	6	160,2	5	32,3	4	6,8	7
Mpumalanga	32,9	9,1	8	168,2	3	29,3	5	7,8	6
North West	37,9	9,2	7	125,0	7	25,2	7	5,7	9
Northern Province	46,0	4,9	9	66,8	9	13,3	9	5,8	8
Kwazulu-Natal	39,1	17,5	3	141,2	6	28,4	6	10,1	3
Eastern Cape	48,5	14,0	5	115,5	8	24,5	8	8,5	4
SA TOTAL	33,9	13,9		165,0		39,6		10,7	

KAREN MOOLMAN Sources: CENSUS '96, SABS '99

In short, if there is a connection it is probably that crime contributes to unemployment, rather than the other way around.

We all know instances of individuals spending vast amounts on burglar bars and other forms of security, rather than on more productive assets. We all know the economic effect of a tourist being stabbed, or how the cost of insurance premiums or security systems raises the costs of doing business, or how the cost of protecting building materials reduces the

amount that can be spent on building low-cost houses. Perhaps those who say unemployment causes crime are simply using shorthand. They are, perhaps, suggesting a common-sense connection, not to be scoffed at, between economic conditions and crime. However, again the figures are not helpful. Where poverty is most widespread, like in Northern Province, reported crime is lowest.

Although the first national vic-tims survey suggests that reported crime may understate the actual

experience of crime in rural areas, it does not appear to challenge the gist of this argument.

There does, however, seem to be a correlation between affluence and crime. Provinces with the most wealthy people appear to be provinces with the most crime, and not only property-related crime.

The 1996 census says 15,6% of those with jobs in Gauteng were in the top-earning category, earning more than R4 500 a month. The figure for the Western Cape was

12,4%, and for Northern Province a mere 5,8%. In short, the figures suggest that crime is where the money is, not where there is unemployment, and not where poverty is worst. Is this not the correlation we need to explore? Should we not be looking at the links between crime, wealth and inequality?

So it seems that crime is crime, and unemployment is unemployment. Both are serious problems calling for hardnosed solutions. Linking unemployment and crime too casually may lead us towards wrong policy conclusions. They may make us excuse criminals too easily, or allow police to blame their lack of success on forces beyond their control. And they may divert us from taking a hard look at the deep and underlying social and economic inequalities which may be associated with reducing both crime and unemployment.

But I am no expert in this field. So perhaps the criminologists, economists, and politicians can point out where I am going wrong.

Baskin is a freelance researcher and public policy analyst.

# Victims' Charter to be drawn up soon

*It will empower, support victims of crime*

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 1999 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 loss 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 Igshaan 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.

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# Court hears that Organised Crime Act is 'draconian'

**MOTSHIDISI MOKWENA**  
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 criminal 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 unconsti-

tutional, 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 organ-

ised 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.

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# Facing the ugly reality of crime

(34)

By William Smith

OUR country faces the huge task of building a community on the rubble of the past: broken communities, a dearth of leaders, untrained and inexperienced community leaders.

A major resource in this work is our religious organisations. They are trusted, legitimate institutions of the community.

But have they transformed adequately to meet the present needs of their members and the wider community?

Are the religious leaders ready to act on community issues? Do they know each other? Do they know how to work together? Do they know what to do? How will they do it?

The decades-long festering violence in Westbury township, Johannesburg, offers a relevant case study to examine the role of religious groups and offer possibilities for renewed constructive action.

Westbury has an estimated population of 35 000. Forced removals from Sophiatown, Denver and other areas in the late 1950s redesignated the area as a coloured township.

The black people who had lived in what was Western Native Township were relocated to Meadowlands, Diepkloof and elsewhere.

In the 1980s the department of community development rebuilt the township. Some families (newlyweds) were relocated to Klipspruit West and Emerdale.

Other "stray" families from places like Alexandra and Lawley-Grasmere were brought to Westbury.

The new housing development scheme brought brightly painted blocks of housing to replace the demolished old housing.

But the bright colours did not conceal the strategy of increased residential density, apparent from the reduced road sizes and tiny yards.

This small suburb manifests a particular weakness in the internal violence it experiences - an overly high social turmoil expressed in weekly murders, rapes and violent assaults.

Westbury is not unique in its social malaise - overcrowding, drug-trafficking, teenage pregnancy, high incidence of divorce, unemployment and a general breakdown of family values.

However, the excessive scale of this pathology is in notable contrast to the neighbouring suburbs of Coronationville and Newclare, which are fairly stable by comparison.

The origins are obviously complex. But it does not take an academic thesis to point to the bizarre exercise in social engineering that took place as one of the root causes of today's problems.

Since the 1960s the gang names may have changed - from the Vikings, Fast Guns and Spaldings to the present Vardos and Majimbo - but the basic situation persists.

Community control has weakened as gangs have broken down boundaries and even taken their fights into prisons and hospitals.

The community's organised reactions have always included organising prayers and mass rallies at stadiums and calling the press for publicity to witness the handshaking and peace-making.

A community policing forum exists but has not successfully taken up the issue.

The authorities, during the apartheid era ignored the situation when it was "in the township"; they clamped down on it when it threatened to spill into neighbouring white suburbs such as Westdene and Triomf.

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Junior members of the Majimbo gang. The members are allegedly involved in drug-trafficking, car theft, fraud and other crimes in Westbury and Eldorado Park. PIC: PICTURENET

Most recently official response has been to endorse the achievement of peace by a church denomination's initiative.

Members of the community - youth, parents, professionals and clergy representing long-established churches - express doubt about the South African Police Service's commitment or ability to eradicate crime and violence here.

Westbury is well-known as Johannesburg's drive-in drug cafe, and there are suspicions of police connivance with the suppliers.

### Churches differ

The situation is not assisted by general community apathy.

The churches in the area are not uniform in their perception of their roles. There are two sections - the mainline and the evangelical.

The responses of the two groups differ.

The evangelical churches have offered the community a solution through big prayer meetings and arranged well-publicised reconciliation activities involving the warring groups.

The mainline churches, while criticising the strategies of their evangelical colleagues, have not offered a creative response other than meetings to discuss each new outbreak. Mosques participate in these meetings as well.

Funerals are almost weekly affairs. They have become a social tradition.

In the most recent episode - a Vardos/Majimbo encounter over last Christmas - an initiative to bring together all organised religious groups, educationists, parents and youth, social workers and other professionals from the community was scuppered when an evangelical group ran solo with the issue.

Since the much publicised reconciliation, four more youths have been shot.

The actions offered thus far as solutions, while well-meaning, are temporary. They are not enduring and certainly not community building.

The new democratic South Africa has not yet strengthened this community's ability to impact on its scourge of violence.

Religious leaders have an obvious part to play in transforming the doubts and fears of the leading community members into meaningful relationships and joint actions for community empowerment and building.

They can develop mutual trust and jointly facilitate small meetings to conjoin different groups until they are forged, not under one or other creed or flag, but around issues of concern.

Their act of combined working together on one issue will in itself strengthen the community.

A logical partner in community-building is the new democratic forum in the statutory committee which constitutes the community policing forum.

This is another area in which citizens can reform relationships from sceptical negativism to constructive partnership.

Political control in the past was maintained through fear of involvement absence of constructive relationships, lack of trusted leadership and lack of unifying community organisations.

The opposite situation exists now. Religious groups and communities can effectively use the methodology offered in broad-based community organising theory to redefine their roles as leaders in the community, and reorganise their strategies, actions and methods.

This will open the path to construct a moral and responsible community through hard work, discipline, faith and selflessness, worthy to inherit the political freedom our country has achieved.

(This is an edited version of a presentation to a World Conference of Religion and Peace meeting. The author is a community organiser at the Johannesburg-based Interfaith Community Development Association.)



# 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

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"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 "scares" 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 home page, "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."

Asked whether "incapacitates" means it combusts or sets alight, Michelle Wong, a spokesman for Blaster Antihijack 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 Gun-free 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 spokesman 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 Azhar 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. "If someone 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 Vereeniging marketing expert Charl Fourie.

"So far 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 bartered 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 impeccably 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

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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 swelled 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 be named, said the success of the security plan rode on "the thinnest of political tightropes".

"The plan concedes 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 are being tackled, people they 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-Mathamaga," Raath says.

"That is really no solution. It soon leads to a situation where four or five mafias compete with each other and end up forcing protection money out of the population. That would be a disaster."

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# 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**

**T**HE 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 jurisprudence 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 nor 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 the onus on a defendant to prove their assets were procured from legitimate proceeds.

In 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, passing and amending laws are not insignificant. When laws are in conflict with entrenched constitutional rights, then 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 Bhulwana; State v Gwadiiso 1995 (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 section provides 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 s2(1)(a)(i) of the Drugs and Drugs Trafficking Act is an unjustifiable violation of the accused's right to a fair trial. Consequently, s21(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 laws 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 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 legitimately, 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 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 it seems is 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.

*Bart Henderson is a forensic auditor in private practice, lecturer and author of numerous articles on economic crime and ethics abuse.*

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# Corruption hampers development in SA

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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 rands being lost yearly, members are 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 Leeuwkop 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 a 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 penology 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 maimed.

After all, they had sought pardon from their victims and asked for forgiveness since being released.

~~(333)~~

(34)

ED 24/6/99



# 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.

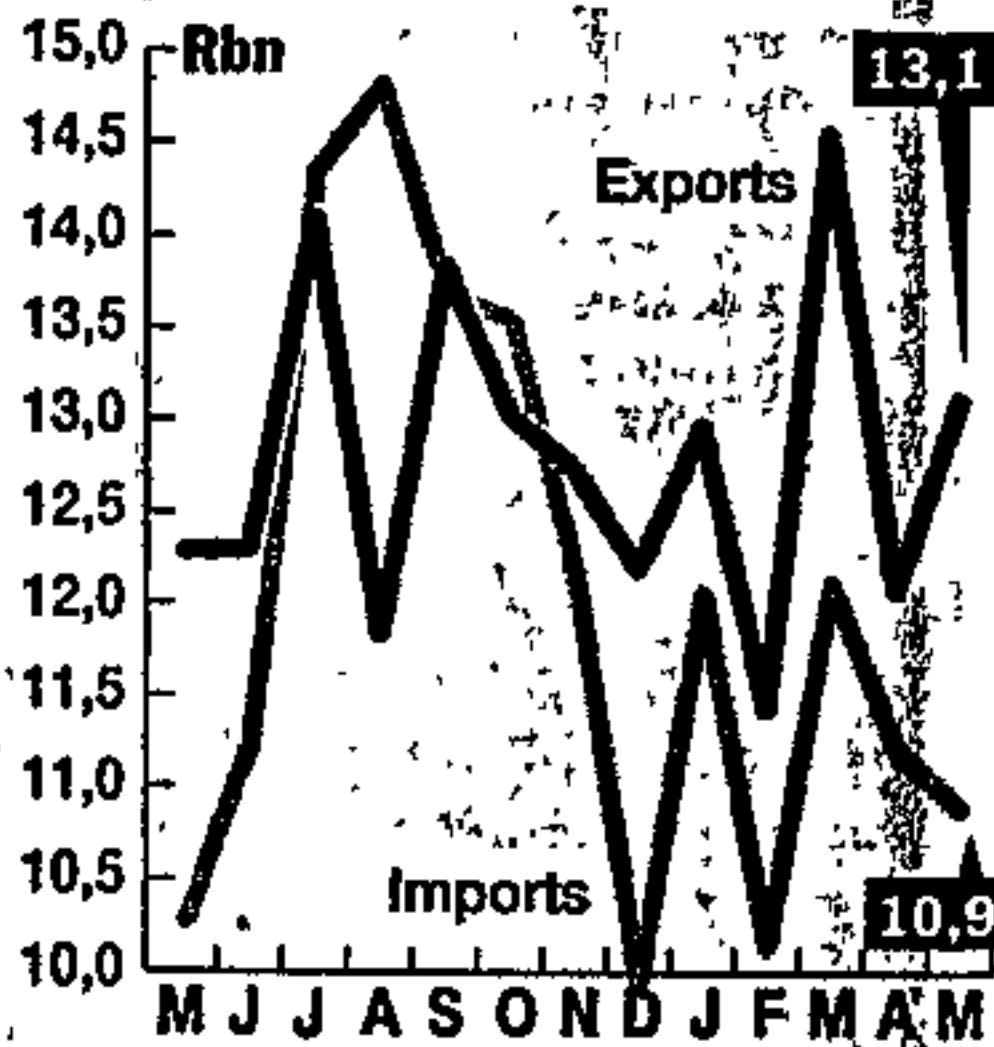
The figures were surprising in light of the weak gold price and the hike in the oil price, but certain economists believe the effects of a higher oil price on imports and a weaker gold price on exports have yet to filter through.

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 uninspiring. 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.

## Trade balance



KAREN MOOLMAN Source: CUSTOMS & EXCISE

A significant increase in the imports of mineral products — up 27,7% month-on-month — indicated that higher world oil prices had finally filtered through as oil made up 90% of the category, Smith said. However, other economists thought the effect of the higher oil price was still to be seen.

SG Frankel Pollak economist Noelani King said the overall drop in imports reflected the poor state of final demand, the fact that inventories were being held at minimal levels and the limited nature of fixed investment.

But as interest rates continued to decline, domestic demand was expected to pick up and so would imports.

King 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.

JP Morgan economist Peter Worthington said the effects of a lower gold price, the higher cost of oil imports and an increase in maize imports, combined with an increase in demand as the economy picked up, would see the current account deteriorate in the second half of the year.

The rand, bonds and equities failed to move firmer on the positive trade balance. Instead the rand closed 3,9c weaker against the dollar at R6,0570. Dealers said there were signs that the Reserve Bank was buying dollars.

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 points to 6 981.

## Police mull team to target Nigerians

Jonny Steinberg

THE SA Police Service is considering forming a national investigative team to hone in on the Nigerian underworld, which is believed to be behind the recent spate of kidnappings of businessmen, 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 Ci-

ty kidnappings are brazen and carefree. "A syndicate will randomly 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 zones 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 shady 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 hone in on people and organisations. The Nigerian underworld in SA 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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# Mbeki unveils master plan to hit crime and boost jobs

PRG 25/6/99

CLIVE SAWYER  
POLITICAL CORRESPONDENT

President Thabo Mbeki today opened Parliament with a master plan for reconstruction, crime and job creation.

It includes a new national priority crimes unit, special intervention in high-crime areas such as Mitchell's Plain, and a high-powered international investment council.

In his first address as head of state to the new National Assembly and National Council of Provinces, Mr Mbeki urged mobilisation of the whole nation in partnership with the Government, to "draw on the energy and genius of the nation to give birth to something that will surely be new, good and beautiful".

He promised "radically" heightened efforts to improve safety and security.

A special, adequately staffed and equipped investigation unit is to be set up urgently to deal with all national priority crimes, including police corruption.

"I have directed that the ministers of safety and security, defence, intelligence, justice, home affairs and finance must finalise all outstanding matters which relate to the activation of this unit within a fortnight."

Co-ordination of all security organs would be improved in line with the National Crime Prevention Strategy.

Mr Mbeki said new recruits with the requisite levels of education were to be brought into the police and there would be human resources development in the police service to improve its effectiveness.

New recruits would be trained to take up posts at all levels, including senior management, as soon as possible.



Salute: President Mbeki, with his wife Zanele on the night, listens to the national anthem on the steps of the National Assembly today. Behind him are Deputy President Jacob Zuma and Speaker Frene Ginwala

Police staff regulations would be reviewed to ensure proper promotion and deployment, "taking into account their competence, honesty and dedication and the need to end racial and gender imbalances in the police".

Mr Mbeki said new laws would enable

the Government to deal mercilessly with all crimes involving guns, including illegal possession of firearms, killing of police, corruption in the criminal justice system and intimidation of witnesses.

A multi-disciplinary approach involving members of affected communities would be used in high-crime areas, including Mitchell's Plain.

The approach of partnership with the nation would be used in the fight against corruption, with steps including the approval of the Open Democracy Bill and the protection of whistle-blowers.

"I would like to take this opportunity once more to reiterate the commitment of our Government to honest, transparent and accountable government and our determination to act against anybody who transgresses these norms."

The Government was considering special commercial crime courts to deal with white-collar crime.

Turning to the economy, Mr Mbeki said the reconstruction and development programme and the Growth, Employment and Redistribution (Gear) programme remained the basic policy of the new government.

At the same time, he committed his administration to clearing impediments to investment and creation of jobs.

The Government planned incentives to encourage saving.

Improvement in deficit and debt ratios opened the way for further public-sector capital spending.

Mr Mbeki announced that Swissair had won the bid to acquire 20% of South African Airways, at a price of R1.4 billion.

He said an international investment

# Mbeki unveils plan to cut crime and create jobs

From page 1

council was to be set up, including leading players in the global economy "driven by a passionate desire to ensure we succeed as a country".

The council would work with the president, leading business people and trade unionists to ensure South Africa attracted foreign investment, said Mr Mbeki.

Four working groups would be established to bring the Government together with big business, the black business sector, commercial agriculture and the trade unions.

New measures were needed to develop small, medium-sized and micro-enterprises, and decisions to encourage this would be announced within three months, the Assembly was told.

While discounting claims that labour laws acted against job creation, he pledged to "address" perceptions which could damage efforts to create employment.

Labour law issues that were to be discussed with labour and business included probation, remedies for unfair dismissal, dismissals for operational requirements and certain conditions of the Basic Conditions of Employment Act.

Implementation of job summit

resolutions was to be stepped up, he said.

Mr Mbeki announced that Minister of Trade and Industry Alec Erwin was to make immediate recommendations to the Government about who should be allowed to run the national lottery, and pledged that the matter would be resolved in the next 14 days.

A rural development programme bringing together all government departments and spheres of government, including traditional leaders, was to be implemented.

The Government was to continue to re-prioritise public spending to improve the safety net for the poorest in society.

Special programmes were to be introduced to improve the quality of life for various sectors, including women and the disabled.

The Government would intensify its focus on education.

Mr Mbeki said the Government would also focus on the African Renaissance, "ensuring the next century evolves as the African century".

Committing South Africa to contributing to the resolution of conflicts on the African continent, Mr Mbeki said that, where necessary, the services of retired presidents such as Nelson Mandela, Julius Nyerere and Kenneth Masire would be called upon.

To page 2



# Tshwete takes the gloves off 'Ruthless' crime blitz

CHARLES PHAHLANE

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 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

**FBI-type agency  
set to tackle  
serious crime**

(34)

From page 1

ARG 28/6/99  
to establish a structure to investigate priority crimes announced by President Thabo Mbeki during his address to Parliament last week.

He said the structure would be similar to the FBI (Federal Bureau of Investigations) in the US.

He was confident they would be able to report to the president on this structure in less than two weeks.

"The new structure will focus — with the back-up of highly skilled personnel, effective equipment, adequate resources — on crime intelligence-gathering, investigation and prosecution of persons and groups committing or involved in priority crimes," Mr Tshwete said.

On Friday Mr Mbeki listed such areas as Mitchell's Plain, Inanda in KwaZulu Natal and Katlehong in Gauteng as having the highest concentrations of crime in South Africa. He said multi-disciplinary intervention would be implemented to reduce the levels of crime in these areas.

Mr Tshwete told Parliament today that such operations had already begun.

To page 2.

# Law to (34) curb guns *submitted 29/6/99*

By Charity Bhengu and Sapa

**O**PPPOSITION 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 Fazel 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 comes 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.

Pan Africanist Congress spokesman Mr Ngila Muendane 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 spokeswoman 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 Penuell Maduna, Correctional Services Minister Ben Skosana, Defence Force chief General Sipiwe Nyanda and Intelligence Services Minister Joe Nhlanhla unanimously agreed that they would not create the desired effect if they worked in isolation.



**POLITICS**

# Govt promises major clampdown on crime

**K**Y MINISTERS and officials heading the fight against South Africa's crime wave signalled strongly yesterday that criminals can expect no mercy in future.

To demonstrate Government's seriousness, police will launch clean-up activities in a number of identified flashpoints. This will include road-blocks and cordon-and-search operations.

Safety and Security Minister Steve Tshwete, Justice Minister Penuell Maduna and Correctional Services Minister Ben Skosana told a joint media briefing at Parliament that they were committed to a co-ordinated approach which would also involve the SA National Defence Force.

"We are ready, more than ever before, not just to send a message to the criminals about our intentions but more importantly to make them feel that the *tyd vir speletjies is nou verby* (the time for games is now over)," Tswete said.

If the Government was serious about fighting crime, more resources had to be made available and the whole Cabinet agreed that this

Tswete said.

Further legislation to crack down on illegal firearms was being drawn up and should pass through Parliament this year.

Tshwete did not give details of the proposed Bill. However, he said police management had briefed him on a new operational approach which would be followed to restore control over the "common denominator" of serious crimes in our country.

"We are now poised to rise with power and vigour proportional to the enormity and vastness of the aim to be achieved. We dare not disappoint our people in this regard."

"After all, it is their right to walk about the streets of our towns and cities at any hour of the day without fear of being troubled in any way by criminals who must now accept the full consequences of their anti-social behaviour without flinching."

Skosana said he believed the formal positioning of the three ministries made a "pronounced statement".

"If we work in isolation, we will not have the desired effect."

Maduna said he and his Cabinet colleagues fighting crime had held their first meeting last Friday, at which Defence Force chief Siphivwe Nyanda and Intelligence Services Minister Joe Nhlanhla were also present.

The ministers were required to formally meet every two weeks to prepare for the fortnightly meetings of the Cabinet's safety and security committee.

Tshwete said the Defence Ministry also had to play a role as, added Maduna, did Home Affairs in areas such as cross-border crimes.

Tshwete said provincial safety and security MECs would also be drawn in.

Referring to the announcement by President Thabo Mbeki in his address on Friday that the investigation of priority crimes would receive greater attention, Tswete said details of the new structural arrangement and operational approach would be released shortly.

He was confident that the envisaged new body would allow detectives to deal more effectively with crime at local level.

*South African*



# Lack of morality is crime's root

When people are disconnected from their community, they feel no moral restraint, writes Diane Fine

In his article "Joblessness does not cause crime: crime costs jobs," (Business Day, June 1) Jeremy Baskin makes some useful points about the lack of connection between unemployment and crime. Though unemployment contributes to poverty and may mean a lack of structure to daily life, in itself it does not lead to changes in moral attitude towards the rights and wrongs of living with others.

So, as Baskin says, job creation alone will not address the problem. It is necessary to understand its underlying causes if it is to be controlled.

Traditionally, families, groups and communities taught members ways of living together which were respectful and tolerant. There was a sense of belonging, security and continuity and of being valued. This built confidence and a sense of self-worth in the individual. Life was predictable and consistent and individuals believed they could make meaningful contributions to the community.

There was hope and optimism, a sense of being heard and loved. It was in this context that people learnt to love and value others. Communities taught members how to negotiate solutions to problems and provided alternatives to violence as a means of conflict resolution. Individuals learnt to take responsibility for their behaviour.

In SA family and community life was destroyed by the Group Areas Act, the destruction of the extended family, migrant labour and years of violence, exploitation and abuse.

The results of years of trauma and being brutalised is a lack of emotional and personal connection, a self-absorption and a breakdown of the values by which previous generations lived. There is less restraint on impulses to act out. Individual needs for gratification. Moral limits on behaviour are less entrenched. Many have grown up with only limited experiences of these values.

A concentration camp survivor was quoted as saying: "It's more a view of the world, a total world view of extreme pessimism... (a sense) of really knowing the truth in a way that other people don't know it. The truth is harsh and impossible to really accept, and yet you have to go on and function. So it's a complete lack of faith in human beings."

This description of uncompromising despair about the hidden truth of human behaviour is common among trauma survivors. It is also common among deprived communities who lack hope for the future.

Some members of society have become hyper-vigilant, even paranoid. They are fearful, feel helpless and hopeless. Feeling unable to control and predict what will occur in their environment causes many to feel irrational anger and uncontrolled rage.

This is seen on the road, in abuse within families, in kangaroo courts and the apparently gratuitous and unnecessary violence which often accompanies crime. Violence is experienced as random and unpredictable and people are left feeling disconnected and vulnerable.



Communities need to regain a sense of identity and rebuild the importance of family life.

Steve Biddulph in his book *Manhood* says 90% of violent acts are committed by men, 70% of the victims of violence are men, 90% of children with behaviour problems at school are boys. He writes: "Boys need exposure to healthy men and this need continues into adult life. Young men need older men and middle-aged men need still older men."

"If this need is met, then life becomes vastly more bearable, secure, interesting and friendly. The sense of lonely struggle and imminent failure is replaced with an experience of life as a supported journey to mastery."

The lack of relationship between fathers and sons leads to a "hurt-or-be hurt" ethos. For those youngsters, role models are sought in gang leaders. For the vulnerable and insecure identification with the aggressor is a way of disguising this fear.

These young people may join gangs or act out their anger through crime to relieve their sense of confusion or reduce their frustration. For some youth, steal-

ing is a challenge, exciting and a way of being accepted into a subculture. Joining the "gang" may require proof of bravery or a willingness to break the rules.

Thus we have a society where it is impossible to trust, to depend on and be intimate with your family. Closeness within the family relies on hope and trust, trust in the goodness of human beings both in the family and in the community and in the possibility of mutual connection.

Anger and despair, the sense that nobody understands him, feelings of detachment or estrangement from others are common. People believe they have now seen the world as it really is, hurtful and dangerous. They feel isolated, terrified, vulnerable and alienated. In need of protection, reassurance and safety they turn to those who appear to have power, for example political leaders, religion, gang leaders. The only place these wounds can truly be healed is in the social group or family. However, in SA these structures are fragmented, demoralised and traumatised. They cannot provide recognition of the individual's need for help.

Judith Lewis Herman in her book *Trauma and Recovery* wrote: "Traumatic events destroy the sustaining bonds between individual and community. Those who survive learn their sense of self, of worth, of humanity, depends upon feeling connection to others. The solidarity of a group provides the strongest protection against terror and despair and the strongest antidote to traumatic experience."

Victims sometimes feel things have been irretrievably destroyed, but faith, courage, decency are reawakened by common altruism.

The restoration of social bonds begins with the discovery that one is not alone. Nowhere is this experience more immediate, powerful or convincing than in the group (the family). It is essential that real investment be channelled to rebuilding the social fabric of our society. Role models need to show boys how to live as healthy males in our society. Families need to be strengthened. Communities need to regain a sense of identity and power to influence the daily lives of their members.

Political and community leaders need to demonstrate how to take responsibility for their own behaviour, an obvious accountability for their actions and a belief in the importance of family life. It is not only about money in the form of social pensions to individuals, but rather about empowerment.

The welfare ministry has a key role to play in coordinating the drive to rebuild society and so reduce crime and violence. This must involve a multidisciplinary, interministerial approach and requires the leadership of a strong and influential minister if significant inroads are to be achieved.

□ *Fine is a Cape Town-based social worker in private practice at The Family Workshop.*



SECURITY MINISTERS JOIN FORCES

# New unit to target crime

CT 29/6/99

(34)

**INDICATING** that crime was a top priority, government ministers said yesterday in a joint briefing they would formally co-ordinate their efforts in the battle against crime. Political Correspondent **ANDRE KOOPMAN** reports.

**SAFETY** and Security Minister Steve Tshwete announced that a new unit to investigate the American Federal Bureau of Investigations (FBI), and would be well financed and equipped.

The unit would draw on the best investigative and intelligence talents. It would target organised and commercial crime, as well as the murder of policemen.

The new structure will focus with the back-up of highly skilled personnel, effective equipment and adequate resources, on crime intelligence gathering, investigation and the prosecution of persons and groups involved in priority crime, Tshwete said.

He should be able to report to President Thabo Mbeki about the unit within two weeks. "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 the criminals out there

Skosana said at the briefing that security ministers were committed to a co-ordinated approach to the crime scourge. The formal clustering of the three ministries made a "profound statement".

Maduna said security ministers, as well as Intelligence Minister Joe Nhlanhla and Defence Force chief Siphwe Nyanda had a meeting last Friday. They were required to formally meet every two weeks to prepare for the fortnightly meetings of the cabinet's safety and security committee.

The Home Affairs Ministry would also play a role in the joint crime strategy in areas such as cross-border crimes. Tshwete said the finance ministry would be roped in, as well as provincial safety and security MECs.

The fact that ministries were adopting a cluster approach, and that they had the backing of the cabinet and of the finance department, "shows we are serious".

Clean-up activities, including roadblocks as well as cordon-and-search operations, have been initiated in a number of identified flashpoints.

Equally important was the question of raising the levels of

discipline and morale within the police service. "Corrupt officers are already being dealt with and we are going to continue purging the service of all the rot that is in collusion with the criminals."

Transformation of the police service was also vital. Tshwete said that National Commissioner George Fiyaz, also at the briefing, had agreed that some of the new recruits would be introduced into management without having to go through the ranks of the police service.

Ngcuka yesterday called for new laws to help the state in criminal cases.

He had the backing of the ministers of safety and security, justice and correctional services, who stressed that their new integrated approach would not make inroads into basic human rights protected by the Constitution.

Ngcuka said the state was prejudiced by its duty to disclose information to the defence, when there was no concomitant obligation on the accused's part.

He said this was the norm internationally and that SA's laws should be brought in line with this. — Sapa



**TOP PRIORITY:** Safety and Security Minister Steve Tshwete consults with President Thabo Mbeki, Deputy President Jacob Zuma and ANC MP Jamie Mombeng in Parliament yesterday.

PICTURE: ALAN TAYLOR







# FBI-style unit set to deal 'ruthlessly' with crime

ARG 29/6/99 (34)  
PARLIAMENTARY BUREAU

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 Bulelani Ngcuka 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 Penuell 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

(34) Pro 30/6/99

Farouk Chothia



HEATH

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

The fight against corruption can be won only once it is regarded as immoral rather than a behavioural norm the public and private sectors, says Iraj Abedian

(34) PD 3016199

THE current attempts by top-level SA government executives to focus attention on corruption are both justified and timely. In particular, containing the perception of pervasive and unchecked corruption in SA is vital for the success of democracy, socio-economic prosperity and for its effective participation in the African Renaissance.

Internationally, up until recently it was a widespread perception that corruption was a malaise affecting only the developing world. Recent revelations in the European Union's executive, in Japan, in some US public institutions and in the International Olympic Committee have altered this view.

Clearly, both private and public sector agencies and individuals are party to corruption. As significantly, non-governmental organisations, professional bodies, sporting bodies and religious organisations are also not exempt.

Increasingly, it is evident that corruption is a corrosive "systemic failure" which has become a world-wide plague, with a particularly debilitating effect on the developing world. Combating it thus needs to focus on systems which accommodate and perpetuate corruption, rather than on corrupt individuals or incidences. Although this is not to say that corrupt individuals should not be dealt with. Within this framework, a distinc-

tion is drawn between "transverse systems" and "silo (sector-specific) systems". Transverse systems are those that reach into all organs of the public sector and in some cases the private sector, for example the criminal justice system, the budgeting system, the personnel system, and the right of access to information. Silo systems are concerned with the delivery of particular public goods and services, such as those for education, welfare and policing. Private sector silo systems would include the banking sector, the insurance industry and the media.

Different solutions are needed for transverse and silo systems. While corruption is not only a public sector problem, the fight against it, however, requires government action. This is because of many of the systemic solutions to combat corruption lie in the sphere of government control.

Expectedly, not only have many countries adopted various anti-corruption approaches, but also multilateral institutions such as the World Bank and the International Monetary Fund (IMF) have introduced high profile corruption-awareness initiatives.

Typically, countries have resorted to the establishment of "watchdog agencies" such as anti-corruption units, ombudsman offices and supreme audit institutions. These are further reinforced by a selection of mea-

sures such as ethical codes, surprise spot checks, disclosure of income and asset requirements, administrative reforms and restructuring of procurement procedures. In many cases the promotion of national integrity is seen as an integral part of an effective strategy against this pervasive moral and social disease.

An in-depth analysis of the international experience shows that the list of unsuccessful anti-corruption initiatives globally is impressively long. There is much to be learned from these failures, even if only as a negative heuristic. Particularly insidious is the tendency of corruption to precipitate a generation of even more regulations and establishments of higher-powered institutions, which creates more opportunities for corruption.

Corruption by its very nature is furtive and illicit. As such it does not lend itself to clear definition.

In the developing world in particular, the distinction between corruption and inefficiency is hard to define. The consequences or effects of corruption in the public sector are almost indistinguishable from those of inefficiency. For both lead to poor public services to society, low performance of the public sector, and hence low impact of fiscal resources on the social welfare of the country. The reality is that corruption and

inefficiency are mutually reinforcing.

Corrupt acts are commonly defined relative to particular ethical, legal and administrative norms. Therefore, the way certain public sector systems are set up and operated may induce behaviour that from a procedural perspective is illegal but that is not dishonest. The hospital superintendent who bypasses the normal tendering system to purchase an X-ray machine to ensure that it is immediately available is a case in point. Strictly speaking her action is illegal but few would argue that her action is dishonest, rather, her action, caused by inefficient systems, is likely to be praised.

Often, corruption is embedded in the routine operations of a system. Consider the legal system that allows prosecutors and lawyers to conspire to get criminal cases dismissed by continually asking for postponement. Strictly speaking they are acting within the law, but the motivation is corrupt. Acting against this form of corruption without changing the operational system which allows such behaviour is likely to be a futile exercise. Systemic inefficiencies of this nature abound in most developing countries.

It is tempting to combat corruption by putting layers of control and checks on every process. This approach should be resisted because it hampers service delivery.

Suppressing corruption is just one part of redirecting public sector performance. The same institutional environment which is conducive to increased performance orientation will also minimise, if not eradicate, corrupt practices.

Effective anticorruption strategies focus on a systemic approach, attacking its fundamental causes and its transmission mechanisms. The key building blocks of such a strategy would include:

- Changing incentives structure: transparency, effective oversight, pay and performance as well as legislative and institutional reforms are the chief components;
- Culture of good governance: probity, accountability, integrity and stewardship of public resources constitute the major elements of a culture of governance that promotes service-orientation. Such frameworks are the least tolerant of corrupt practices. But it is much easier said than done;
- Performance orientation: fundamental redesign of the public sector is needed. In many respects it amounts to re-inventing government. This requires clear vision and sustained political will; and
- Capacity building: the creation of counter-vailing checks and balances within the public and private sectors is central to the sustainability of a corruption-free environment.

Contemporary, largely successful, anti-corruption experiments in the developing world include the cases of Uganda, Tanzania, Botswana, Singapore and Hong Kong. Much remains to be done even in these societies. In general, the combination of the reorientation of government towards performance and a radical transparency requirement goes a long way to provide an environment that induces behaviours that have integrity.

At the heart of evolving a new approach against corruption lies the critical role of accurate and timely information. Integrated and coherent systems of performance, reporting, accountability and effective audit and monitoring need to be developed. Transparency needs to be operationalised and not circumscribed.

In the fight against corruption, initially, some heavy political and financial losses should be expected. When all institutional, incentive, and process reforms are done, the moral dimensions of the problem however corruption will be realised only when corruption is regarded as socially immoral rather than a pragmatic norm for behaviour.

Iraj Abedian is associate professor of economics and director of the Applied Fiscal Research Centre at the University of Cape Town.



## 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.

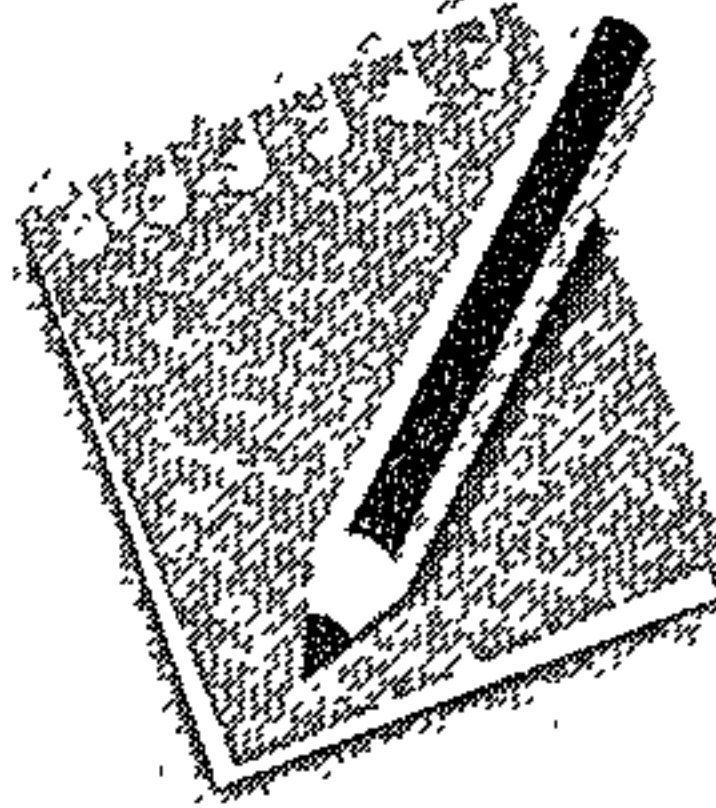
The most common practice has been for farmers' membership fees to be retained by the new company and added to its reserves at conversion. Farmers usually get shares in the company determined by a formula based on the amount of business done with the co-operative on a specified period.

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 Korporatiewe 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 Mpumalanga-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 furore 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 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 two 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.

Theunissen says 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 take-overs and mergers with the registrar of co-operatives. However, in the case of companies these can take place without statutory intervention.

The registrar falls under the agriculture department and 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 Bethlehem-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 most striking difference between a co-operative 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.

(33A) BD 8/6/99



## Advocate outlines costs of fraud probe

Madeline 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 rands in an alleged investment fraud case.

More than 800 people invested money after being promised about 120% profit a year.

Johannes Gerhardus Grobler, an Akasia businessman and director of Emus 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 transgression is regarded as the biggest case since the Albert Vermaas investment fraud case of R139m 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.

30/1/99

(34)

# Funds dispute likely to continue

Sources see the finance ministry backtracking, several issues unresolved, writes Kevin O'Grady

THE dust may have settled on the public dispute between Judge Willem Heath and Finance Minister Trevor Manuel over the success rate of Heath's special investigating unit, but not for long.

With a report by the auditor-general on the unit's work nearing completion, sources say it is unlikely to vastly improve relations between the two men or to finally settle their disagreement about the successes of the unit.

The report was commissioned in April after Manuel disagreed with Heath's claim that the unit, which investigates the misuse of state assets and public funds, had recovered about R42m in cash and assets and had prevented the loss of R848m.

Manuel generated some confusion this week when he told Parliament the auditor-general had established that the unit had recovered R60,37m.

It was unclear whether Manuel was claiming victory or admitting defeat in his dispute with Heath and sources close to the minister say it was never his intention to prove the judge wrong when he questioned Heath's figures in the first place.

The question was whether generally accepted accounting practice was being followed in calculating the savings.

"We have never been trying to undermine or discredit Judge Heath, because he has been doing good work. The whole purpose was to seek clarity on how the unit's results should be calculated and defined," a

source within the ministry said.

But it appears nevertheless that Manuel severely underestimated the unit's success rate and his remark in Parliament may have been the beginning of a damage control exercise that will become necessary when the auditor-general's findings are finally released.

Deputy auditor-general Shauket Fakie confirmed yesterday the figure to which Manuel referred prematurely in Parliament was the amount of cash and assets "actually recovered" by the unit.

A separate section of the report deals with other investigations by the unit in which losses were prevented. It is understood this figure exceeds R1bn — way above the R848m claimed by Heath.

Another eagerly awaited section of the auditor-general's report is his opinion on what should happen to funds recovered by the unit, an issue which was the source of another fundamental disagreement between Heath and Manuel.

After meeting in April in an attempt to iron out their differences, Manuel said legal opinion he had obtained was that any funds recovered should be paid into the national revenue fund. Heath, in line with his lawyers'

advice, had been repatriating funds to government departments from which they were lost.

With initial indications being that Heath was right about his claims and Manuel wrong, observers are keen to see how Manuel will react once the auditor-general releases his findings to the public.

"I think he's trying to do a little bit of damage control," one person close to the process, who asked not to be named, said after Manuel's comments this week. "I think the report will leave him with a bit of egg on his face once it is released."

He speculated that Manuel may have been preparing for a defence that it is irrelevant how much misuse and loss of state assets the unit prevented and it is "the cash in the bank that really matters".

But while it looks as if Manuel will come off badly as a result of the auditor-general's verification of the unit's work, it is understood the unit itself will not emerge unscathed.

Although details have yet to emerge, the report apparently criticises some of the unit's accounting practices and finds fault with bank accounts it operates in contravention of accepted practice.

BD 117199



**Minister backs  
British probe  
into cocaine  
trade from SA**

(34) ARG 1/7/99

Johannesburg - Justice Minister Penuell 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 Matters Act, he had approved the request, as it was believed the perpetrators of the crime were resident in South Africa.

Ministerial 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

# Zero tolerance only answer to lack of ethics

**M**PUMALANGA premier Ndaweni Mahlangu's statement that yielding to the electorate is acceptable, although indicative of the lack of an accountable and responsible government, is merely symptomatic of a general lack of ethical standards giving cause to unprecedented levels of ethics abuse in our society today.

President Thabo Mbeki's reiteration of government's commitment to honest, transparent, accountable government and determination to act against anybody who transgresses these norms was admirable. However, political rhetoric does not necessarily translate into meaningful change. The accelerated decline of ethical standards and practices relates directly to the issue of accountability. It is the perception of government's tolerance of moral turpitude that needs to be addressed to ensure a meaningful reversal of the existing culture of lawlessness in our country.

Despite the crippling effect of corruption, our leaders refuse to recognise the need for legislation against the abuse of ethics by those in government. It is becoming a prerequisite that the state treats corruption as one of the sig-

Having the right programmes in place and appropriately implemented could help avert future incidents of corrupt practices in government, writes **Bart Henderson**

significant risks facing our society and implements appropriate strategies.

For example, a useful reference is the relevant set of statutes of the US Jurisprudence bible, the US Federal Sentencing Guidelines, 1994 edition, chapter 8.

The US imposes meaningful material sanction on juristic persons and organisations for failing to have a programme that adequately deters, prevents, detects and reports criminal conduct, which serves to act as incentive to ensure not only accountability but compliance with established regulatory standards.

This meaningful sanction in the event of a non-compliance finding is a fine of up to but not exceeding \$250m.

Specifically, it is defined, "An effective programme to prevent and detect violations of law means a programme that has been reasonably designed, implemented and enforced so it generally will be effective in preventing and detecting criminal

conduct. Failure to prevent and detect the instant offence does not mean the programme was not effective."

The hallmark of an effective programme to prevent and detect violations of law is that the organisation exercised due diligence in seeking to prevent and detect criminal conduct.

Due diligence requires that the organisation must have taken these steps:

- The organisation must have used care not to delegate substantial discretionary authority to individuals whom the organisation knew, or should have known through the exercise of due diligence, had a propensity to engage in illegal activities;
- There must be established compliance standards and procedures to be followed by its employees and other agents that are reasonably capable of reducing the prospect of criminal conduct;
- High level personnel must be assigned overall responsibility to oversee compli-

ance with such standards and procedures;

□ The organisation must have taken steps to communicate effectively its standards and procedures to all employees and agents, for example by requiring participation in training programmes or by disseminating publications that explain in a practical manner what is required;

□ The organisation must have taken reasonable steps to achieve compliance with its standards, for example by using monitoring and auditing systems reasonably designed to detect criminal conduct by its employees and other agents and by having in place and publishing a reporting system whereby employees and other agents could report criminal conduct within the organisation without fear of retribution;

□ The standards must have been consistently enforced through appropriate disciplinary mechanisms, including discipline of those who failed to detect an offence. Adequate discipline is a necessary compo-

ment of enforcement; however, the form of discipline will be case specific; and

□ After an offence has been detected, the organisation must take all reasonable steps to respond to it and to prevent similar offences including any modifications to prevent and detect violations of the law.

Clearly, if this model was in effect in SA, Mahlangu would be held directly and materially responsible, should it backfire, for his reappointment of former MECs Steve Mabona, David Mabaza and Jacques Mditshane, all of whom have been implicated in earlier corruption scandals.

Perhaps his attitude and commitment toward honest government might at least have been different. As long as the interests of the organisation come before the actions of individuals, a conflict of interest will exist, which can only be remedied by legislated corporate governance.

Prevention is the most cost-effective approach to the threat of increased incidents of ethics abuse. Of course legislated corporate governance is not the holy grail of morality building. Zero tolerance is.

† Henderson is a forensic auditor in private practice.

## Ministers pledge united front to fight crime

ARGUS CORRESPONDENT

Johannesburg - Cabinet ministers involved in criminal justice have pledged to co-operate in fighting crime.

Speaking on national television last night, Justice Minister Penuell Maduna, Correctional Services Minister Ben Skosana and Safety and Security Minister Steve Tshwete said they would co-operate

to ensure the National Crime Prevention Strategy was fully implemented.

Mr Tshwete said the co-ordinated approach would ensure the Government succeeded in its fight against crime.

"As ministries we are working together and we need to police the police to do their job," he said. On the ambitious FBI-style crime-fighting strategy, Mr

Tshwete said he did not believe that lack of finance should stand in the way of eradicating crime.

"It is going to be costly, but we will draw resources from other departments," he said.

The former sports minister said he did not believe tourists should get special protection. Although conceding that attacks on tourists reflected badly on the country, he said his ministry was geared to the

safety of the entire population.

Mr Maduna said his ministry had already begun plans to improve the capacity of the justice system, and 47 new appointments had been made in the lower courts.

"We need to beef up policing resources and we must have prosecutors working closely with the police in investigating high-profile cases," he said. "The investigations must be prosecution-led."

ARU 6/7/99

(34)



# VIP security firms grow

(34) EF 60 6/7/99

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.

"Our average client is an American businessman who arrives in SA on a two- to three-year contract," Bob Power, chairman of private investigation company OF&A, said yesterday.

"He wants VIP protection until he is settled down. He may want us 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, kidnappings, 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

MAG 2-8/7/99

(34)

## Zakes Mda A SECOND LOOK

Schoolkids have a tendency to turn the magazine section of the CNA store in Melville into a library. The other day two black boys of about eight were sprawled on the floor in front of the magazine shelf. Next to them was a stack of different gun magazines from South Africa, the United States and Britain. The kids were admiring the various makes of guns in the dog-eared magazines. Across the aisle was a well-stocked toy section. And the comic book section. But the kids didn't bother with that. They were engrossed in the guns and knew all of them by name, make and calibre. None of the adults who came to buy magazines gave these kids a second look.

I shouldn't have been shocked. When we were kids playing in the streets of Orlando East, and later Dobsonville, our heroes were the likes of Shadrack Mathews of the notorious Msomi gang — which incidentally started as a well-meaning, community-loving vigilante group. Alexandra township, the home of the gangs that we read about in magazines, captured our imaginations and we envied those who had visited their relatives there. It was our Chicago.

As we grew up, thieves and murderers continued to be our heroes. We followed the exploits of Lefty Mthembu in the papers. We talked lovingly of him. There were many other heroes after whom we named ourselves. They went by such names as Pangaman, Axe-killer and Tomahawk. And they lived in the pages of *Drum* and *Zonk* magazines, and in police files. When they died we lamented and mourned their deaths.

The outlaw was the man. He challenged the law. The very law that was vicious to us. That raided our homes at night and reduced our mothers and fathers to whimpering bundles of shame. That locked up our fathers for not carrying a *dompas*. That uprooted families, burying them alive in some barren place far away. That whipped us and mowed us down with bullets.

These outlaws laughed in the face of the law. They spat at the law. They beat the system. They were on our side. The law was our enemy. It was not on our side. We would not have anything to do with anything that had to do with the law. Even if we knew who the outlaws were in our midst and where they were hiding, we would not tell.

Those of us who did not die in gang warfare grew up. Not all of us became practising criminals. We became teachers and nurses. Some even got to be doctors and lawyers. And an odd university professor here and there. The strong ones achieved all this amidst all the temptations of crime, while others were saved by parents who posted them to rural schools. Or by exile.

But still the adventures of those who chose the path of crime continued to capture our imagination. There was the Robin Hood syndrome as well. Big-time criminals paid for neighbourhood kids at universities. Some dentists and social workers owe their professions to them.

Although very few of us benefited directly from crime, we became party to crime by our collective act of condonation. Thus was the beginning of the breakdown in morality in black urban South Africa. The tradition of protecting the outlaw continues in our communities. We know every chopshop in our midst. But it is a matter of honour among us never to be *impimpi*. An *impimpi* carries a stigma, for he or she "sold out" to the apartheid regime, or, at a micro-level, to the white employer who was part of the oppressive system.

It was an honourable thing to steal from your employer, to repossess what you believed was originally stolen from you in the form of land and freedom, and to redistribute it through the "back-door" market to your fellow oppressed. The most respectable members of the community bought "back-door" items such as clothing, furniture and electronic gadgets from workers

who had repossessed them from their employers, or from shoplifters, burglars and their fences.

This tradition continues even though we are now liberated and have the destiny of this country in our own hands. "Back-door" products are big business in the townships. It is the norm.

That is why the girl behind the counter at London Ples is disgusted with me because I refuse to take more ples than I have paid for, in spite of her persistent invitation that I should do so. She couldn't give a damn if her employer runs at a loss, jeopardising her own job.

That is also why my creative writing students think either exile or white man's education has made me stupid when I tell them that somewhere in the streets of Johannesburg I turned down a cheap offer of an expensive video camera. They couldn't give a damn that someone, perhaps in a hijack, might have died for that camera. There is a survival-of-the-fittest mentality out there.

This high level of tolerance of crime is not only found among blacks. Often I have heard whites boasting of how they were able to buy a Rolex or some such status symbol cheaply through the "back door". These are the same people who are reported to be *gatvol* with crime.

Indeed, they are *gatvol*, but only with those crimes that affect their communities directly — burglary and car hijacking, which often involve murder. But many have a high level of tolerance of white-collar crime. Insider traders and participants in scams that are endemic in the corrupt private sector are treated with sympathy. They are even lionised on radio talk shows, with the rider that at least they didn't kill anyone, even though their activities are contributing to the destruction of the economy, exacerbating the very unemployment that results in crime.

The same kind of selective morality is found in urban black communities. In the townships and informal settlements, they are also *gatvol* of crime. But they are *gatvol* only of those crimes that are perpetrated directly against the community, such as rape and child abuse. They have shown their *gatvolness* by actually attacking such criminals, smearing their bodies with paint, beating them up and frogmarching them naked in the street. Or even killing them.

But they never squeal against those criminals among them who go out to *phanda* in town and in the suburbs, where black and white *ngamlas* live. Not only do they not squeal, in a number of recorded instances they protect such criminals. That is why organisations like the South African National Civics Organisations and the Congress of South African Trade Unions launched "Operation Mpimpi", where members of the community were encouraged to rat on those neighbours and family members who were involved in crime. This operation was doomed to failure for two reasons: it was never followed up, and the use of the word *impimpi* was ill-advised. It conjured up memories of those people who sold out to the oppressor, and it equated honest citizens

doing their civic duty with the much hated spies and informers of the past.

No one wants to be an *impimpi*, even though if you were to go to any township now, everybody there knows who the foot-soldier hijackers are, and at whose shebeen the crime syndicate bosses hang out. Everybody knows who has made his or her fortune by sell-

ing mandrax, and who is involved in bank robberies and cash heists. They also know those cops who are on the take, those who can steal your file from the police station so that your charge comes to naught. Yet all these criminals live comfortable lives as respectable members of the community, engaged in charitable activities and running soccer teams *noqal*. When by some chance they get arrested and escape from jail, they are able to hide among us in the community. Those of us who know where they are will not utter a word to the cops. When escaped convicts die in gunfights with the cops, as was the case with "Josie" Rabotapi, the black elite — pillars of the community such as doctors, lawyers, teachers and

priests — grace their funerals, eulogising their great deeds and charitable works, and blaming the cops for brutality.

I believe that we have avoided examining the real sources of crime because they impact on our values as black people in the urban areas. Instead we have blamed poverty. It did not occur to us to ask the question: if poverty is the cause of crime why does the poorest province in South Africa (Northern Province) have the least crime, and the richest (Gauteng) the most?

The same question can be asked about countries like Zimbabwe whose cities are not only cleaner than South Africa's, but whose law enforcement agencies there command respect. Yet Zimbabwe is poorer than South Africa. Yes, there is some crime in South Africa that is due to poverty and hunger. But the bulk of the crime is a result of our greed and the race to accumulate material possessions. Cash heist gangsters and drug syndicate bosses are not hungry people. They are multimillionaires.

The police believe (and rightly so) if communities did not have such high tolerance levels towards the criminals in their midst, crime levels could have gone down by 50%.

The solution therefore lies with a mass mobilisation campaign against crime. The government must take crime more seriously this time.

Pallo Jordan is a bad politician because he is too honest. He told us in one television interview just before the elections that the government underestimated the problem of crime. This time the government must wage a national campaign that aims to rebuild South Africa's moral fibre. We must mobilise the people and campaign against crime as we did against apartheid.

People must be mobilised to clean up their communities, and to make the lives of criminals unbearable in the communities.

I am not advocating vigilante action here. Vigilante groups invariably become criminal themselves. We have seen this with the Alexandra township gangs of the 1950s. We saw it again with self-defence units. We are seeing it now with People against Gangsterism and Drug Abuse and Mapogo a Mathamaga. Such groups lead to lynch mobs and mob rule. They become a law unto themselves and end up committing serious crimes against the communities they purport to protect, and against the state.

I am talking here of a campaign that will change the mindset of the people, and cultivate in them a high level of intolerance for crime and criminal behaviour. In this way they will expose

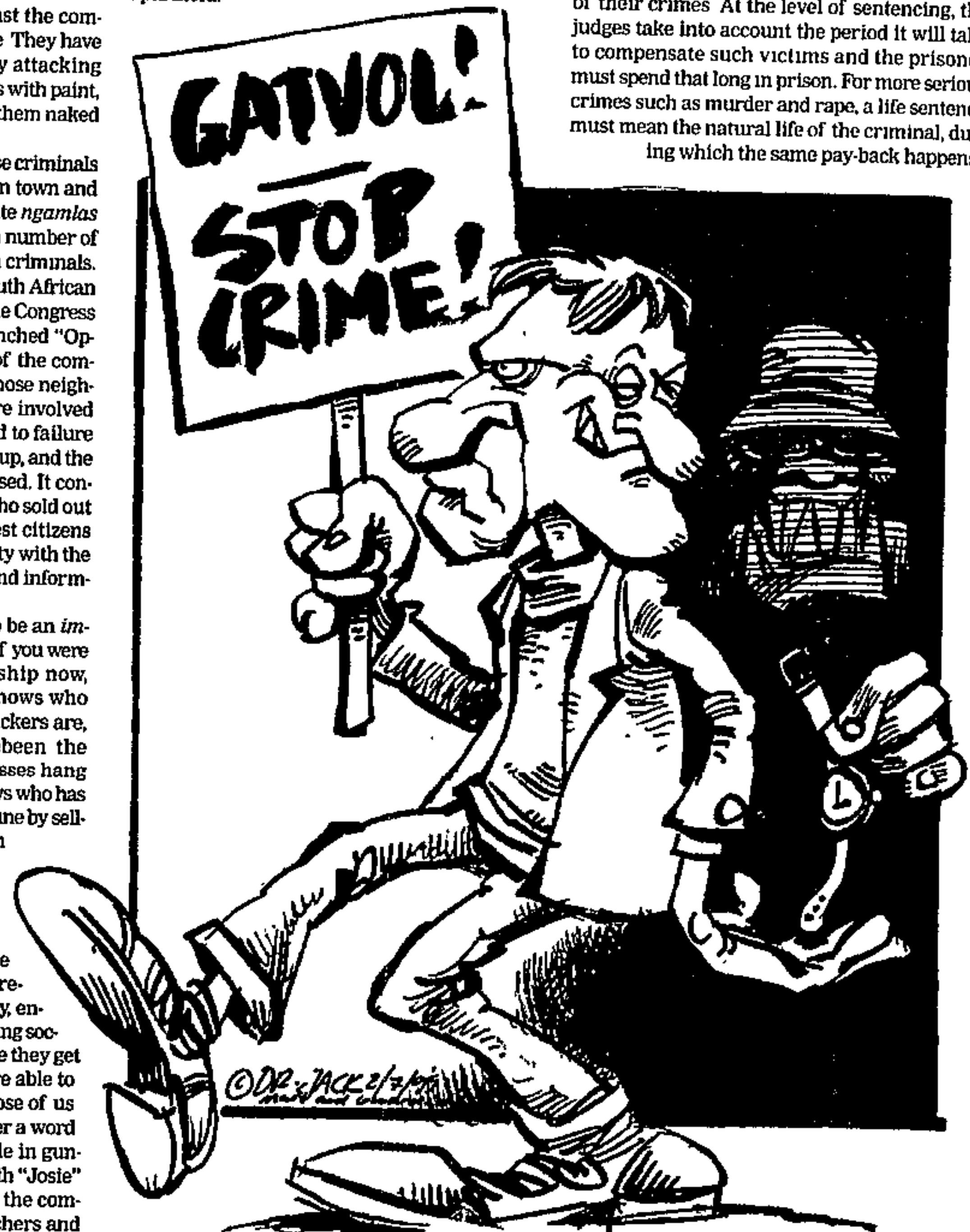
the outlaws in their communities, and root out owners of buildings that harbour criminals and criminal activities. If we were able to overthrow the apartheid state, why would we be defeated by the small minority of criminals among us?

And finally, the criminal justice system must be overhauled. We must be brave enough to experiment with

new systems, even if they have never been tried anywhere else in the world before. We need to move more to a restorative justice system than the current retributive one.

Jails must be turned into productive centres where prisoners work to produce goods for the domestic and export market. Such centres are rehabilitative since the prisoners acquire skills. The remuneration they get from their labour goes towards their upkeep in the prison, but the bulk of it goes towards compensating the victims of their crimes. At the level of sentencing, the judges take into account the period it will take to compensate such victims and the prisoner must spend that long in prison. For more serious crimes such as murder and rape, a life sentence must mean the natural life of the criminal, during which the same pay-back happens.

**Often I have heard whites boasting of how they were able to buy a Rolex cheaply through the 'back door'. These are the same people who are reported to be gatvol with crime.**





## Use the army to fight crime, SA told (34)

Durban - Botswana's Minister of Commerce, Kgeledi Kgoroba, urged the South African government to call in the army in a bid to combat the country's high crime rate.

He was speaking at a lunchtime workshop yesterday at the World Economic Forum in Durban, called "Getting up close and personal with crime in South Africa".

Mr Kgoroba told participants: "I used to do my shopping in Johannesburg, now I have stopped."

"Before they used to take my car and leave me. Now they take my car and shoot me."

He advised the South African Government to put troops on every street corner.

However, Gauteng premier Mbhazima Shilowa said this would deter investors more than the crime rate itself.

On steps to combat his province's crime rate, Mr Shilowa said at least six new police stations would be opened.

Meanwhile, the head of the SA police commercial branch, Louis Esterhuizen, said he had only 900 detectives to investigate 37 000 fraud cases on file. - Sapa

ARG 6/7/99

# Criminals will soon feel sting in Scorpions' tail



NOMINATED: Frank Dutton

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 spe-

ARG 10/7/99  
cial police unit was already working to track down hidden millions belonging to South Africa's heist kingpins. International insurance company Lloyds of London, which insures most of South Africa's banks, estimates that at least "tens of millions" have been squirrelled away by the gangs. Now, the Government has targeted these illegal

(34)  
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 2 000 special agents – the cream of police, financial, forensic, intelligence and legal experts.

"This agency is going to make all the difference in our

To page 3

## Scorpion crimebusters to attract SA's top cops, says Tshwete

ARG 10/7/99

From page 1

fight against crime, particularly organised crime," Safety and Security Minister Steve Tshwete said last night.

Mr Tshwete has promised the unit will attract South Africa's best law enforcement officers.

Frank Dutton, a former KwaZulu Natal policeman, who is working for International War Crimes Tribunal in Europe, has been suggested as the head of the Scorpions. He will report to Bulelani Ngcuka, the national director of public prosecutions.

But while top cops will be incorporated into the agency, Mr Tshwete says that 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

(34)  
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" Philip Carpenter, who is already uncovering the funds and assets of infamous criminals like Collin Chauke and the late Josias "Fingers" Rapotapi, who was killed by policemen last year. He has already had successes in locating assets from the Bronkhorstspuit 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 do 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."



South Africa, wracked by AIDS, unemployment and poverty, is becoming the breeding ground for a new generation of felon, reports **Candice Talberg**

# Young criminals are waiting in the wings

South Africa's crime night criminals emerge, many of them the orphans of parents who have died or will shortly die of AIDS, say crime experts.

Martin Schönleich, of the Institute for Security Studies, is pessimistic about the crime situation in South Africa as the number of young people with few economic prospects increases.

He said hopes were raised when crime levels dropped between 1994 and 1997. Many thought this was a positive trend and that crime would continue to decrease, or at least stabilise. But by last year the number of serious crimes had started to increase.

Globally, crime was also rising steadily because of urbanisation, parents' loss of social control over their children and increased drug and alcohol abuse, he said.

Mr Schönleich said age played a large part in the increase in crime. Most crimes were committed by teenagers and youths in their early 20s, he said.

Ethem van der Spuy, a criminology lecturer at the University of Cape Town, said working-class males between 17 and 30 were most at risk of becoming offenders.

She said the composition of South Africa's population, in the context of unemployment and poverty, was ripe for breeding new criminals.

"The murder and violent crime rates are very high in our society. They are off the charts when compared with international rates."

A University of South Africa study found that more than 60% of repeat offenders committed their first crimes by the age of 19 and 82% by the age of 26.

In 1996, about 34% of the South African population was under the age of 15; this group is now coming of age.

Mr Schönleich predicted that on the basis of age demographics alone the crime rate could increase by as much as 5% over the next decade.

The present generation of criminals made up a much smaller portion of the total population 10 years ago.

Most of these young criminals came from disadvantaged backgrounds and areas like Guguletu and Manenberg.

Drugs were also intrinsically connected to crime, especially violent crime. Crimes like rape, murder and sexual assault occurred mostly during holidays, over Christmas and Easter, and at weekends, Mr Schönleich said.

In the United States, crime had increased in inner cities because of the high incidence of drug use, which often resulted in violence.

Deaths caused by AIDS also had a far-reaching psychological impact on children. Children were often forced to cope with the trauma of watching their parents waste away slowly. Because AIDS was a sexually transmitted disease, both parents often became infected, resulting in the children being orphaned.

Their subsequent difficult socioeconomic situation often forced these children into a life of crime.

A study in the United Kingdom found that orphans were more likely to turn to crime than other children.

The study found that more than half of violent crimes were committed by people who had lost one or both parents.

The increase in the juvenile population and AIDS orphans would hit South Africa at roughly the same time. These two factors would, therefore, result in an increased crime rate, said Mr Schönleich.

Niels Nilsson, who works for the police task force that deals with juvenile crime, said 97% of children arrested in the Western Cape were boys. The number of children arrested had escalated recently, but the police were unable to determine whether they were new offenders or repeat offenders using different names. Many did not have identity documents.

Superintendent Nilsson is working on the draft Child Justice Bill, which aims to divert children from the full system by investigating their backgrounds and placing them in alternative care.



LOOSE CANNON: most crimes are committed by teenagers and youths in their early 20s, say researchers

(314) ARG 10/4/99



# Morality of the people, by the people and for the people

(34) ST 11/7/99

We need a national ethics initiative if we are to stop the moral rot seeping through South African society, writes MARTIN PROZESKY

ANY will say that the main task for South Africa after our second democratic election is economic growth leading to more jobs, greater prosperity and less crime. What though this is, on its own it will not be enough.

What we also urgently need is a set of measures to stop the culture of lies, corruption and violence that has gathered such momentum around us. The ongoing controversy about politicians who tell lies underlines the importance of this task. Here are some proposals aimed at taking us from words to action.

To start with, we must see moral transformation as the responsibility of every South African. Democracy means that the people and not the politicians are politically sovereign. It also means that the people themselves must take charge of ethics. Civil society is the space created by democracy for the multitude of initiatives, organisations and movements which people themselves create and control, and it must now become the main site of moral struggle.

In practice, this means that the moral repair job that South Africa needs must begin by as many of us as possible making our consciences heard and our voting power felt on matters of basic principle, using every available forum. The media are crucial here.

Next, we must not make the key mistake of thinking that all we need do is go back to the old

ways of living ethically, because it is precisely these that have failed us. Little in the bad days before 1994 was undamaged by the cruelty, lies and injustice of those times, and ideas about ethics are no exception. What the past has given us is not an ethic of the common good but a set of value systems that come mostly from our highly fragmented set of religions and churches. Speaking only of Christian ethics in this country, we see this problem in the contradictory moral judgments we get about things like the death penalty.

No less problematic is the way the old moralities worked in top-down ways. We have been taught to believe that ethical wisdom arrives from somebody above us, like our mostly male religious officials and elders, in the form of clear-cut moral rules which the rest of us need to obey in order to be good. The effect is to treat adults like moral adolescents. I cannot see such a view of morality having much long-term effect in a democratic culture where power rests equally on all our shoulders. What does have a chance of producing the moral democracy we all want is democratic ethics. By this I mean a morality, creatively responsive to all sources of moral values, that is truly of the people, by the people and for the people, and for the natural environment which is our only lifeboat. And the best way to achieve it is through a national ethics initiative.

Second, the new minister of education must initiate a process of developing the world's finest programme of ethics education. This programme must link up with and draw on the proposed national ethics initiative. Above all, it must not confuse ethics education with religious education. That there are overlaps between ethics and religion is obvious, but they are not the same. If they were, how could Christians have supported apartheid?

The third contribution of the government to ethical transformation is no less vital. It must set the best possible example of high moral standards and reassure a seriously concerned nation that it will do much more than pay eloquent lip service to ethics. It must now talk the moral talk much more effectively than any previous government in our history. If it doesn't, we must elect one that will.

If these steps were taken we'd be a lot nearer to practising a shared set of values and an effective system of ethics education than we are now. They are not a magic wand able to turn us into a nation of saints overnight or even in five years. But they can make a difference, especially when backed up by the moral power of progressive forms of religion and by an impeccable example of high moral standards from all our politicians.

Prozesky is director of the Unitarian Centre for Comparative and Applied Ethics at the University of Natal, Maritzburg.

## New law will ban nine out of 10 guns in SA

(34)

HENRY LUDSKI

THE government has drafted a tough new gun-control law which it passed by Parliament with only one dissenting vote. The law will outlaw nine out of 10 legally owned firearms.

Outraged pro-gun lobbyists, who were consulted during the drafting process, have already begun campaigning against the legislation, which they say will be among the world's toughest.

The South African Gun Owners' Association, which made a copy of the draft law available to the Sunday Times, said the law could drive South Africa's R700-million-a-year retail arms and manufacturing industry to the wall, placing an estimated 80 000 jobs at risk.

The association also claimed the legislation would outlaw about 90 percent of all firearms owned by South Africa's licence holders.

If passed, the law will turn applying for a firearm into a frustratingly lengthy and cumbersome bureaucratic process — it will compel all of South Africa's 2.5 million licensed gun owners to reapply for their licences.

Handgun licences will also be restricted to only one person. The licence fee is also expected to be increased from

R50 to R500.

All future applicants would also be required to produce the results of a psychometric test determining whether their "main character traits and behavioural patterns" make them suitable gun owners.

The tests expected to cost between R300 and R500, will also be applied to existing licence holders.

Applicants will also be tested on their knowledge of the new law, which is expected to exceed 100 pages.

Also prohibited from owning a gun would be anyone showing an "inclination to violence," anyone convicted under the Domestic Violence Act or of a violence-related crime and anyone who has had a restraining order slapped on them for domestic violence.

Man de Greef, the association's public relations officer, said yesterday: "The association and the firearms industry will be marshalling all their resources to combat this irresponsible legislation." Spokesmen for the Professional Hunters Association, Arms and Ammunition Dealers' Association and the National Firearms Forum yesterday also confirmed that they would be opposing the new restrictions.

Speers Duncan, the national chairman of the Gun-Free South Africa, said that, from the little she knew of the legislation, it sounded "as if it is going to contain the kind of controls on the production of firearms that we have been asking for and certainly support."

However, the organisation would be in a position to comment more fully only once it had received a copy of the proposed legislation.

Asfar Cachalia, the secretary for Safety and Security, could not be reached for comment yesterday.

ST 11/7/99

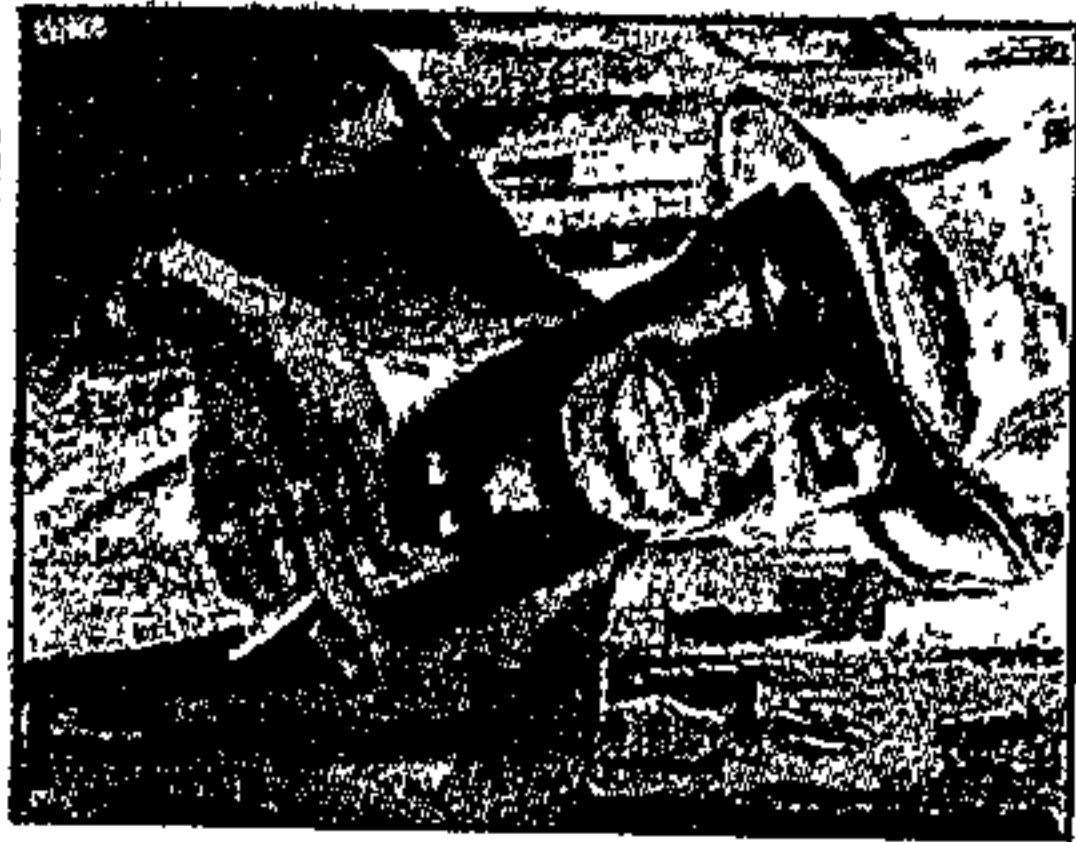


# Our vanishing art heritage

Thieves are plundering rare and valuable cultural pieces, and institutions are powerless to stop them

HENRY LUDSKI

ST 11/7/99 (34)



STOLEN: Gerard Sakoto's The Garden Worker

SOUTH Africa is being stripped of its national heritage by art thieves who have already bagged cultural treasures worth millions.

Their latest haul includes three paintings by Gerard Sakoto, who is regarded as South Africa's top black artist. The works have a combined value of more than R500 000.

The plunder of African cultural heritage throughout the region is so serious that it is one of the leading issues for discussion at the South African Development Council's arts and culture conference being held in Malawi this week.

Other irreplaceable items on an international lost art register are:

● Two paintings by Gregoire Boonzaier, stolen from the University of Pretoria;

● Gold coins, worth R5-million, believed to have been taken from an 18th-century shipwreck;

● An oil painting estimated to be worth R500 000 that was stolen from a storeroom at Parliament;

● A Rhino horn knobkerrie and two copper kettles stolen from a museum in Graaff-Reinet;

● Historic medals worth tens of thousands of rands taken from institutions around the country; and

● Memorabilia stolen from the museum at Mooli River in KwaZulu-Natal.

More than R10-million worth of items have been stolen from galleries and museums around the country, according to a police inventory shown to the Sunday Times.

But the real figure is believed to be much higher because many institutions don't report their losses.

The list has yet to be updated to include the diamond ring, estimated

to be worth in excess of R200 000, which recently went missing from Parliament.

The Endangered Species Unit in Pretoria now has an investigating officer dealing specifically with the theft of cultural property. But police have had limited success in the past.

Only a handful of people have been prosecuted in 10 years.

Lionel Mshali, the Minister of Arts and Culture, has pledged to upgrade security at museums.

But those institutions must take greater responsibility for "what belongs to the people", said Gillian Berrington, the past president of the South African Museums Association. "It's always easy to pass the buck. Many institutions are taking seriously the issue of due diligence and are coming up with creative ways of monitoring the situation."

John Gribble, the marine archaeologist at the SA Monuments Coun-

cil, confirmed that the organisation was pushing ahead with its battle in the British High Court for the return of 1 200 gold coins it believes were recovered from the Dodington East Indianman, which was shipwrecked on Bird Island, off Port Elizabeth, on July 17 1755.

The hoard belonged to Robert Clive, the founder of the British Empire in India who was known as "Clive of India". A London coin auctioning house put them up for sale three years ago, but the council succeeded in stopping the event.

Sakoto's *The Garden Worker*, *The Street Scene* and *The Hotelia Bantu* were stolen from the University of Fort Hare's new Centre for Cultural Studies.

Regarded as one of the best designed and most secure archive facilities of its kind in Southern Africa, it houses the documentary history of the ANC.



STOLEN: Sakoto's The Hotelia Bantu is one of three missing works





# Govt will not back down on tighter gun law

— Fanaroff

(34) 00 12/7/99  
Linda Ensor

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 drafters 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 that 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 licences, 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'

(24)  
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 licences.

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 R500.

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

ARG 12/7/99



Richard's Bay  
14/24

Durban  
10/24

Jidon  
26

18 31	partly cloudy
18 27	cloudy
12 22	partly cloudy
18 27	partly cloudy
19 30	partly cloudy
09 18	partly cloudy
23 33	partly cloudy
20 27	rain
16 22	rain

# Vigilante group unlikely to work in suburbs

SPD 12/2/99 (34) (38)

## Significant success could soon replicate the violence of the Western Cape, writes Jonny Steinberg

MAPOGO a Mathamaga, the vigilante organisation which has widespread support in Mpumalanga and Northern Province, is planning to move into Gauteng's urban centres.

While Mapogo's leaders claim the organisation already has thousands of members in Johannesburg and Pretoria, observers say the jury is out on whether Mapogo's methods will succeed in an urban environment. "We have been in Pretoria for six months and already we have between 3 000 and 6 000 members," Mapogo's Pretoria chairman Sello Malla said last week. "I am inundated with people phoning to join or asking us to solve crimes."

Whether the membership figures Malla cites are accurate is a moot point. He claims Mapogo's Pretoria membership is concentrated in predominantly white suburbs of Sunnyside, Centurion, Waterkloof and Pretoria West.

However, local policemen in Pretoria's suburbs insist they have not yet felt Mapogo's presence. "I have lived in Sunnyside for ten years and am intricately involved in its security networks", an inspector at Sunnyside police station said last week. "I have not seen a Mapogo sticker on a single car. Nor have I ever met a Mapogo member."

Mapogo leaders do not seem clear about what the organisation actually does in Pretoria. "Our most important activity in Pre-

toria is 24-hour patrols in the neighbourhoods where we are strong," said Mapogo president John Magolego said. "Patrols are staffed by unemployed members of Mapogo."

But Malla insisted that there were no Mapogo patrols in Pretoria. "When a member is robbed or his property stolen, he calls us and we investigate. We track down the stolen property, make a citizen's arrest and hand over the culprit to the police," he said. "That is the extent of our activity."

Where does Mapogo's "investigative" capacity come from, and can it be replicated in urban centres?

"Mapogo's power resides in its networks," said a senior detective in police intelligence, who asked not to be named. "If your car is stolen in one of the Mapogo strongholds in the Northern Province, it will know where to look for it. It thrives on the fact that it operates in small communities and has a wide grassroots membership. In a small rural town, someone with a grassroots knowledge will know more or less where a stolen car goes to. They can report it in time and Mapogo will find it."

This was why Mapogo was an attractive option for Pretoria suburbanites, the detective said. "If Mapogo lives up to its claims it will pose serious competition for private security firms. Why go to an armed response outfit if Mapogo is actually go-

ing to track down your car and return it to you?"

Is Mapogo sufficiently networked in Gauteng's urban areas to play this role? "There is little doubt that it does not have that capacity at the moment," the detective said. "The question is whether it will. There is no question that a strong network in Gauteng's urban townships would place a vigilante organisation in a powerful position."

The question is whether an organisation like Mapogo will ever be networked enough. Take northern Johannesburg, for instance. There is an equal chance that a car hijacked in the vicinity of the M1 would go to Alexandra, the East Rand, or Soweto. "This is very different from a small town. There are multiple possibilities. Will Mapogo ever be well-connected enough to search for one car in all three places? I doubt it. That would be an extraordinary feat."

The best Mapogo could hope to do, the detective said, was to displace crime from one area of the metropolis to another.

"If for instance, Mapogo develops a very strong network in Alexandra, it will become very different for the vehicle black market to operate there," the detective said. "But syndicates are sophisticated and connected enough to simply move their business elsewhere." If the organisation's networks ever

did reach across Gauteng, the detective said, "an ugly, violent conflict situation would result."

"In the first phase, there would be numerous instances of instant justice. Syndicate operatives from across Gauteng would get beaten and punished on a weekly basis. "If this happened enough to really threaten the underworld's business, syndicates would begin to strike back, targeting Mapogo members and particularly its leaders. Gauteng's townships would witness protracted, tit-for-tat warfare, much like the conflict between the drug gangs and People Against Gangsterism and Drug Abuse in the Western Cape.

The detective expressed the hope that "Mapogo's foray into the urban areas falls and soon peters out".



# Govt defends new gun control bill

(34) CT 13/7/99

**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 illegal 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 R500. 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.

NNP 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 control formed part of this effort, and had already succeeded in cutting down the illegal trafficking of small arms over 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 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



# CAPE ARGUS ISSUES

## AIDS, unemployment, crime are the issues that count most

ONE IN  
YOUR EYE



Among the many problems facing South Africa today, by far the most serious must certainly be the terrible scourge of AIDS which is totally out of control.

AIDS is followed by unemployment, which is soaring by the day, and the crime problem which is fast turning our fledgling democracy into an international leper.

So serious is the problem posed to the country by each of these three that, if unchecked, they have the potential to reduce our beautiful country to a pale shadow of its present self.

It would certainly be in the interests of not only the Government (after all, the African National Congress did promise "jobs for all" in the founding democratic elections five years ago), but for all South Africans to get the unemployment problem addressed, for instance, but at the moment there does not appear to be a solution on the horizon. Indeed, the problem is worsening by the day, with more and more people joining the ever-growing army of the unemployed.

Why, even the Government and its various parastatals, which together have provided life-long job security to many, have now entered into negotiations with public service trade unions on the thorny issue of retrenchments.

The first warning, of course, was given about two years ago by former president Nelson Mandela, who, when he opened the 1997 session of Parliament in Cape Town, warned that the Government was "not an employment agency".

While it is easy to understand why a Government that first came to power promising jobs now finds itself forced by circumstances almost beyond its control to go the retrenchment route, for many black South Africans this is nevertheless very difficult to accept.

After all, for years, Afrikaners enjoyed sheltered employment in the public service, as did many Africans in the former homelands,



Difficult to swallow: as the number of unemployed grows by the day, even the Government is being forced to look at the retrenchment route - a route many people find difficult to accept.

and, for as long as they turned up in the morning and spent the required minimum number of hours at work, they were assured of both their salaries at the end of the month, as well as their jobs for as long as they wanted those jobs.

Now, however, the Government simply cannot afford to be "an employment agency", especially when there are so many worthy causes competing for the slender resources at its command.

Dealing with the colossal AIDS problem is one of those responsibilities, just as is ensuring that our public health system is equal to the enormous challenges it faces, and that our public education system remains sound and healthy.

The money for these things must come from somewhere, and spending as much as 80% or more of a department's budget on salaries alone will make it that much more difficult for the ANC Government to make good on its many pre-election promises.

The one thing about which much more can be done, however, is crime, which is not unrelated to the unemployment problem. That, the Government can do something about, for one of the primary responsibilities of any government is to protect its citizens.

Although it is still early days, it would appear that new Safety and Security Minister Steve Tshwete might just be the man who will take the fight to the criminals.

In his first few public statements since being appointed into what is without doubt one of the toughest Cabinet portfolios, Mr Tshwete has made all the right noises, in the process creating the very welcome impression that there might now be a tougher attitude in the all-important fight against crime.

As was pointed out in this column in August, 1996, this is not a Government lacking in legitimacy, and it can legitimately embark on a ruthless, but legally above-board, campaign to combat crime.

As it was argued then, many citizens may even welcome the declaration of a state of emergency if that would mean that they would no longer be prisoners in their own homes and would be safer on the streets of their towns and cities.

Mr Tshwete's predecessor, the soft-spoken and likeable Sydney Mufamadi, certainly tried his best to strike a blow against crime, but perhaps in the end he was too nice a man for the job. And he, too, became a crime victim, when his home was visited by criminals.

Mr Tshwete, on the other hand, has a much tougher exterior and is given to talking tough.

That may just be the kind of person needed for the job, especially if he makes sure that his words are matched by his actions.

His words during an address to police at the Jabulani Amphitheatre in Soweto on Monday will have struck a chord with most South Africans. "We are going to deal with criminals as bulldogs deal with a bull. We are going to give them hell because they have been giving our people hell."

Those who raise dust must not complain that they cannot see. We will unleash the police on them."

Well, to that I say: give the criminals hell, Mr Tshwete. And good luck.

■ Kitzler Mpatsumba is the editor of the Daily News in Durban.

ARLT 14/7/99

(92) (395) (34)



# New gun Bill 'will reduce crime'

(34) Sowetan 14/7/99

**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, ministry spokesman Dr Bernie Fanaroff 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," Fanaroff 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.

# 200 march against new gun bill

GASANTABARDER  
CRIME WRITER

LICENCED firearm owners from all over the city participated in a 200-strong protest march to Parliament yesterday to vent their anger at proposed legislation by the government for stricter control on gun licensing.

About 98% of all violent crimes were committed using illegal firearms and only three percent of those illegal arms were stolen from licensed gun owners.

These statistics and others were presented to Safety and Security minister Steve Tshwete yesterday by United Christian Action (UCA) and its affiliates Victims Against Crime and the South African Gun Association.

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. However, it has received praise from the gun control lobby.

The bill would 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 R500. It would also limit the amount of ammunition each licence holder may possess to 100 rounds.

Yesterday, the Rev Peter Hammond, director of UCA, labelled the new legislation "counter-productive" and "irresponsible".

"The problem is illegal firearms. Ninety-eight percent of violence is caused by illegal firearms and only three percent of illegal firearms are those stolen from licensed firearm owners. We all know that unlicensed guns are coming from gun-running in Mozambique and Angola.

"What the government is doing is going for an easy target. The law limits the rights of law-abiding citizens and makes society a better working environment for criminals," Hammond said.

He said "this country does not need more useless legislation" and "police do not have the time to deal with the paperwork of this irresponsible legislation".

He also criticised the government and found it "suspicious"

that it did not mention the new law in the run-up to the June elections. Also none of the pro-gun lobby organisations had been invited to participate in the drawing up of the draft bill and learned about the "stealth legislation" when it was leaked to the press.

"The greatest killer is not firearms or crime, but a secular government who disarms their citizens. Disarm the four million unlicensed firearms and the criminals of the country," Hammond said, after handing over a nine-page memorandum to first legal officer of the police Ricky de Cairs.

The memorandum contained various statistics and case studies in Australia, United Kingdom and other countries where similar legislation has led to more crime.

De Cairs said a committee of the Safety and Security department was drafting the bill and an opportunity to the pro-gun lobby and other stakeholders to participate would be afforded in August.

Those participating in the march in their private capacity were outraged. "You are looking after your family and need some

means to protect them," firearm owner Farouk Arem, 30, of Mamelodi, said. "You don't have to ban firearms. You need to educate people instead."

Thanduxolo Fumba, 27, of Delft said: "The politicians are walking with bodyguards who have firearms. If their bodyguards are disarmed, they will realise how dangerous it is out there. Every day people are raped and killed in their own homes."

Meanwhile, the old Walmer Estate offices of Gun Free South Africa were burgled on Tuesday afternoon, but just two telephones and an answering machine were stolen from the fully equipped offices.

This follows a burglary and vandalism of the anti-gun organisation's Johannesburg offices early this year.

Western Cape regional executive member of Gun Free South Africa, the Rev John Oliver, did not want to speculate that it was the work of pro-gun organisations but said he had received "fairly aggressive correspondence from pro-gun lobbies in the past".

# Poor quality guns flooding market

Jonny Steinberg

HUNDREDS of thousands of cheap, poor quality firearms, known in the US as "budget guns", have flooded SA in the past five years, dramatically widening access to legally owned guns.

Chinese manufacturer Norteco entered the market in 1994 and California manufacturer Lorcin in 1995. By 1997 they had captured more than 60% of the market, selling more than 160 000 handguns between them, according to central firearms register statistics. In 1994 the most successful manufacturer, CZ, sold only 33 000 guns.

A Lorcin 9mm parabelum sells from about R900, a Norteco 9mm parabelum from about R900, a Johannsburg gun dealer said this week.

"The next cheapest 9mm on the market costs about R2 000. I advise customers to buy neither because they are poor quality guns. The sort of people who buy a Lorcin do so because they cannot afford a quality gun. It's all about the bottom end of the market," he said.

Gun Free SA chairman Sheena Dunne can blame government for failing to stem the tide of cheap imports.

"Government's policy to restrict the number of legal firearms has been in place since mid-1997, but it has been very, very slow in acting on its policy. Draft legislation is only on its way now," she said.

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The head of the national crime prevention strategy, Bernie Farnoff, who spearheads government's anti-firearms campaign, said government had not yet started thinking about gun control when cheap guns came onto the market in the mid 1990s. "Policy was only reviewed in 1996-1997," Farnoff said.

"It is very difficult to intervene directly on imports," he said. "The new gun law, currently in draft form, will tighten up on licences and increase the cost of obtaining a licence. Once the law is in place we will constantly review its effect. If it is not effective in reducing the proliferation of licensed weapons, we will look at other measures as well."

About 125 000 Lorcin guns have been licensed in SA in the past two years. The company is part of a complex of four Californian manufacturers that produce "budget guns".

"US journalist Loren Fleckenstein said Lorcin began to look at SA when a series of law suits and the prospect of stiff gun control legislation threatened the company's domestic market.

"In the mid-1990s, Lorcin applied for bankruptcy in an effort to corral into one court about 20 product liability law suits against the company around the country," Fleckenstein wrote.

"The manufacturers must contend with the possibility that gun control lobbyists and legislators will someday succeed in shutting down California's manufacturers of cheap guns."



A BAROMETER OF GOVERNANCE AND DEVELOPMENT

## Don't shoot your mouth off in gun row

(34) mtG 16-22/7/99

*The debate may be heated, but the statistics show that controlling gun ownership is the way to go, writes Anthony Minnaar*

**S**outh Africa has become part of a worldwide trend with its controversial draft legislation that tightens controls on the issuing of firearms to individuals.

The whole world seems to have become gun conscious. The names of Port Arthur, Tasmania; Dunblane, Scotland; and Greensboro, Ohio, conjure up images of gun-toting individuals on indiscriminate killing sprees.

In all three of these recent instances, the killers were either multiple gun-owners or had access to private collections of firearms. In their aftermath, the governments of Australia, the United Kingdom and the United States were forced by the sheer weight of public opinion to initiate more stringent gun control laws.

When draft legislation proposing South Africa join this trend was leaked to the media this week, it caused a bitter dispute between those in favour of tighter controls and those who say it will prejudice legitimate gun-owners.

Of particular controversy seems to be the requirement for a psychometric test for a prospective owner, the limitation on the number of handguns to be owned (only one), and the number of bullets allowed in a magazine (nine).

In South Africa, the proliferation of firearms is a dual problem. The two major contributory factors to this are firstly the continued growth in legally licensed, privately owned firearms; and secondly the spread of illegal firearms, which are smuggled into South Africa, stolen

from licensed gun-owners or homemade weapons manufactured in backyard or so-called "bush" factories.

The sheer volume of licensed weapons in South Africa is a problem. It has been estimated that there are approximately 4.1-million licensed firearms in South Africa in the hands of about 1.9-million people. According to a report by the United Nations Commission on Crime Prevention and Criminal Justice, South Africa has a ratio of 84 firearms for every 1 000 people, which indicates that almost 20% of all households in South Africa possess at least one firearm. This situation is further exacerbated by the fact that almost 200 000 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 administration of the central firearm register and the policy on the issuing of licences. A joint investigation team was also established to look into the licensing of government-owned firearms.

In 1997, these investigations revealed that 12 470 individuals owned 10 or more firearms, while almost 20 000 criminals convicted for serious crimes possessed gun licences.

Between 40 and 45% of all robberies and murders are perpetrated using firearms. It would appear that the handgun of choice in South Africa is the 9mm pistol. There is also wide use of firearms in domestic violence and rape.

Over the last few years, there has been a dramatic increase in the reported theft of firearms. South Africa has one of the highest figures in the world for lost and stolen firearms. 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 spoken and written about the culture of violence and individual aggression, and that criminals have absolutely no respect for human life.

However, on one level, this is symptomatic of the easy access to firearms — legal as well as illegal. Currently there is no competency test to establish whether a person is suitable to own a weapon. Nor have there been any legislative suggestions for a "cooling-off-period" of a number of days before a buyer can physically obtain a new firearm.

One of the problems here is the fact that the central firearm register is not electronically linked to the criminal records centre (although there are plans afoot to have an integrated database and information system). It is therefore difficult for a gunshop owner to check whether the purchaser might have a prior criminal record, which would automatically disqualify such a person from obtaining a gun licence. Nor is there any way of establishing mental competency, emotional stability or ability to handle a firearm with any skill.

Besides targeting the tightening up of controls on the legal issuing of firearms, the thrust of the anti-violence and gun-control campaign needs to focus elsewhere. The whole culture of violence needs to be addressed in a more holistic manner. A start needs to be made in schools with a youth programme, educating pupils to the dangers of guns, the responsibilities inherent in owning a gun, and measures for the safekeeping and handling of a firearm.

The Japanese have a system that uses shock tactics for car drivers found guilty of drunken driving — they are sentenced to work at a mortuary. The shock of seeing road accident victims seems to be highly effective in curbing repeat offences. So, too, selected individuals can

be shown the bodies of victims of gunshot killings as an extreme measure of deterrence.

Many have argued for gun amnesties where people receive monetary rewards. However, one of the main reasons for the lack of success of such amnesties in other countries has been the fact that many simply use the money paid out for a gun handed in to buy a better or new weapon. Moreover, many of the firearms handed in were usually old, broken or rusted.

**O**ther measures to control the abundance of firearms in our country are needed. These include stricter legislative requirements regulating licensing procedures, an extensive framework of qualifications to obtain a licence, rigorous enforcement of safekeeping measures in private homes, a possible requirement for a "cooling-off period" before a gun can be taken possession of, comprehensive and complete background checks on the credentials of a purchaser, training in usage and 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. These conditions may sound too rigorous, but there is a crying need to instill a more responsible attitude towards firearms in the public.

We should not wait for further shooting tragedies in order to implement these measures and accept the new, tougher draft legislation on firearms. It took only one Dunblane and one Port Arthur massacre for both the UK and Australia to institute stricter gun laws. How many massacres, violent robberies and murders of police officials will South Africa need to justify stricter laws?

*Anthony Minnaar is a senior researcher at the Institute for Human Rights and Criminal Justice Studies at Technikon SA*

### Take Notice

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Trigger-happy society: Local gunmen, like this minion of a Cape gangster, parade their weapons openly on the street



# Black gun owners take aim at new firearm laws

## Tighter controls and licence fees 'will hit us hardest'

TASUMA VILJOEN

For many years they could not legally own guns. Now licensed black gun-owners say they will be hit hardest by the proposed new firearm control laws.

The Khuseleka Gun Association, which represents black gun-owners throughout South Africa, this week joined the growing protest against the proposed laws, which would require existing licence-holders to re-apply and also have psychometric tests to determine whether they are fit to carry guns.

Firearm licences would cost R500, owners would be required to re-apply every five years and would be restricted to owning one gun.

Pro-gun lobbyists marched on Parliament this week to voice their opposition.

Osman Shabodien, spokesman for the association in Cape Town, said the proposals were unrealistic and unfair.

Mr Shabodien said the majority of members owned guns for self defence because they lived in dangerous areas. The new laws would deprive many of their only protection.

He said people saved for months to buy weapons to defend themselves and their families and could ill afford the R500 licence fee.

The proposed changes would therefore hurt the poor most.

Mr Shabodien said that under apartheid, black people could not own firearms. Now new laws were again threatening to prejudice black communities.

He said that if the Safety and Security Ministry would concern itself more with fighting crime, people would not need guns to protect themselves.

The proposed laws would force legal gun-owners to go underground and lead to many more illegal firearms because people would not give up their protection.

The proposed law was unrealistic because the police did not have the resources to enforce it, he added.

It would not stop crime because legal gun-owners did not commit crime - illegal gun-owners did.

But David Newby, regional chairman of Gun-Free South Africa, disagreed.

He said statistics showed that 80 000 legal firearms were lost or stolen annually and many ended up being used in crimes. He said the proposals were definitely a step in the right direction.

Gun-related crimes were escalating at an alarming rate and the Government had to do something to stop the problem. At present there were 2.5 million legal gun-owners in South Africa.

Deaths and injuries caused by firearms were costing the country millions every year, he said. The proposals would make people think twice about going out and buying guns.

He said he did not expect the introduction of gun control to go smoothly but at least the Government was making a start to create a gun-free South Africa.

Mr Shabodien said his organisation was preparing to make submissions to

ART 17/7/99 (94)



A GUN-FREE SOUTH AFRICA: David Newby is waging an anti-gun campaign

the parliamentary safety and security portfolio committee.

This week, recreational gun-users, manufacturers, sporting clubs and collectors were among groups making submissions.

The South African Gun Owners' Association said too little time had been set aside for submissions, which have to be made by the end of July. The association also feared submissions would not be taken seriously.



# Gunowners battle government Over proposed gun controls

BY WELCOME SKOSANA

PROPOSED legislation on gun ownership has sparked tension between the government and the South African Gunowners Association (Saga).

The law, which will require millions of gun owners to re-apply for ownership, has been strongly condemned by the organisation, which is seeking clarity from the ministry on how disarming of ordinary citizens will combat violence.

Saga's vice-chairman, Martin Hood, said that the proposed law doesn't address the problem of crime, it only regulates gun ownership, exposing citizens to danger as they are rendered defenceless against armed criminals.

"The law will deprive mostly the black majority, as acquiring a licence will cost almost R1 700 including psychometric testing.

"It's unconstitutional; it doesn't have any effect on criminal activ-

ity," Hood said.

Under the new legislation, licensed guns from irresponsible gun owners who use guns under the influence of alcohol will be confiscated by the police.

However, the law will not affect the status quo of traffic officers and security personnel.

James Oosthuizen, programme manager of the National Crime Prevention Strategy of Firearms said:

"A final decision on the matter hasn't been reached by various stakeholders," but discussions are still on. The final report may be issued tomorrow if the draft is completed.

"The law will be fully implemented before the end of the year. Gun owners should consult with their respective dealers soon," he said.

Although the department is convinced that this law will restrict illegal gun trafficking, the bill was not welcomed by anyone except

Business Against Crime.

According to a statement made by Dr Bernie Fanaroff in the office of the secretary of safety and security, the bill is being drafted in terms of a mandate from the minister for safety and security to reduce the proliferation of small arms ammunition.

Through this act the department is certain that police will find it easier to recover illegal guns.

The SAPS Illegal Firearm Investigation Units will be seeking more support from and co-operation of communities to identify and recover illegal guns.

The ministry has already embarked on discussions with gun owners' associations and Gun Free South Africa on several issues related to the new legislation.

According to Saga more than 70 000 people in the arms manufacturing industry may lose their jobs if this legislation is passed.



# Crackdown on toy guns

ST 18/7/99

(34)

## Tough new legislation plans to outlaw the possession of fake firearms

HENRY LUDSKI

**T**HE possession of a toy gun worth just R10 could put you behind bars for up to a year in terms of proposed anti-gun laws.

Toy guns which look like the real thing have been included in the broader definition of firearms in the draft Firearms and Ammunition Control Bill, which would see the government being as tough on the importation, supply and possession of "imitation firearms" as it would on other firearms.

Heavy restrictions would also be placed on the sale and possession of air guns, as well as on the paintball firearms used in a popular mock combat game.

Last week's disclosure by the Sunday Times of plans to make obtaining a firearm licence as difficult as possible has triggered a raging public



MARKSMAN: Zahler Fagoldien with two examples of replica guns, targets of legislation to be put before Parliament

Picture: AMBROSE PETERS

debate, with pro-gun lobby groups arguing that the proposals would amount to an infringement of the rights of South Africa's 2.5 million licensed firearm-

owners. Ironically, the problem posed by toy guns is probably the only issue on which two groups normally at loggerheads — Gun Free SA and the South African Gun Owners Association — appear to agree.

In terms of the proposed legislation, possession of an "imitation firearm" would mean a fine or imprisonment, while importing such an item would be punishable with a jail term of up to 25 years.

The use of a paintball gun outside of an accredited paintball shooting range or in terms of the rules of such a game would also be prohibited and punishable with a fine or jail sentence of up to a year. "Imitation firearms" would be defined as

"anything" that has the appearance of being a firearm capable of firing a shot, regardless of whether or not it is capable of discharging such a shot.

Replica firearms would also be included in this definition. Replica firearms are often used in robberies and hold-ups and have already been blamed for the deaths of many people, including several children, who were mistakenly thought to be carrying real guns.

Although some toy retailers have bowed to public pressure and no longer sell replica guns, the toys are still freely available at flea markets and from street vendors across the country. The South African Toy and Hobby Association, which represents the toy

industry, has also agreed to co-operate with the government in regulating the enforcement of the new measures. In exchange for a six-month grace period in which existing stock can be cleared.

The association has already held several meetings with government representatives over the past year. The association's chairman, Ken Millhouse, said its recommendation to the government was to follow the standard in common use in the US and Europe, whereby toys which could cause confusion were manufactured in a different colour from real guns or else included a bright orange or red tip on the barrel.

Quentin Scott, the merchandising director for

Toys R Us and Reggie's, confirmed that while the company stocked replica toy guns at its 47 stores throughout South Africa, it had a policy of not selling replica guns to children under the age of 16 without the consent of their parents.

However, he said it remained a problem that replica guns were still available from flea markets and street vendors. Legislation tightening up on both the control of licensed firearms and toy guns has been supported by Gun Free SA, which argues that not only does the sale of toy guns legitimise and glorify firearms, it also poses a danger by mimicking authentic weapons.

The organisation's chairman, Sheena Duncan, told the Sunday Times this week that a

ban on toys resembling the real thing would begin to undo the confusion that guns are the solution to everything. The proposed legislation would replace the Infected Arms and Ammunition Act, which has been in existence since 1969.

Despite the outcry, the government this week vowed not to back down on tighter gun laws. Safety and Security deputy director-general Bernie Fanaroff confirmed that Minister Steve Tshwete would be presented with a draft Bill by the end of this month before its tabling in Parliament in August.

Fanaroff, who expects the legislation to come into effect next year, said the fate of the Bill would then be up to the parliamentary process.



# Detectives in pursuit of Cold War's weaponry

Police say end of 15-year Angolan conflict could create problems for SA, writes **Jonny Steinberg**

(34) DD 19/7/99

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 she-beens, 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, disagrees. "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."

# Go-ahead for Heath's unit

CT 22/7/99

(34)

**A NEW report by the Auditor-General has found the Health Investigating Unit has uncovered more money than the Health vindicates their work and gives it a mandate to continue uncovering government corruption, GUSTAV THIEL reports.**

**T**HE unit told Parliament's Justice Portfolio Committee in March of an unaudited R848 million of recoveries, savings and protection of state assets from January 1998.

Subsequently, Finance Minister Trevor Manuel publicly stated his displeasure with the unit's report, which led to a confrontation between him and Judge Heath. Manuel, Heath and the then Justice Minister, Dullah Omar met in Pretoria on April 7 to discuss the disagreement.

As a result, the Auditor-General Henri Kliever was asked to verify the Health Unit's R848m recovery claim.

Yesterday the Auditor-General made public the findings of the audit. But Manuel received a draft of the audit two weeks ago.

A source in the Auditor-General's office told the *Cape Times* that Manuel was not supposed to disclose findings of the draft document in Parliament.

Manuel, however, revealed the unit had recovered R60m, the figure verified by the Auditor-General in the report.

According to Gunther Witthoft, Corporate Executive Manager of the Office of the



**VINDICATED.** Judge William Heath recovered more millions.

Auditor-General, it had been decided to make public the findings of the audit before it could be tabled in Parliament next week.

"We realised that it was in the public interest to release the report as soon as possible," he said. The Auditor-General's main finding shows Health recovered, saved or prevented the loss of state funds of R1,38 billion, substantially more than the R848m reported by the unit on April 7.

The unit reported R41,4m recovered in cash, substantially less than the R60m now verified. Also, it prevented a loss of R385m in property.

Verification was also given to R3,9m in state land reclaimed, R880 000 through enforcing obligations to the state.

The report found that the unit's figures were perfect in all but three cases: The *Sanzifna II* Aids Trust and Irregularities in the Mpumalanga Parks Board.

In the case of *Sanzifna II* the Auditor-General found R10,515m embesbezzled, whereas the unit had found only R2,159m.

According to the Auditor-General's report the total value of the case was R10,515m, but the value of the monies recovered — R2,159m — was incorrectly registered on the unit's Case Tracking System (CTS).

According to the report it is unlikely that the balance of R8 355 566,30 will be recovered. The report also states that the Office of the Auditor-General had been involved in a process to attempt to reverse irregular promotions and salary payments at the former Bisho Audit Office.

This had been without success, and the assistance of the Health Commission was sought on October 12, 1995, the report continued.

The Health Investigating Unit only came into being in 1996 with the promulgation of the Special Investigating Units and Special Tribunal Act.

The unit mentioned an R80m saved through its work done in this regard, according to the

See Page 3

## Auditor-General supports Heath

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**Auditor-General which was never officially confirmed by Judge Heath. The report states that the R80m was never verified by Judge Heath, but adds that "it was, and remains, clear, had Judge Heath not intervened, the negative financial and other consequences would have been most serious."**

Reacting to the report, Judge Heath told the *Cape Times* he considered it objective: "It is clear how there was no basis for the attack on our initial findings. The report gives us a strong mandate to continue our work."

He also welcomed the new categories for auditing and distribution of recovered monies set by the Auditor-General, saying it would simplify the unit's work. He added that he hoped the report would impact positively on his relationship with Manuel: "We were due to meet on July 6, but the minister could not attend. I haven't spoken to him since and we also have not scheduled another meeting."

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# Bullets fly over firearms control

As the debate on firearm licensing heats up, some people are calling for responsible gun-ownership, while others want a gun-free South Africa — except of course, for the police and armed services. Special Writer **TYRONE SEALE** reports

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That is money we could spend on staff training and other benefits," he says.

Mr Van Tonder says his company will support any tightening of legislation that will make it more difficult and less rewarding for criminals to use firearms.

Koosum Kalyan, general manager of Shell SA's corporate division, says her company spends millions of rands each year to provide better lighting and security cameras at petrol stations around the country.

Ms Kalyan is concerned at the increase in hijackings of fuel tankers which, she says, are emptied before the cargo is smuggled around the country and possibly across borders.

On top of these losses, the company has to foot the bill for medical and psychological treatment of staff who are targeted, and has to grapple with staff turnover problems arising from victims who choose to work in a safer environment.

These days, one of the least safe environments in which to work is the cash-in-transit industry, which is targeted by ruthless gangs.

Albert Erasmus, Western and Eastern Cape regional manager for Coin Security Group, says his company's policy is "minimum force".

"If we have to arrest someone, we use minimum force. But if we've been shot at, and when your life is in danger, we use the same force back."

Besieged businesses get support from Business Against Crime, whose Western Cape MD, John Penberthy, says the fact guns fall into inappropriate hands are used against business, is "costing the economy enormously in terms of withdrawal of investment and the cost of human life and suffering".

Ironically, Mr Penberthy made these comments days before the Johannesburg Stock Exchange that it was moving to Sandton from downtown Johannesburg because of the crime situation around Diagonal Street. Personally, Mr Penberthy stands for a gun-free South Africa, but he admits that under the present circumstances this is wishful thinking.

Meanwhile, he says, Business Against Crime will support new, stringent controls on firearms. Cape Town's metropolitan mayor, William Bantam, says "At first (in the current debate) it seems that legal gun owners are being unjustifiably targeted, but if we look at the proliferation of firearms in

South Africa's morbid march to a firearms-related death toll of more than 10 000 people a year continued unimpeded this week as gunmen targeted victims across the metropolitan area.

In one case, Garry Kitcher, who works for the Seven Eleven franchise head office, was hijacked, robbed and shot by a gang who surrounded his bakkele when he pulled up at the intersection of Ottery and Strandfontein roads on Saturday.

The men grabbed a money bag containing R30 000 and drove off with Mr Kitcher before leaving the wounded man in his bakkele at a secluded spot in Phillippi. Mr Kitcher is in hospital.

On Tuesday, two students and a security guard who boarded a taxi in Rondebosch at about 6.30pm were attacked by a group of fellow passengers, and were shot at but not hurt when the vehicle stopped at an intersection. Police caught up with the taxi in Athlone and arrested three men from whom they confiscated a firearm.

These attacks brought home the trauma that is played out on the streets of this city every day.

Gun-related deaths and injuries in Cape Town in the past few weeks have injected a shocking shade of realism into the unfolding public debate on proposals by the Department for Safety and Security to replace the Arms and Ammunition Act with a new Firearms and Ammunition Control Bill.

The debate, which will take place formally before the parliamentary portfolio committee on safety and security later this year, will happen in terms of a mandate from Steve Tshwete, Minister for Safety and Security, to reduce the proliferation of small arms and ammunition.

"The easy availability of guns is a major contributor to violent crime in South Africa," says Bernie Ranaorff, deputy-director general of safety and security, and the prime sponsor of the draft legislation.

"We are not unique in this. Brazil is also busy with a major gun control programme in response to the high rate of violent crime."

"Police statistics show half of all murders in South Africa are committed with firearms."

"A total of 75% of murders in Soweto are committed with firearms, and firearms are used in more than 70% of robberies."

Dr Panaroff says many murders at violent assaults are committed in "round people's homes and in around bars and shebeens, usually in the evening."

owned guns are often used in violence, especially when people have been drinking. It is essential that a culture of responsible gun ownership be developed in South Africa."

To help this along, the Department of Safety and Security is pushing for tougher penalties for those who use firearms, more expensive gun licences, stringent psychometric assessment of licence applicants and severe restrictions under which licensed owners can mandate other people to use their guns.

In short, the Government is seeking to license owners, rather than the weapons. But the Government faces an ideological shootout with 2.5 million registered shooters and the firearms industry which is already signalling that job losses in this sector and the likelihood of law-abiding people taking up unlicensed firearms will add to, rather than ameliorate, the crime situation.

The South African Gun Owners' Association believes a legislative clampdown could cost 80 000 jobs in the firearm, hunting and conservation industries.

While Dr Panaroff wants to see responsible gun ownership there are lobby groups, such as Gun Free

## Do's and don'ts for gun owners

**TYRONE SEALE**  
Guns are not the first stop on the road to personal safety, says the Western Cape Department of Community Safety.

In a brochure, the department says: "Protecting your family starts with taking proper security measures at home or while driving or walking. Ensure that your burglar alarm, security gates and burglar bars are in good order. Get a guard dog. Continually remind your family of safety issues."

Other important advice is: "The law says that if you are attacked, you may defend yourself as long as the action taken is not more violent than the attack."  
■ A gun licence will not be issued to you if you do not have a safe in your home.

If you wish to defend yourself, try these alternatives to a gun:  
■ Take a class in self-defence.  
■ Carry a personal "body alarm", made of pepper spray, a whistle or an electric stun.

Before you buy a gun, consider the following:  
■ Don't think you are invulnerable if you own a gun. Your own gun is more likely to be used against you.  
■ If criminals think you are armed, it is more likely they will use their guns against you. They may also target you specifically to steal your gun.

Studies have shown that the incidence of accidental death, homicide and suicide are far higher in homes with guns.  
■ Most parents think their children are not capable of firing a

gun. Most children, four years and older, know how to fire a gun. Guns are closely related to drug trafficking, and are often exchanged for drugs. Keep this in mind if you have teenage children.  
If you have a gun:  
■ Never leave it in your car. Thieves will find it in seconds.  
■ Keep it on your person at all times if it is not locked in a safe.

■ Store your firearm apart from the magazine and bullets.  
■ Keep the keys to the safe on your person.  
■ Know how to use your gun if you have to defend yourself. Fire your gun regularly at an approved firing range.  
■ Never point a gun in anyone's direction.  
■ Never sleep with a loaded gun under your pillow.

Writing to the Cape Argus, The Reverend David Newby, Western Cape chairman of Gun Free South Africa, underscores the police's historic that 10 000 of legal

insist on our constitutional right to be protected from the dangers of guns and that the "same exercise all caution in issuing firearms."  
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Dr Fanaroff says many murders and serious assaults are committed in or around people's homes and in or around bars and shebeens, usually by people who are known to the victim.

"These are often committed with legally owned firearms. Legally



## Do's and don'ts for gun owners

BY GUY BURNETT

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restoration of theft, and full recognition of the right of citizens to obtain, own, carry and use firearms for personal and family defence.

Adding substance to the debate is a report issued last week by the United States State Department which says organised crime in southern Africa has become active in arms trafficking.

"Gun runners and drug peddlers in southern Africa are beginning to pool their resources to maximise profits," the report said.

"There has been a fundamental change in weapons sales in sub-Saharan Africa since the end of the Cold War. Many nations and manufacturers eager to empty warehouses and arsenals of arms made surplus by post-Cold War political and technological advancements have seen Africa as an attractive market.

"The consequent widespread availability of cheap weapons, easy to use and maintain - AK-47s sell for as little as \$6 (under R40) in some African countries - fuels destruction throughout the continent."

In South Africa, this destruction is evident where it hurts most: in the economy. Pierre van Tonder, group managing director for Spur Steak Ranches, which operates 244 franchises countrywide, says that in Johannesburg alone, stores are each spending between R4 000

firearms remain in circulation.

"Limiting the ability of law-abiding citizens to defend themselves and their families does not lead to a decrease in crime.

"Instead of firearm control we need crime control - by instituting mandatory capital punishment for all first-degree murder and rape;

insists on our constitutional right to be protected from the dangers of guns, and that the state exercise all caution in issuing firearms."

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Ironically, Mr Penberthy made these comments days before the announcement by the Johannesburg Stock Exchange that it was moving to Sandton from downtown Johannesburg because of the crime situation around Diagonal Street.

Personally, Mr Penberthy stands for a gun-free South Africa, but he admits that under the present circumstances this is wishful thinking.

Meanwhile, he says, Business Against Crime will support new, stringent controls on firearms.

Cape Town's metropolitan mayor, William Bantam, says: "At first (in the current debate), it seems that legal gun owners are being unjustifiably targeted, but if we look at the proliferation of firearms in our own city, then one has to say that we must devise much stronger measures against guns."

"It seems that it is too easy to get a licence at the moment."

Writing to the Cape Argus, The Reverend David Newby, Western Cape chairman of Gun Free South Africa, underscores the police statistic that 30 000 of legally owned firearms are stolen or lost each year. He says gun ownership is not a right, but a concession.

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In short, the Government is seeking to license owners, rather than the weapons. But the Government faces an ideological shootout with 2.5 million registered gun owners and the firearms industry which is already signalling that job losses in this sector and the likelihood of law-abiding people taking up unlicensed firearms will add to, rather than ameliorate, the crime situation.

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While Dr Fanaroff wants to see responsible gun ownership, there are lobby groups, such as Gun Free South Africa, who, short of disarming the police and other armed services, want to see exactly what the organisation's name suggests.



# Kluever fails to settle dispute

BD 22/7/99

Taryn Lamberti

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 R850m.

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, R855m from transparency in tender processes, R19m 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

(49) (34)  
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.

Lawetan 22/7/97

# The tragedy of too many

# guns

(34)

Should the Government restrict legal ownership of firearms in a crime-ridden country like South Africa? Khathu Mammala interrogates the issue

It is just after sunset in the rural village of Vuvha about 50km from Louis Trichardt. A small group of men are cooking some meat and enjoying a few drinks in a tranquil atmosphere. Then, in an unwarranted display, two men produce firearms and start playing around with them. As alcohol begins to influence them, they start shooting at each other.

They are not arguing; it is just a game. But an innocent person is hit by a stray bullet fired by one of the two men. Within minutes, Rexson Khumelani Ratsahangwa is dead.

This tragic story occurred last weekend - another example of how guns in the wrong hands are a menace to society.

In a bid to reduce the number of guns in South Africa, the Ministry of Safety and Security recently drafted an amendment to the Firearms and Ammunition Act.

A statement released says that the amendment was necessary in order to recover illegal guns and to prosecute people who were illegally in possession of firearms.

The amendment is being drafted in terms of a mandate from Safety and Security Minister Steve Tsoete to reduce the proliferation of small arms and ammunition.

In terms of the proposal all gun-owners will have to reapply for their licences; applicants will undergo psychometric tests before they are granted licences and applicants will pay more for licences.

The ink had hardly dried on the draft amendment when a heated debate started, with the Gun Owners Association of South Africa rejecting the proposal as an attempt by the Government to disarm them.

Association vice chairman Martin Hood said they completely opposed the amendment. He said it would increase the cost to obtain a gun by more than R2 000, and consequently deny poor people access to guns.

"This new legislation is based on the premise that guns in the wrong hands are the main causes of crime.

"There is no evidence to back the claim that guns are in fact to blame," said Hood.

- In 1997 there were 392 071 registered gun owners, and the number increased to 425 043 in 1998.
  - In 1997, 26 171 firearms were stolen and in 1998, 23 820 were lost.
  - In 1997 there were 51 004 cases of robbery in which firearms were used, representing 75.8 percent of all robbery cases. The figure rose to 74 834 in 1998.
  - In 1997 and 1998 more than 28 000 cases of attempted murder were reported. Firearms were used in 75 percent of these cases.
  - More than 11 000 people were killed with firearms in 1997, while more than 12 000 were murdered in 1998.
- (Source: Crime Information Analyst Centre)

"The problem is not guns. Guns do not kill people; people kill people. Even if there were no guns, people who want to kill others would still find some way of killing them.

"It is unfair to punish somebody who acquires a gun legally because criminals are using guns to rob and kill people. The Government should deal with the real problem, and this is people, not guns."

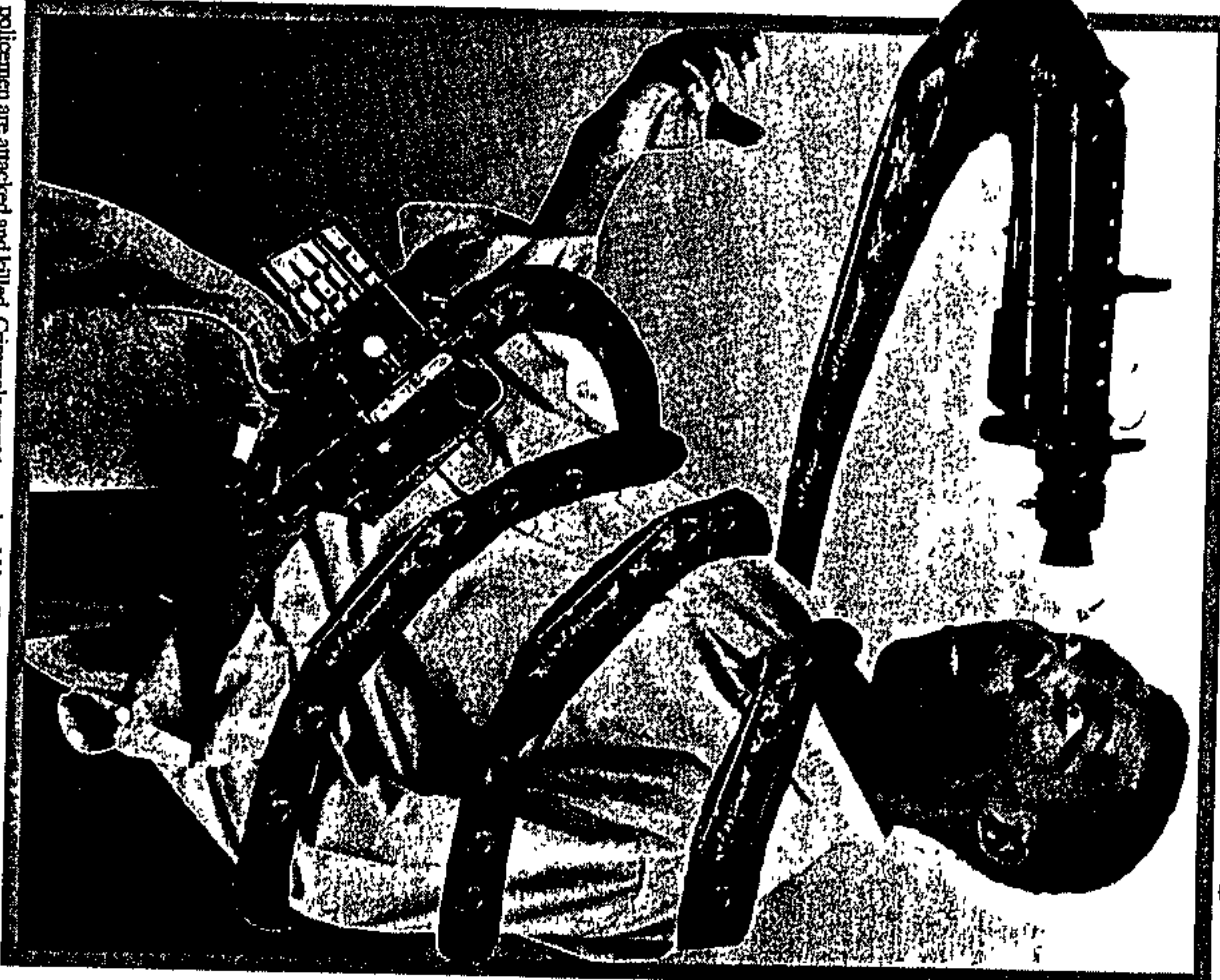
Hood said he supports the legislation as it stands because it allows people to exercise their democratic rights to choose whether they want to own guns. He added that people need to defend themselves against criminals.

Asked if gun owners were not the main target of criminals because they need guns for their underworld activities, Hood said: "(A gun enables) people to defend themselves; threats go away if you produce the gun."

However, Gun Free South Africa chairwoman Sheena Duncan was ecstatic about the proposed amendment to the Firearms and Ammunition Act.

"I have not seen the draft of the legislation but judging from the comments of the Gun Owners Association I believe the Government has taken a step in the right direction.

"The fact is that in most cases, gun-owners cannot defend themselves. In fact, gun-owners are targets of criminals. This is the reason why



Policemen are attacked and killed. Criminals want to rob them of their guns.

"Legal gun-owners are the main suppliers of guns to criminals. In 1998 alone, more than 30 000 guns were lost from legal owners to criminals."

Duncan said the ultimate aim of her organisation was a society in which there would be no guns in private hands.

But can such an situation be achieved? Would a law banning civilians from owning guns not actually create a demand on the black market for guns?

At its last congress, the Azanian People's Organisation adopted a resolution promoting a gun-free South Africa.

In terms of the resolution, only the security forces should be allowed to carry firearms.

"It is a myth that possession of a firearm is necessary for personal protection, as many such firearms are seldom used. Thieves and gangsters remove them by force from their owners.

"The very idea of pumping guns into a crime-infested violent society is wrong. The community must be protected by the police, the courts and the prisons and no one should protect himself or herself with a lethal weapon.

"If certainty of arrest is guaranteed, certainty of conviction is assured, and that once convicted the prisoner is put away, then society will be protected." In the meantime, people like Ratsahangwa become victims of trigger-happy gunmen.



# DIALOGUE OF THE DEAF

## Safety and stolen gun posers

As the controversy over government's draft law for stricter control over firearms intensifies, a dialogue of the deaf is in progress between the main protagonists the Department of Safety & Security, the SA Gun-Owners' Association (Saga) and Gun Free SA.

Bernie Fanaroff, deputy director-general of Safety & Security, says government obtained a clear mandate for stricter gun control in the June 2 election, and that it thus has the support of the majority of South Africans, nearly two-thirds of whom voted for the African National Congress.

But, ripostes Martin Hood of Saga, government was careful not to detail the provisions of its draft law during the election because it feared disclosure would cost the ANC too many votes.

Hood contends the draft law discriminates against the poorer or historically disadvantaged communities by raising the cost of obtaining a gun licence in three ways: increasing the licence fee from R50 to R500, forcing licence applicants to produce R1 200 for psychometric tests proving they are mentally stable; and by compelling them to fork out another R150 for training in the use of firearms.

Hood's contention relates to an important change in the pattern of gun ownership since 1994 — that is, a marked increase in the number of licensed black gunowners, many of whom, like their white counterparts, do not have faith in the ability of the police to protect them against criminals.

Demonstrations against the draft law, known as the Firearms & Ammunition Control Bill, substantiate Hood's point. Some of the more vociferous protesters are drawn from black communities.

Hood concedes there are no hard statistics as the Central Firearms Register does not identify licensed firearm owners by race. But he argues that extrapolation from addresses and surnames shows that many new licence holders live in historically black residential areas or have indigenous African names.

Black support for Saga's strong stance against the draft law — under which all current licence holders will have to reapply for licences, at considerable cost and inconvenience to themselves — leads Hood to fire a shot in the verbal war over

FM 23/7/99

the Bill. He targets Gun Free SA, which has come out in strong support of stricter gun control and whose director, Adele Kirsten, has called for the implementation of the new law by next year. He describes Gun Free SA as a typical liberal organisation led by whites claiming to know what is best for black people.

He draws counterfire. "Where were they 10 years ago?" Kirsten asks of Saga's longstanding white members. "Probably behind the barrel in the townships."

Gun Free SA is part of a broad alliance of organisations in favour of stricter gun control, Kirsten adds in her bid to show the organisation has popular support. She lists some of its allies: "All the major religious organisations, many women's organisations, the disability movement and Business Against Crime." Fanaroff — who declined to take a call from the FM on the grounds that he has said all he has to say for the immediate future — insists in a press statement: "The easy availability of guns is a major contributor to violent crime in SA." Half of the murders and more than 70% of the robberies are committed with firearms, he adds in his statement.

But, counters Saga, judging from those parts of the draft law released to its corporate members for comment, the Bill concentrates on control of licensed guns

owned by law-abiding citizens: it does little or nothing about illegal guns and the criminals who use them to terrify the general populace.

Saga is anxious for another reason it fears the stringent conditions for obtaining a licence will deprive citizens of their right to own guns for self-protection in a society characterised by rampant crime. As Saga spokesman Juan de Greef puts it: "Government's intention is to disarm the population of legally owned firearms under the pretext of going after criminals and illegally held weapons."

Fanaroff offers a counterargument: most illegal guns were originally legally owned weapons but were added to the arsenal of weapons used by criminals after being lost or stolen.

"We must reduce the number of legal guns and we must

improve controls over their use and storage," Fanaroff says. Unless that is done, illegal weapons confiscated by police will be replenished by lost and stolen licensed arms, he adds.

However, Hood is unimpressed, charging that government is now pressing to put the Bill on the statute book before the Open Democracy Bill becomes law, because it does not want the information on which it bases its argument scrutinised too closely.

One conclusion stands out amid the reverberations of the verbal battle: if government is to garner maximum support for the Bill, it will have to address the fears and suspicions of gunowners and persuade the public generally that it has the capacity to administer a law that will require constant monitoring. Patrick Larmes

Other Safety & Security are willing legal firearm owners" — Saga's Martin Hood



Saga & Security Minister Steve Tshwene will have to decide

It is essential that government's development plan



# Don't (Yankee) doodle with guns

MTG 23-29/7/99

Donald McNeil

## A SECOND LOOK

**A**n, the battle over gun control is finally coming to South Africa. What fun. You're in for many years of bald lies, cooked statistics, pictures of dead children, thinly veiled racism, tall tales about small American towns that solved their crime problem by issuing everyone a machine gun and all the other dum-dums that enliven the endless gun debate on American shores.

The combination of the United States's constitutional "right to bear arms" and a powerful gun lobby has completely crippled any effort to write sensible gun laws in the US. Lee Harvey Oswald bought the rifle he killed John F. Kennedy with by mail order. The teenagers who killed 12 classmates at Columbine High School had a friend buy theirs at an outdoor "gun fair". The rightwinger who wandered the Midwest shooting blacks, Jews and Asians bought his pistol from someone who bought a gun a week legal by from a licensed dealer — for private resale. Congress can't even pass a law saying Americans may not own assault rifles, which are useful only to killers, not hunters.

The American gun lobby, which pretends to be a bunch of chimney duck-hunters, is supported by legions of people with vile motives — the importers of cheap pistols who want to sell to teenagers, the makers of kits that convert semi-automatic rifles to full auto machine guns, the nuts who'd like to hunt black people, "survivalists" and "militiamen" who want to shoot tax collectors, rightwingers who believe the United Nations has a secret army poised to invade the US in silent black helicopters.

However, they always push to the fore the kindly immigrant shop-owner who killed a robber with his licensed pistol and the dignified old gent with the Purty shotgun worth \$20,000. Gunshops pay heavy dues to the lobby. It's well funded and well organised, and most con-

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gressmen are just plain afraid of it. The catch is that the "right to bear arms" enshrined in the US Constitution is on their side. The American right to bear guns doesn't stem from a right to defend one's home against criminals (or against Indians, if you want to harp on our genocidal past). Nor from a right to hunt deer. It stems from a right to overthrow the government.

You don't have that in your Constitution. In fact, your Constitution provides for states of emergency that make it easier for your government to overthrow you. We have an 18th-century Constitution, you have a 20th-century one. So forget about any inherent right to own guns. In South Africa, there isn't any.

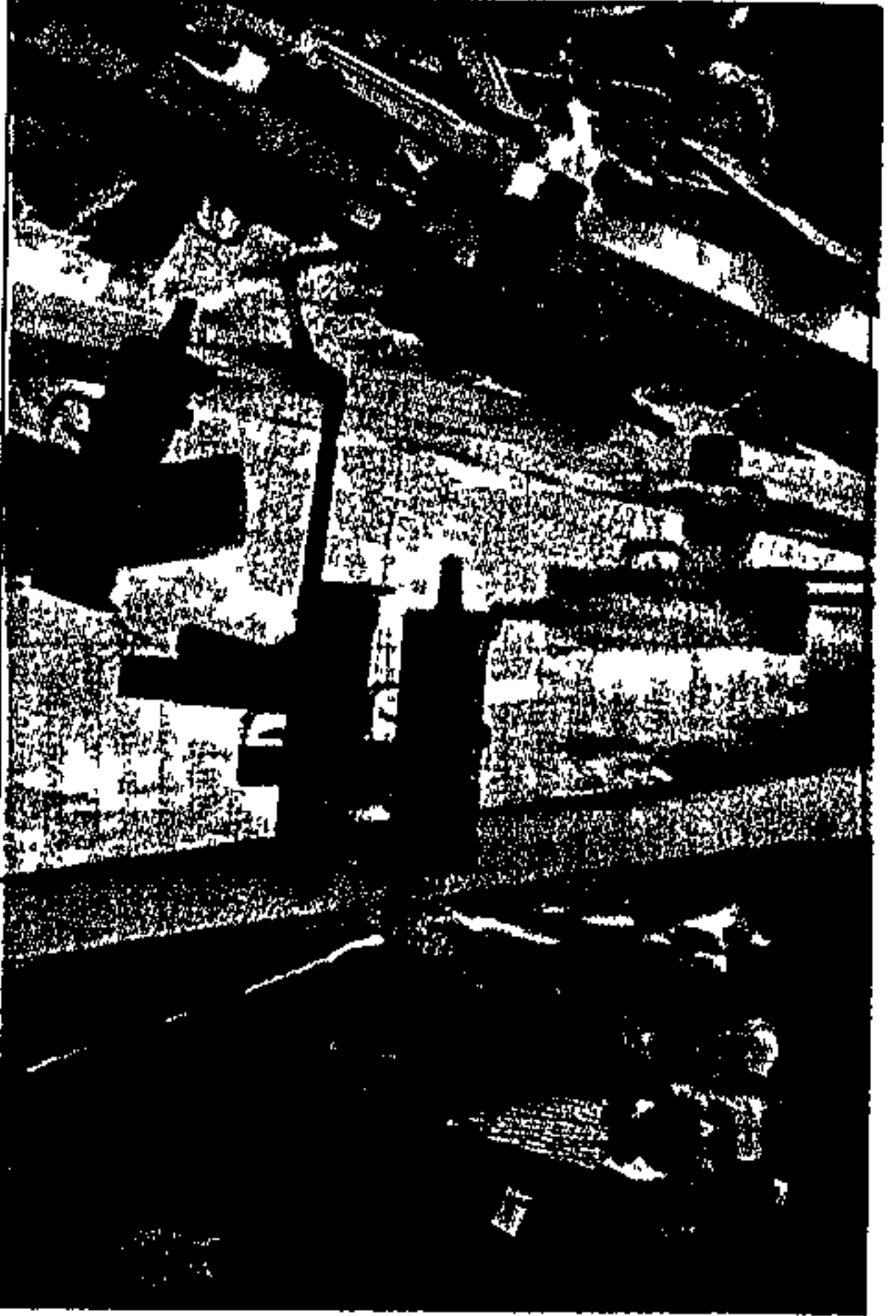
You also don't have our legal limitations. Your gun lobby is still only about as powerful as your anti-gun lobby. You're used to common-sense ideas like a police check before issuing a gun licence. You still have time to write gun laws that make sense.

Some obviously need to change. You have a few that even Americans find crazy. The one that allows a licensed owner to legally "lend" his gun with a letter is an invitation to criminals. Also, your laws make it easier to buy a pistol than a rifle or shotgun (and encourages you to carry it concealed). I asked a gunshop owner why and he said it was because a pistol was to defend a home while a rifle or shotgun was for poaching. That logic makes sense in a rural society dominated by African farmers. It doesn't make sense in an urbanised society plagued by criminals.

In South Africa and the US, two trends are the same:

- Lots of legal guns lead to lots of illegal guns. Many are stolen. And many "good gun owners" who want law actually sell guns on the side.
- More guns, legal or illegal, lead to more killings. It takes far more effort to beat someone to death than to pull a trigger — ask Eugene de Kock.

It's true, as the gun lobby says, that "guns don't kill people, people kill people". But easy gun laws mean many hot-headed young men



Gunfire: Anti-gun protesters in the Netherlands burn automatic weapons. PHOTO: AP

get to shoot victims they would otherwise punish. Seize guns, and you trim fatalities. You also cut down dramatically on the number of drunk husbands who kill their wives instead of beating them. The number of women like Charize Theron's mom who kill abusive husbands is tiny compared to the number of men who shoot their wives. All women should favour gun control: statistically, the domestic threat is far greater than the hijacker threat.

You could write laws like Israel or Switzerland — you serve in the army, you take your rifle home, you keep it safe. You're on call to defend your country, and criminals know every law-abiding citizen has an assault rifle.

Only letting veterans own guns makes some sense. The army teaches respect for guns, and a drill sergeant who lives with you for eight weeks is a far better judge of your sanity than a silly "psychometric exam".

Given the history of Colin Chanke's pals, it might be best that only veterans of the former South African Defence Force qualify. That will lead to cries of racism, but that will rectify itself in a few years, since the South African National Defence Force is mostly black and getting blacker.

Alternatively, you might pass a law saying you can only legally own one gun. Or only buy one a year. That cuts down on "private" gun dealers.

Much more sensibly, you might ban all pistols. Make only guns with long barrels legal. (Even an AK-47 has a relatively short one.) It's perfectly easy — even preferable — to defend

your home with a shotgun. Hunters use rifles or shotguns. Coys and security guards can carry shotguns. So many off-duty cops are killed for their pistols that they'd be safer without.

Then set up metal detectors in malls, at traffic roadblocks, at taxi stands, at schools, at railroad stations. If short guns are simply illegal, you can be very aggressive about seizing them. No arguing about licences — you have one on you, it's confiscated, you're arrested.

Law-abiding white men who've had pistols in their belts or glove-boxes for decades will howl. So will black taxi drivers and security guards who've just won the right to own them. So will domestic pistol-makers like Vector.

Too bad. Let them howl. Society is safer without concealed guns than with laws to keep them in "good" hands that inevitably fail. If they really need a gun, they can keep shotguns in the car.

Collectors will wail that they'll lose expensive guns. Let them keep them — but not at home. Let them turn them over to museums. Display them with owner's plaques. But for home defence, they must buy a cheap shotgun, not pretend they need an historic Laguer.

Alternatively, you could outlaw all guns without advanced safety devices. There have been rapid advances in these, notably a gun with a microchip that lets it fire only if it gets a signal from the shooter's bracelet. You hide the bracelet apart from the gun, and arm it by punching in a code. Like an auto immobiliser. In any case, come up with new ideas. The US's are a huge flop.



# Heath probe's claim on savings unverified

Linda Ensor

(94)

BD 23/7/99  
Report unable to confirm whether body saved R8bn in Eastern Cape

CAPE TOWN — The claimed saving of R8bn as a result of the actions of the Health Commission in putting an end to irregular promotions and salary payments in the Eastern Cape could not be verified, acting auditor-general Shauket Fakie said in his report to Parliament on the savings and recoveries made by the Health special investigating unit.

The Health Commission was a predecessor of the unit that probed irregularities only in the Eastern Cape.

The special report arose out of a dispute between Finance Minister Trevor Manuel and Judge Willem

Heath over the extent of the savings and recoveries made by the unit.

Meanwhile, opposition parties called on Manuel to admit he was wrong and endorse the achievements of Heath's unit.

Democratic Party finance spokesman Mannetjies Grobler said that Manuel's continued dispute with Heath "shows a profound lack of professionalism and sportsmanship".

The auditor-general's investigation showed the unit had saved or recovered R1,326bn — whereas the judge originally claimed that the unit

had saved or recovered R850m.

"Manuel now wants clarity from the auditor-general on the amount of money actually recovered by the unit. Manuel should refrain from being so petty. He should acknowledge Judge Heath and his unit have done a sterling job under onerous conditions. They should be applauded for their efforts and Manuel should refrain from nit-picking," he said.

Danie Schutte, the New National Party's finance spokesman, said Manuel had been proved wrong once again and called on him to retract his

statements against Heath.

Fakie said in his report that Heath issued an interdict preventing the irregularities regarding salary increases and promotions in the Bisho Audit Office in December 1995, thus preventing them spilling over into other departments and other provinces.

The estimated potential impact on the Bisho office alone was about R3,21m. While Heath himself never verified the figure of R8bn, this was put forward by the senior legal representative of his office in reply to a parliamentary question. The official

said reversal of these savings and prevention of more "contamination" led to an actuarial saving of R8bn.

Fakie said that as no proper calculations had been done, he could not express an opinion on this alleged saving.

He said in terms of treasury instructions, monies recovered for a department before the closure of its books should be credited to it and monies recovered afterwards should be paid into the national revenue or provincial revenue funds. Monies recovered for local authorities should also be repaid to them.

Comment Page 11

## Act gives judge a headache

Jonny Steinberg

BD 23/7/99

THE judge who is hearing the second appeal against SA's new asset forfeiture law appears to be "battling to understand" the provisions of the law, legal experts said yesterday.

They suggested the justice department formally train judicial officers in the application of the Prevention of Organised Crime Act.

Last month, KwaZulu-Natal organised crime unit head Piet Meyer had a house, cars and furniture seized from him under a provision of the new act on the grounds that he acquired his property from the proceeds of a protection racket. Meyer appealed against the seizure, arguing that the law did not apply to crimes committed before its promulgation.

Judge Noel Hurt, who heard Meyer's appeal yesterday, railed against the new act, saying he had "no idea how to use its language".

"I am all for this type of legislation, but the legislature needs to give the courts a clear basis from which to administer the law," Hurt said.

Hurt expressed surprise that the prosecution had acted to seize Meyer's assets before securing a criminal conviction. Yet section 6 of the act states that assets reasonably believed to be the proceeds of crime can be seized under the civil law, regardless of what happens in the criminal courts.

"The problem of confused judicial officers is not new," Peter Gastrow, who assisted in drafting the new act, said yesterday.

"This is a radically new approach. It goes against the grain of our judges' traditional training. It is inevitable that some find it more difficult to digest than others. In the US it took almost 10 years for police and judicial officers to make sense of the distinction between the use of criminal and civil law in the seizure of the proceeds of organised crime.

"We tried to draft the bill as clearly as possible with the help of inter-agency experts, but it is inevitable that there will be a difficult phasing-in period," Gastrow said.

# Seizure laws:

# Landlords

# also at risk

# Rented properties targeted

ADRIAN HADLAND  
POLITICAL 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 under-resourced.

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 police-woman.

He was granted bail of R10 000 on condition he did not contact several witnesses.

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# The 20-year path to 'Making a Killing'

(34)

APR 23 1988

Washington - In his cluttered downtown office, Tom Diaz drinks his coffee from a mug given to him by Colt, maker of the famed .45 caliber revolver.

Multiple copies of Guns & Ammo magazine litter his desk. On his wall there is a semi-automatic replica of an AK-47, mounted on a plaque that came from his friends at the Bureau of Alcohol, Tobacco and Firearms. Next to the plaque is a picture of Diaz, holding a rifle, a smile on his face.

And then there are the binders, stacked along the window sill, that represent the research that went into each chapter of Diaz's new book, *Making a Killing*. The book is an expose of the gun industry, an attack on what he calls "the increasing lethality" of guns, and a call for stricter gun-control regulation. The book defies everything that Diaz, 58, believed 20 years ago.

Then, Tom Diaz made 8am trips to the shooting range in the old National Rifle Association (NRA) building to fire pistols at silhouettes. He frequented gun shows. He bought guns, sold them, bought more. His collection ranged from a handful to more than a dozen. He took them apart, played with the parts, cleaned them, put them back together. He was a proud member of the NRA.

These days, as a senior analyst for the Violence Policy Center, Diaz gets called to debate NRA representatives on the issue of gun control.

And as laws targeting gun manufacturers become the new frontier in anti-gun activism, Diaz is getting queries from lawyers who want to know exactly how the gun industry operates.

Needless to say, the gun industry and gun control opponents have dismissed Diaz's theories. "My book argues that the gun industry is purposely making guns

sexier in terms of their killing power in order to rejuvenate the market," explains Diaz. "What I'm saying now is that in terms of our country, and in our times, there are guns out there whose harm far outweighs their utility. And I want someone in government to say: 'Don't make them. Don't have them.'"

There was no one transformative event that changed Tom Diaz from a self-described "gun nut" to a leading advocate of gun control.

It was, instead, a series of moments that made him think and, ultimately, change his views so completely he has lost many friends from his gun-loving days, and gained enough new enemies to make him wary of disclosing his home address.

The change began, subtly, when he became a father. He has two daughters, and feared having guns in a home with children. He studied disturbing statistics about gun violence, watched television reports of shooting sprees, and found it all hard to ignore.

Two other experiences shaped his thinking. In January 1993 he became disenchanted with the pro-gun argument that "Guns don't kill people, people kill people" when he saw how easily available guns were to children living in "third world" conditions. And in February 1994 he listened to the testimony of a 14-year-old girl about shootings at her school and how she lost two friends who were shot dead.

When Diaz first banished guns from his home in the 1980s, it was primarily a safety issue. When he and his first wife divorced, though, and he got his own place, the guns were back. He reverted to some of his old habits, but the attachment had lessened. When he moved in 1990, he decided that the paperwork required to keep his guns too annoying. He got rid of the guns and has not owned one since.

**When I talk about the gun culture, I'm talking about people who are obsessed about guns.**



Anti-guns activist Tom Diaz, 58, author of the gun-industry expose *Making a Killing*, holds a miniature reproduction of an AR-15 assault rifle in his Washington office.

But getting rid of his own guns was one thing. Telling others to get rid of theirs was another entirely.

He didn't take up the gun control cause until several years later, after being bombarded daily by statistics and evidence.

What he finds most disturbing about the gun culture is the fantasy of "virtuous gun use." Gun owners often fantasized, he says, about getting to use their gun against an intruder. They fantasized about the kill.

"When I talk about the gun culture, I'm talking about people who are obsessed - and I don't think that's too strong a word - about guns or the right to have guns, and it wraps itself around you and has a lot to do with what 'American' is all about. The culture sees the gun not as an implement, but a symbol. And that can get scary."

Diaz is not your usual anti-gun activist. He respects a person's right to have a gun for self-protection and has nothing against hunting rifles. If he is fanatic about anything, it is about the regulation of them.

It amazes him that the Consumer Product Safety Commission exists to protect the public against dangerous or defective products, but no agency exists to regulate guns. The only way to get a gun banned as a threat to public safety is through legislation.

Diaz believes there should be a separate agency with the power to keep certain guns out of distribution. Like the Intratec fingerprint-resistant, high-volume semiautomatic weapon and the Hi-Point 9mm carbine used in the Littleton, Colorado massacre.

"Those two guns just shouldn't be out there."

Diaz says he doesn't love guns anymore. Ask him about the AK-47 on his wall and he'll take it down and explain how it works in clinical detail. He sounds like a man horrified by what guns like this can do in the hands of schoolchildren.

Look at the way he holds it, though, and he reminds you of the guy in his townhouse 20 years ago. He sees the danger, but he also sees the allure. - Los Angeles Times/Washington Post



# 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**

(252) (34) 20 29/7/99  
**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 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 refuse to be searched and the right to personal privacy, the right not to be dispossessed of property 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 a 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. The question is not only whether the interests of the state are sufficiently cogent to justify this infringement, but what the implications of these infringements are.

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 he or she has not been charged 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 the Constitutional Court referred to. 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 homes' contents. 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 act does leave one with a sense of divine justice. Although my heart sees this law as something we desperately need — living in a state of virtual anarchy I personally am prepared to see my constitutional freedoms impugned in the interests of a better life — my head says it is unjust.

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, Adele 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) BD 30/7/99

# New SA gun law — will it kill our 'gun culture'?

(952) (94)

Will the proposed stringent new gun control laws go far enough in appeasing the anti-gun campaigners, or will the gun lobby find them a bit too much? Andile Noganta looks at the two sides of the gun debate

28/11/99



GUN CULTURE ... The anti-gun lobby has campaigned for toy guns to be taken off the shelves, arguing that they teach children of an early age to see guns as a status symbol

In the preamble to a report on gun violence against women, researcher Elizabeth Ryan tells how even as she was writing the report she continued to encounter more female victims of gun violence. A woman called to tell of years of being terrorised with a gun by her junkie husband and his friends.

One of her husband's friends had suddenly become irrational and abusive on the day she called and turned the gun he was firing in their backyard on her. Luckily for Ryan's caller the gun had apparently run out of bullets.

The woman was not among the 14 informants in Ryan's report. Ryan's research goes on to look at how the use of guns against women forms part of the abuse of women, and at the movement towards women arming themselves.

The use of guns against women also features in a study by Wits academic Anthony Altheke, carried out in Bramley and Alexandra township north of Johannesburg. This study found that 506 of the 602 dockets of violent crimes examined involved the use of a

gun. In 118 of these cases the guns were actually fired.

Gun Free South Africa (GFSA) commissioned the studies, whose findings it has used to strengthen its hand all over again, as the old debate around South Africa's "gun culture" flares up.

Evidence from these studies will once again find its way to the fore of the debate around the controversial new move to tighten gun control laws in a society where it is the norm to "pack a piece".

The government says it has decided to go ahead with a ministerial policy on firearm control following two years of comprehensive research. Andrew Leach, an insider close to the proposed new legislation at the safety and secur-

ity department, says this was preceded by a two-pronged approach: controlling unlicensed firearms and monitoring licensed ones.

And as for what exactly the new law will mean for licensed gun holders, Leach says it's too soon to tell. Still, there is a big hallelaloo about the implications if citizens are disarmed and required to reapply for their licences.

"The gun lobby says, if implemented the move leaves a large number of law-abiding citizens vulnerable and has declared it extremely dangerous. As would be expected in a country with a gun culture like South Africa, the gun industry has long resisted regulation."

Ron Anger, editor of *Magnum*, the main firearm magazine in the country, says the whole motivation behind the proposed law makes it look as if all violent crimes are committed with guns.

Anger says disarming legal gun owners would give the criminal a lot more options: taking away the firearms removes the deterrent, and nothing will stop burglars breaking into a family's home, he argues.

"The criminals wouldn't need a gun. Everybody would be an easy target," he says.

Chairperson of the South African Gun Owners Association, Chris Evans says: "We oppose any further gun control because the government is not dealing with the problem of crime. It has been shown throughout the world that gun control does not solve the problem."

Reduce the problem that creates the demand, crime, and people won't have the need to own guns. But if the new legislation does not entail a wholesale disarmament of the populace, having everybody re-apply for their licence, licensed firearms issued in the former homelands will remain in the wrong hands.

The government says it has already relicensed up to 40 000 guns issued in the TBVC states as part of its control over licensed guns, but it has also admitted that there are no records for some of these licences.

So you will still have potentially dangerous gun holders who should be rescreened hanging on to those licences.

There is a clear sense that GFSA will not have had its way if anything short of a complete disarmament takes place. The anti-gun cam-

cutting down the number of guns in society. There is an easy supply of guns in South Africa either through the legal or illegal route. In order to deal with this you have to tackle the problem, you have to control supply and demand," Kirsten says.

She says because too many gun licences are issued, criminals have a bigger pool of firearms to steal from. And the problem of guns ending up in the wrong hands is a big one in South Africa.

Police say 22 147 guns were reported to the Central Firearms Registry as lost or stolen last year.

But still the gun lobby says there is no need for everybody to be disarmed, only the bad ones.

"It's not practical. Who's going to pay for all the the guns that are taken back from licensed owners? If I had 50 guns and the government said 'no you can only have five', are they going to buy the other 45? And where is all the money going to come from?" asked Anger.

The gun lobby insists that there are measures in the existing legislation that guard against the abuse of licensed guns. They say these measures only need to be tightened up and properly enforced.

The gun lobby also disputes that guns do not guarantee protection, although the research in Bramley and Alexandra shows that in only 24 per cent of the cases examined was a firearm actually used by the victim or a third person in defence, and in only two percent of cases was the victim able to use his own firearm in self-defence.

They also dismiss all suggestions that firearms are a potential danger to their owners, and that the guns find their way into wrong hands.

"There is no factual statistical evidence or research to suggest that the number of licensed guns in society has a direct correlation with the amount of crime and they cannot prove that legally owned guns are the major contributor to criminal activity in South Africa," Evans says.

The furore around the new gun control measures is also likely to suck dealers of gun-related consumables into the old debate about what has been called South Africa's gun culture.

GFSA has always come out strongly against the social acceptability inculcated in young minds by the glorification of guns, a factor blame on





**GUN CULTURE . . .** The anti-gun lobby has campaigned for toy guns to be taken off the shelves, arguing that they children of an early age to see guns as a status symbol

**two sides of the gun debate**

08/18/99

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The gun lobby says, if implemented, the move leaves a large number of law-abiding citizens vulnerable and has declared it extremely dangerous. As would be expected in a country with a gun culture like South Africa, the gun industry has long resisted regulation.

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Anger says disarming legal gun owners would give the criminal a lot more options; taking away the firearm removes the deterrent, and nothing will stop burglars breaking into a family's home, he argues.

"The criminals wouldn't need a gun. Everybody would be an easy target," he says.

Chairperson of the South African Gun Owners Association, Chris Evans says, "We oppose any further gun control because the government is not dealing with the problem of crime. It has been shown throughout the world that gun control does not solve the problem."

Reduce the problem that creates the demand, crime and people won't have the need to own guns.

But if the new legislation does not entail a wholesale disarmament of the populace, having everybody re-apply for their licence, licensed firearms issued in the former homelands will remain in the wrong hands.

The government says it has already reregulated up to 40 000 guns issued in the FVYC states as part of its control over licensed guns, but it has also admitted that there are no records for some of these licences.

So you will still have potentially dangerous gun holders who should be rescreened hanging on to those licences.

cutting down the number of guns in society. There is an easy supply of guns in South Africa either through the legal or illegal route. In order to deal with this you have to tackle the problem, you have to control supply and demand," Kirsten says.

She says because too many gun licences are issued, criminals have a bigger pool of firearms to steal from. And the problem of guns ending up in the wrong hands is a big one in South Africa.

Police say 22 147 guns were reported to the Central Firearms Registry as lost or stolen last year.

But still the gun lobby says there is no need for everybody to be disarmed, only the bad ones.

"It's not practical. Who's going to pay for all the the guns that are taken back from licensed owners? If I had 50 guns and the government said 'no you can only have five', are they going to buy the other 45? And where is all the money going to come from?" asked Anger.

The gun lobby insists that there are measures in the existing legislation that guard against the abuse of licensed guns. They say these measures only need to be tightened up and properly enforced.

The gun lobby also disputes that guns do not guarantee protection, although the research in Bramley and Alexandra shows that in only 24 per cent of the cases examined was a firearm actually used by the victim or a third person in defence, and in only two percent of cases was the victim able to use his own firearm in self-defence.

They also dismiss all suggestions that firearms are a potential danger to their owners, and that the guns find their way into wrong hands.

"There is no factual statistical evidence or research to suggest that the number of licensed guns in society has a direct correlation with the amount of crime and they cannot prove that legally owned guns are the major contributor to criminal activity in South Africa," Evans says.

The favorite around the new gun control measures is also likely to suck dealers of gun-related consumables into the old debate about what has been called South Africa's gun culture.

GFSA has always come out strongly against the social acceptability inculcated in young minds by the glorification of guns, a factor blamed on the mass gun-related consumables characterised by anything from gun magazines to war toys.

The glorification of guns is represented by language such as "packing a piece", as well as slang like "dressed to kill".

"This is another problem. People, especially young men, see it as a status symbol," says Kirsten.

There is a clear sense that GFSA will not have had its way if anything short of a complete disarmament takes place. The anti-gun campaigners say crimes are committed with guns that started off as licensed firearms.

The national director of GFSA, Adele Kirsten says there would be less firearms in the wrong hands if the number of guns in circulation was reduced.

"By getting stricter gun laws we are clear that this is one step towards



# Shout-out silences real

## gun debate

By Jonny Steinberg

(34) (AFA)

Myth and emotion are clouding debate on new rules on firearms use by the police, writes Jonny Steinberg

**M**ENTION the words "section 49" to a policeman in SA and he will scream blue murder. They are trying to kill us," a flying squad member said over his shoulder as he drove through Johannesburg's inner city.

When the new law governing the use of firearms by the police comes into force, it will not be allowed to shoot until shot at. When shots are fired from a fleeing vehicle, I will only be able to shoot while he is pumping his trigger. Once the bastard puts his face back into the car, I must put down my gun. Basically, you cannot shoot until you are dead."

Wild and fanciful myths about the new law are raging like wildfire at station level. They are woefully off the mark, sheer fantasies that bear no relation to the black and white of section 49 itself.

The old section 49 of the Criminal Procedure Act, which will be repealed later this year, gives police licence to use lethal force to capture anyone resisting arrest for a schedule one offence. These include a whole battery of crimes ranging from murder to housebreaking to forgery. Under the new law, currently in draft form, lethal force may be used only when the arrestor's or someone else's life is in danger.

"Clearly the suspect does not need to pull the trigger for you to know that life is in danger," said a senior police manager, who asked not to be named. "In a situation like a cash-in-transit heist, an armed gang robbing a bank or a hostage drama, no judge will convict a policeman of murder for failing to wait for bloodshed before using his own firearm. The stories going round police stations are ridiculous."

How the proposed amendment gave rise to the belief that an officer can only

shoot while being shot at is both interesting and disturbing. It opens a window onto the way the language of SA's new human rights regime is understood at the grassroots of the criminal justice system.

In a recent judgment, the Constitutional Court expressed surprise that SA magistrates were letting professional cash-in-transit robbers out on bail because of a mistaken belief the bill of rights required them to do so. Section 49 is another example of officers sparring with a phantom law, one conjured up by what they believe a human rights state is like. There is a danger that myths become self-fulfilling. The phantom law begins to shape the actions of police and magistrates.

Judicial officers let professional killers out on bail. Policemen take a bullet for fear of being convicted of murder. The human rights regime does indeed become a crazy alien imposition that endangers innocent lives and sets the guilty free as the law itself becomes an object of loathing and anger, so the country shuns it, and the primitive allure of vigilante justice becomes all the more inviting.

Popular misconceptions about section 49 are all the more disturbing because they shroud those areas where the new law is indeed controversial and ambiguous.

Take a familiar scenario. A patrol car responds to an armed robbery alert late at night. Two officers arrive to find three silhouetted figures scaling the wall of a suburban home and disappearing into an alley. The officers give chase. They identify themselves and fire a warning shot.

The suspects do not turn round and shoot, nor do they give themselves up. They keep running. The radio alert said it was an armed robbery, but the officers themselves have not seen guns. They can-



Policemen are unhappy with new gun laws

not expect immediate backup. They cannot expect ever to learn the names and addresses of the three. What do they do?

The new law says lethal force can be used if the arrestor reasonably believes his life is in danger. Is it? If the two policemen catch up the suspects and apprehend them with batons or their hands, will the suspects draw their guns and shoot?

The law also says lethal force may be used if the arrestor believes "there is a substantial risk that the suspect will cause imminent or future death... If the arrest is delayed". Is it reasonable to assume that three men who rob a house in Johannesburg in 1999 are both armed and happy to use their weapons? Is it reasonable to assume they might one day shoot an innocent victim in a future armed robbery?

The officers, who must weigh up these matters in a split second, decide life is in danger if the suspects get away and using nonlethal force will put their own lives at risk. They shoot low, aiming for the suspect's legs, but one is shot in the small of his back and dies. The other two keep running and escape. Examining the body, the officers find the man they killed was in fact unarmed. Nobody will ever know whether

the two who fled were carrying guns.

Murder charges are laid against the two officers. The judge hearing the case will be the first to interpret the new law. Does he convict them, or does he rule that they acted lawfully in terms of section 49?

The judge knows something sacred will be lost either way. Letting the officers off, he sets a precedent that immediately nibbles away at the new section 49. Once the news of the judgment filters through, how many policemen will feel they can shoot people in the back with impunity?

However, there are grave costs entailed in going the other way. If he convicts, how many cold-blooded felons will resist arrest and flee with impunity? How many innocent people will they kill in the course of their careers? How many policemen will lose their lives apprehending armed felons with their bare hands?

There is a maxim that does the rounds at law schools around the world: saving one innocent person from the gallows is worth letting 10 guilty people go free. No judge has a crystal ball. He can guess at the consequences of the judgment, but no economic theory of exchange will guide him with any certainty.

Then there is the question of context: the judge's courtroom is in the centre of a dangerous, violent city. He is a citizen of a fragile new democracy whose institutions are threatened by the rise of a violent and deadly underworld.

Does the metaphorical ratio of 10 guilty to one innocent drop in a country like SA? Is stability under so great a threat from the underworld that we must lower our threshold and give police greater leeway? Or do such thoughts tempt us to abandon the rule of law entirely and turn our police force into a bunch of vigilantes?

Another thought crosses the judge's mind. If he convicts, the decision will fan the flames under an already boiling cauldron. Many believe a person fleeing from a predatory crime should expect to be gunned down. Live by the sword....

Does he fight popular sentiment and interpret the law as severely as he can? Or does he wonder whether a severe judgment will deepen the gulf between constitutional law and popular culture, which will itself erode the legitimacy of the law? Section 49 will raise a host of fundamental questions. It is a shame they are being buried by wild and fanciful folklore.



# Poverty 'forces' gangs into crime'

By Saint Molakeng

**G**ANGSTERS don't just commit crimes for the hell of it, but are forced by poverty to terrorise their communities, two former gangsters from Westbury in Johannesburg have confessed.

"We were not born into gangsterism. Having little or no money channelled us into gangsterism," said 39-year-old Mr Peter Faver, who until January belonged to the Fast Guns gang.

"Our parents brought us up in the best way but insufficient funds drove us to gangsterism."

Faver explained that "a person who is hungry can't be told to have faith only" when he, like himself had outstanding debts.

He then confessed that gangsterism was a "lucrative" business.

"As gangsters we had money, drove smart cars and had the best girlfriends," Faver said.

He added that children did not need such role models as they ended up idolising them, dropping out of schools and joining gangs.

"But gangsterism is hell that does not pay as we had to walk around in groups of 10 because we never knew who would attack us," Faver told *Sowetan*.

He said that it was only after meeting with Pastor Freddie Edwards of the Jesus Celebration Centre (JCC) that God came into his life.

"By seeing God I've seen miracles. You can now feel the peaceful atmosphere that exists in Westbury."

Faver said.

"By speaking to gang members, we are planting seeds of peace in the spiritual realm."

Faver said he did not miss the fast life. He was proud that he had become a proper role model for his four children.

Another erstwhile gangster, Mr Kenneth Morgan, said that he was never proud of robbing people and depriving his victims' families of a livelihood.

Now he is proud to be part of the JCC's empowerment programme.

"I had never spoken to businessmen before."

"Now I have many (business) questions," Morgan said with a smile. He added that they wanted to create legal jobs for our people.

*Sowetan 2/18/99*

# Justice system needs help in tackling white-collar crime

Patrick Wadula

(34) BD 3/8/99

WHITE-collar crime in SA has had a severe impact on the economy, resulting in the loss of millions of rands, 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 earlier this year, covering 34 types of offences.

The maximum penalty under this act is a fine of 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

(173)  
(34)  
Soul from 3/8/99  
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 Health 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



# Ngcuka nails Basson

(34) (252) 4/8/99

## Dr Death's assets of R44 million attached

By Gershwin Chuenyane

ASSETS valued at R44 million belonging to the man alleged to have masterminded apartheid's chemical and biological killing machinery, Dr Wouter Basson, have been attached by the office of the National Director of Public Prosecution (NDPP).

The assets, located locally and abroad, were attached after the Pretoria High Court granted an interim order to the asset forfeiture unit (AFU) in the NDPP office yesterday.

The unit's head, Mr Willie Hofmeyer, explained that the assets would be kept by the curator until Basson's trial was completed.

NDPP office spokesman Mr Siphon Ngwema said the order allowed the unit to attach property valued at R44 million, the amount Basson allegedly misappropriated from the state.

In addition, Basson's actions allegedly cost the state another R100 million in fraud which benefited other people.

Assets seized included a company and bank accounts in the United States, a R3 million cottage and a bank account in Britain as well as more than R300 000 in a Swiss bank account.

The AFU has already contacted authorities in these countries, who will cooperate with them in recovering the assets, Ngwema said.

He said the unit acted in terms of section five of the Prevention of Organised Crime Act (POCA), which allows for the confiscation of assets after their owners have been convicted.

That Act, he added, was retrospective and the action against Basson was therefore not affected by the recent judgment in the case of Kwazulu-Natal detective Piet Meyer.

"The action demonstrates our resolve to continue using the asset seizure powers aggressively. We are determined to get the message to criminals that crime does not pay. The actions also mark the beginning of the closing of a sordid chapter in the history of our country.

"We will do everything in our power to retrieve as much as possible of the taxpayers' money allegedly defrauded by Basson," national director of public prosecutions Mr Bulelani Ngcuka, said in a statement.

Basson, known as "Dr Death" in military circles, continued to practise as a doctor at 1 Military Hospital in Pretoria despite revelations at the Truth and Reconciliation Commission about his role in the apartheid-led biological warfare programme.

He was only suspended earlier this year after 67 charges were brought against him relating to conspiracy, murder, dealing in ecstasy tablets and defrauding the state of millions of rands.

Twenty seven of the charges involved fraud and theft estimated at R44 million. Basson was alleged to have set up a web of secret companies which he used to channel state funds in his sanction-busting attempts to acquire chemical weapons overseas.

One of his notorious projects is the Project Coast in which 200 Swapo operatives were allegedly poisoned and blown up before their bodies were dropped into the Atlantic Ocean.

Other allegations were that he manufactured chemicals intended to make black women infertile. He also allegedly manufactured non-traceable poison to kill anti-apartheid activists. He was said to have developed substances that could cause deadly diseases such as cholera.

His defence, which could run into millions, is scheduled to resume on October 4 in the Pretoria High Court. The South African National Defence Force will foot the bill.

Basson is out on R40 000 bail. His was the fourth case to be handled by the unit. Recently, the unit successfully seized R145 000 in cash from the boot of a drug dealer's car as well as the assets of Ms Amanda van der Westhuizen, who allegedly defrauded Investec of R1,6 million.

The unit is also appealing against the court ruling in Meyer's case (and that of alleged drug lord Gavin Carolus). The court ruled that section six of the POCA was not retrospective.



# State turns up the heat on 'Dr Death'

(314) NR 4/8/99

## Two ways to seize 'crime' gains

ARGUS CORRESPONDENT

Pretoria - What did prosecutors do differently in this attachment of forfeited State assets to what they did recently in Cape Town and Durban?

How did they answer the court rulings in those cities which instructed authorities to return goods to their aggrieved owners?

The special director of the Assets Forfeiture Unit, Willie Hofmeyr, said the Prevention of Organised Crime Act (POCA) provided for two ways of seizing suspected "criminal" assets.

Chapter 6 of the law is largely based on American legislation and assets can be seized through a civil action, said Mr Hofmeyr.

This, he said, was applied in the cases of Piet Meyer and Gavin Carolus, where seizure judgement was overturned.

Chapter 5, however, is based on English law. It also allows prosecutors to seize "criminal" assets through civil action, but final confiscation can only be executed after a conviction in court, said Mr Hofmeyr.

This chapter of the law was applied yesterday in Dr Basson's application.

Mr Hofmeyr said his team learned on Chapter 5 since judgement in Mr Carolus's case was overturned on the argument that the American law was not retrospective, while the English law was.

Piet Meyer based his appeal on the same argument



Law firm: Wouter Basson's counsel, Jaap Celliers, middle, outside the Basson house

He said the court case could take as long as three years, with Dr Basson facing more than 60 charges, including fraud, drug dealing and conspiracy to commit murder.

Dr Basson is suspected of conspiring to murder top African National Congress members Dullah Omar, Frank Chikane, Pello Jordan and Ronnie Kasrils.

Dr Basson allegedly laundered millions of rands stolen from a special defence budget for his own gain, Mr Ngwenya said the unit applied for the court order in terms of section five of the Prevention of Organised Crime Act, which allowed for the confiscation of criminal assets after the conviction of an accused.

Section five of the Act was retrospective and the action against Dr Basson would therefore not be affected by the recent judgment in the case against suspended deputy head of the Durban organised crime unit Piet Meyer.

The Durban High Court last week ordered the state to return Mr Meyer's assets, ruling the Act could not be applied retrospectively.

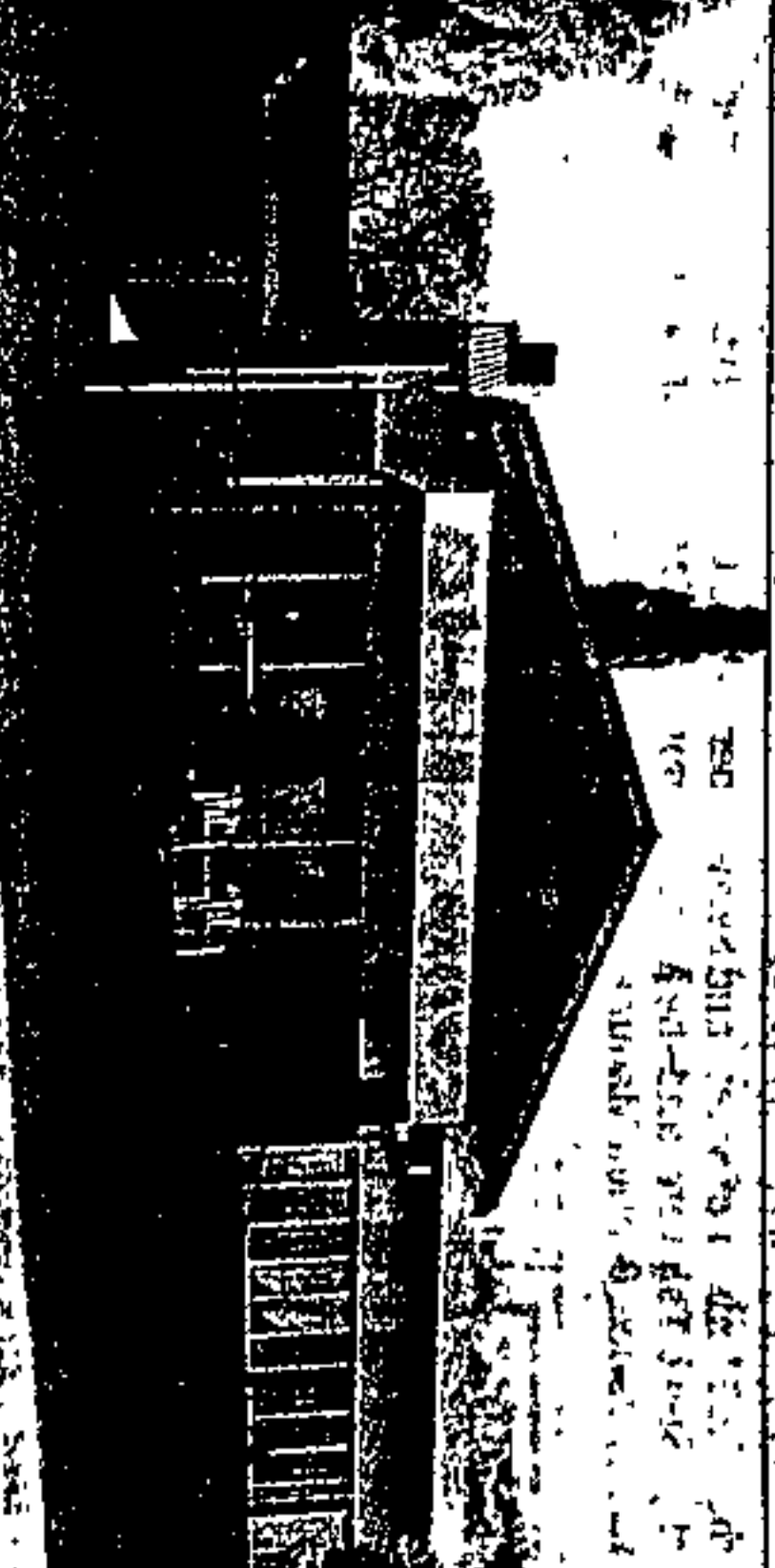
In a similar ruling in April, the Cape High Court ordered the return of impounded assets to alleged drug dealer Gavin Carolus. The unit is appealing against both judgments and the assets remain attached.



Camera shy: Wouter Basson's wife, right, smiles from the press as she and a legal representative arrive at the Basson home in Umkstad



Chemical expert Wouter Basson



Home base: the Basson home in Pretoria. Basson also owns property in the Cape and in England

Some of Wouter Basson's assets that the Investigative Directorate Serious Economic Offences plans to confiscate in terms of section five of the Prevention of Organised Crime Act:

Contage, Watersplash Lane, Warfield, Berkshire, England

All rights, title and interest of Wouter Basson in the shares and loan account(s) of any company whatsoever and more particularly of the company WPW Investments incorporated (registered in the Cayman Islands) and any of the subsidiaries of the said company, whether registered in South Africa or elsewhere

The rights, titles and interest in the shares and loan accounts of the following subsidiaries of WPW Investments incorporated include:

WPW North American Holdings incorporated, a company registered in the United States which presently has its place of business at 413 Virginia Drive, Orlando, Florida, USA

Blowing Rock Controlling Investments (Pty) Ltd, a company registered in SA

Profincor (Pty) Ltd, another South African-registered company

A portion of a farm in Joostenberg-Walke, Paarl

A property at 1 Farncroft Farm

The rights, titles and interest in the shares and loan accounts of the following subsidiaries of WPW Investments incorporated include:

WPW North American Holdings incorporated, a company registered in the United States which presently has its place of business at 413 Virginia Drive, Orlando, Florida, USA

Blowing Rock Controlling Investments (Pty) Ltd, a company registered in SA

Profincor (Pty) Ltd, another South African-registered company

WPW North American Holdings Inc, or otherwise) in the share capital and loans in Tub-Master LC. The above is to include in particular, without derogating from the generally thereof, the following:

A capital interest in Tub-Master LC of 90% and a profit sharing interest in Tub-Master LC of 70 %;

Any dividends due to WPW North

American Holdings Inc;

All loans advanced by WPW North American Holdings Inc to Tub-Master LC, including both the capital due in respect of such loans and any interest payable thereon;

Any dividend payable to WPW North American Holdings Inc in the event of dissolution or winding-up of Tub-Master LC;

All rights, title and interest of WPW Investments Inc (held via BRIC) or otherwise) in the share capital and loan account of its subsidiary, Profincor. The above is to include in particular, without derogating from the generally thereof, the following:

The shares held in Profincor by BRIC;

Any dividends due to BRIC;

All loans advanced by WPW Investments Inc or any profits subsidiaries;

Any dividend payable to BRIC in the event of liquidation of Profincor



BANK ACCOUNTS SECURED

# Basson's R44m

## assets attached

(34) CT 4/8/99

**THERE WAS DRAMA** outside the Pretoria home of disgraced former chemical warfare head Wouter Basson yesterday when state officials arrived in a bid to confiscate up to R44m worth of assets. **JOHAN GAGIANO** reports.

**I**N another blow to the mas-termined behind South Africa's biological and chemical warfare programme, justice officials have attached property and bank accounts worth R44 million here and abroad belonging to Dr Wouter Basson.

Prosecutors launched a dramatic in-chambers bid in the Pretoria High Court yesterday to restrain and secure bank accounts and property in South Africa, the US and England. Within hours, armed with court approval for the action, police and prosecutors arrived at Basson's home in Lukasaand, Pretoria.

However, they did not remove any goods. A security guard was on duty to ensure that no movable assets were taken away. As members of the assets forfeiture unit and other officials were about to use a locksmith to enter the premises, a lawyer arrived with Basson's wife.

Wearing a large white hat and covering her face with her hands, she avoided photographers and was whisked away in a sports car, driven by the lawyer.

The interim court order, granted at noon, allowed the authorities to attach assets up to R44 million — the total of the state funds allegedly misappropriated by Basson. The national director of public prosecutions claimed that the surgeon's actions had cost the state at least R100 million more. Assets attached include a com-

pany and bank accounts in the US, Basson's Lukasaand house, the farm Joostenbergvlei 728, near Paarl; a R3m cottage in Warfield, Berkshire, England; various share, loan and bank accounts in Britain, and a Swiss bank account.

Basson's companies have been identified as Profincor (Pty) Ltd, WPW Investments Inc, WPW

and bank accounts in the US, Basson's Lukasaand house, the farm Joostenbergvlei 728, near Paarl; a R3m cottage in Warfield, Berkshire, England; various share, loan and bank accounts in Britain, and a Swiss bank account.

### Shady world of 'Dr Death'

**WOUTER BASSON** — labelled "Dr Death" — hit the headlines in 1997 after being arrested in Pretoria on drug-related charges.

Trained as a heart surgeon, he is currently practising as a doctor in Pretoria.

Since his arrest, he has gained notoriety as the mastermind behind the former government's biological and chemical warfare programme, details of which made for astounding listening at Truth and Reconciliation Commission hearings in June last year.

Revelations of James Bond-like inventions ranged from a poison which could contaminate, without trace, medication used by Nelson Mandela in prison to drugs which would render dark-skinned people infertile. He was P W Botha's personal physician.

Basson headed the top-secret Rooodeplaar Research Laboratories, complete with a network of underground facilities in a building designed to be undetectable from



**MASTERMIND:** Wouter Basson

the nearby road. Not only did his team experiment on animals, but it is alleged that humans were used in his experiments. One of his alleged victims died after passing on a T-shirt impregnated with a highly toxic substance. He is still facing criminal charges linked to possession of Ecstasy. — Own Correspondent

### State attaches Basson's assets

CT 4/8/99 (34)

**From Page 1**  
the US Department of Justice. Basson's wife reportedly claimed that all the contents of the house belonged to her, except for a safe containing a .45 Colt revolver.

His lawyers, advocate Jap Celliers and attorney Adolf Malan, at first intended to oppose the judgment, but ceased their actions when they realised that nothing would be removed from the premises for the time being.

Using a new law formulated to combat organised crime, the assets forfeiture unit acted against Basson in the belief that his assets were probably purchased with ill-gotten funds generated while he headed the state's biological and chemical warfare programme, code-named "Project Coast".

As a different section of the Prevention of Organised Crime Act was used in the state's action against Basson, it is not affected by recent judgments in the cases of Durban police chief Piet Meyer and Cape Town drug lord Gavin Carolus.

The present "technical problems" with the act will be straightened out soon, according to the head of the assets forfeiture unit, Willie Hofmeyr.

Basson moved into the middle-class Queen Wilhelmina Drive house in Lukasaand, Pretoria, about four years ago after he reportedly sold his mansion in the upmarket Pretoria suburb of Waterkloof Ridge.

Not only is the property protected by heavy security fencing and a security guard, but also by two Great Danes. Opposite the house, some 100 metres across the street, is a park area called the Magnolia Dell, which is where police trapped Basson while he was allegedly selling illegal substances. He was reported to have jumped into a nearby stream in a bid to avoid arrest.

# Court orders attachment of Basson's assets worth R44m

Jonny Steinberg

GERM warfare mastermind Wouter Basson will have R44m worth of property confiscated under SA's new asset forfeiture law.

Bank accounts in the US and Switzerland and a R3m cottage in the UK will be confiscated by authorities in those countries following a Pretoria High Court ruling yesterday. The court ordered the attachment of assets to the value of the property Basson is alleged to have misappropriated while running the former government's secret germ warfare programme.

Basson is facing criminal charges involving the deaths of 230 people and the sale of millions of rands worth of SA Defence Force property to a private company.

"This action puts Basson in a terr-

ble bind," said a source in the national directorate of public prosecutions. "In his bail application in the criminal case Basson denied the Swiss and American bank accounts belonged to him. If he wants to contest this action he will have to contradict his own affidavit."

Prosecutors swooped on Basson's Pretoria home immediately after the order was granted yesterday.

"We had no idea what we would find there," the source said. "The bulk of his illegal assets are overseas."

National director of public prosecutions Bulelani Ngcuka said it was unlikely the seizure would be reversed on appeal as happened in action taken against Kwazulu-Natal policeman Piet Meyer and alleged drug lord Gavin Carolus. "The asset forfeiture unit acted under chapter five of the Prevention of Organised Crime Act, which is clearly

retrospective," Ngcuka said. "The action is therefore not affected by the recent judgment in the Meyer case."

Meyer's assets were returned to him last week when Durban High Court judge Noel Hurt ruled that chapter six of the act, under which Meyer's property was seized, did not apply to crimes committed before the law came into force.

Chapter five links the seizure of assets to the outcome of criminal proceedings. Should Basson win his criminal case, which is scheduled to begin in October and is expected to take two years to complete, his assets will in theory be returned to him.

However, sources said it was unlikely Basson would have his US assets returned, even if he won his criminal case in SA.

"The arrangement with the US is that

they will institute their own proceedings against Basson based on their own law," the source said. "The equivalent to our chapter six in US law is retrospective, so the force of the confiscation remains even if Basson is found not guilty in the criminal courts."

It is understood that the Swiss authorities have already frozen Basson's bank accounts in that country.

Sources said the asset forfeiture unit originally intended to seize Basson's assets under the same chapter of the act used against Meyer and Carolus, but changed their strategy after Meyer won his appeal.

"The problem with using chapter five is that the final seizure order depends on the criminal trial," the source said.

"But we hope that the Appeal Court will soon rule that chapter six is re-

rospective. If it does, we will move against Basson all over again under chapter six to ensure that his assets remain confiscated, no matter what happens in the criminal courts."

Ngcuka said yesterday that "the action demonstrates (the public prosecutions office) resolve to continue using asset seizure powers aggressively."

"We are determined to get the message to criminals that crime does not pay," Ngcuka said.

"The action also marks the beginning of the closing of a sordid chapter in our history. We will do everything in our power to retrieve as much as possible of the taxpayers' money allegedly defrauded by Basson."

Ngcuka said he was appealing the Meyer and Carolus cases, neither of whom are free to dispose of their assets until the appeal is heard.

(34) BD 4 | 8 | 99



## 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 Penuell Maduna said the Prevention of Organised Crime Second Amendment Bill would be introduced in Parliament when it reopens in two weeks. The amendment would also make possible the seizure of criminal proceeds which had changed ownership as a gift or by means 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, Plet Meyer. 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 Carolus.

Maduna said many judges 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 fighting 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 whether that person is operating according to the regulations," he said — Sana

BD 5/8/99

## Basson is still registered as medical doctor

Pat Sidley (34)  
BD 5/8/99

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 Veriava, 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, Veriava 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 Veriava, 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.

Veriava 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.



# Corruption nears danger level in SA (34)

Tim Cohen BD 6/8/99

CAPE TOWN — Corruption was close to becoming part of the prevalent culture in SA, business ethics professor Willie Esterhuysen said yesterday.

The 1980s was the "decade of decadence" in SA when both sides of the liberation struggle operated on the basis that the end justified the means, Esterhuysen said at the launch of KPMG's business ethics consultancy.

This culture had seeped through into the 1990s, Esterhuysen said. This was evident particularly in attitudes towards corruption in business in general and white collar crime in particular.

Perpetrators of white collar crime were "hero worshipped" in SA, he said. Esterhuysen emphasised the strategic nature of corruption from a business viewpoint, saying that combating corruption was "not just to make you feel good".

With the shift within corporate organisations from a "management approach" to a "leadership approach" it was increasingly important to ensure that management was uncontaminated by corruption.

Esterhuysen said that the book *The Fish Rot* from The Head reflected a trend towards treating corruption as not only an ethical issue but also one of corporate culture and governance.

Corruption constituted not only bribery and fraud but also abuses of power, he said.

Protecting an incompetent employee was as much corruption as fraud because it entailed the abuse of power.

According to documentation released at the launch, in the first six months of last year 29 556 cases of corruption involving R2,17bn were reported to the commercial branch of the SA Police Service.

# Restricted advertising — poll

(198) (34) BD 6/8/99

Majority of South Africans want tobacco advertising curbed, writes Jethro Goko

MORE than seven in every 10 urban South Africans believe advertising should be banned or restricted for tobacco, alcoholic beverages, hand guns and ammunition, and abortion clinics.

This is one of the findings of a recent survey conducted for Business Day by market research group ACNielsen Market Research Africa (MRA).

The survey, using MRA's multibus subscription research service, was conducted among a sample of 2 489 households spanning all races and income groups and representing 13,7-million adult urban South Africans.

Respondents were asked to look at a list of everyday products and services and say for each one whether the makers should be allowed to advertise freely, or whether the advertising should be restricted, or banned entirely.

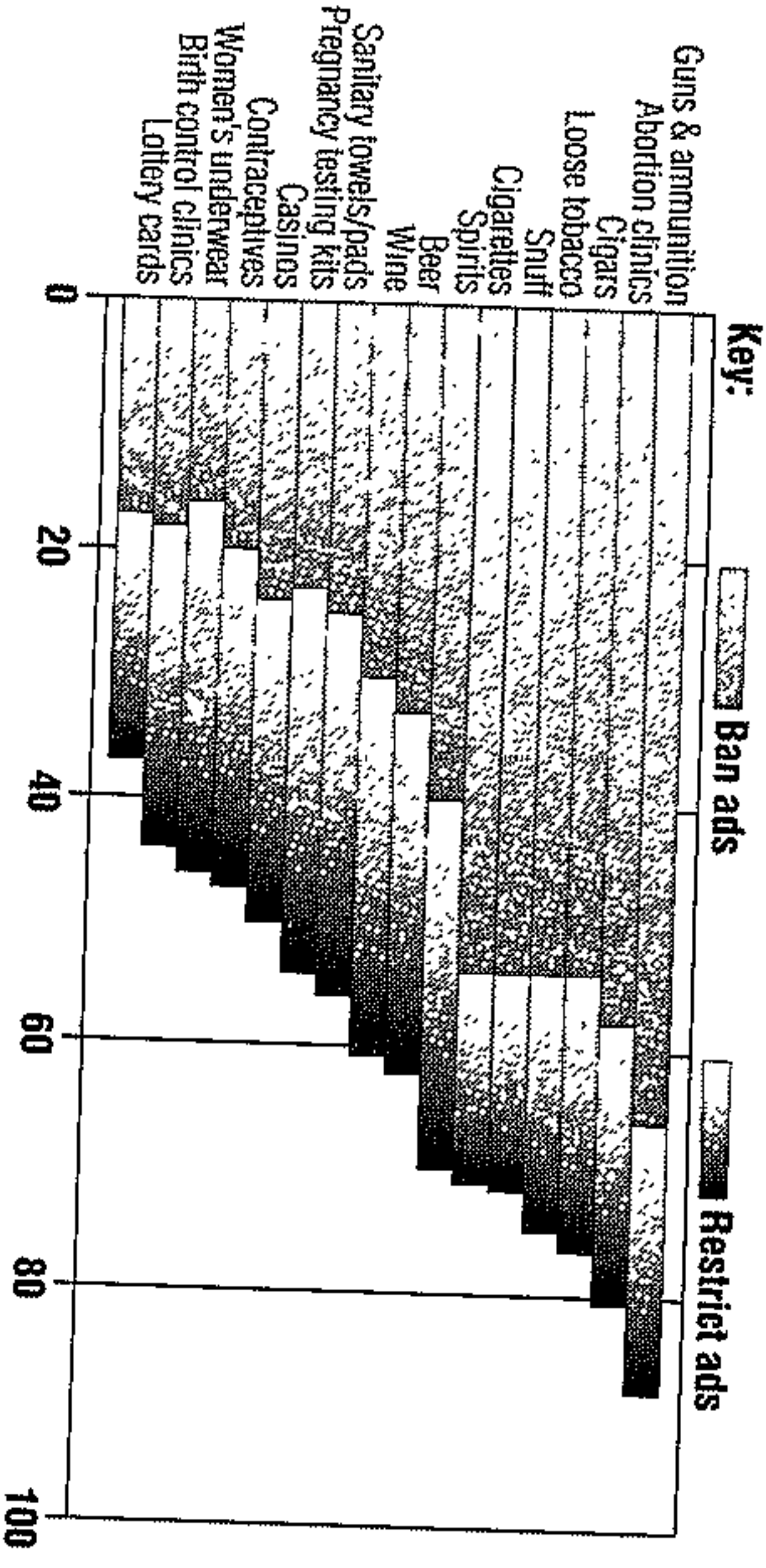
Respondents agreed advertising should be restricted or banned for four tobacco products — cigarettes (71%), cigars (77%), loose tobacco (75%) and snuff (72%).

The level of agreement on cigarettes ranged from 76% of blacks and Indians, 67% of coloureds, to 59% of whites. Women were more in favour of restricting or banning advertising, at 76%, with males somewhat lower, at 65%.

When analysed geographically, almost six in 10 Eastern Cape urban adults and more than half of all Free Staters favoured outright banning. Interestingly, the Free State also exhibited the biggest proportion — three in 10 — who opted for cigarette advertising free of restrictions.

Commenting on the results, Anina Maree, MD of ACNielsen MRA, said the inclusion by the public of other products and services in the "ban or restrict" category would be disconcerting for advertisers and marketers. More than six in 10 South Africans be-

## Which advertising should be banned or restricted?



Graphic: KUBEN DAVID Source: AC NIELSEN, MRA MULTIBUS SURVEY, APRIL 1999

lieve that the alcoholic beverages wine and beer should be subject to advertising bans or restrictions, rising to seven in 10 in the case of spirits.

"Eight in 10 would clamp down on abortion clinic ads, while the greatest pressure comes from the almost nine in 10 who would restrict or ban advertising for hand guns and ammunition." The last item was easier to understand, given the perceived high number of crimes involving firearms and the public's well publicised concern with violent crime.

Manufacturers of women's underwear (55%) and operators of lottery cards (63%) will doubtless be pleased to note the small but solid majority of South Africans who support their right to advertise freely. Unrestricted advertising for birth control

clinics and for contraceptives was also approved by more than five in 10 urban adults.

However, pregnancy testing kits failed the test, with fewer than half the population supporting their right to advertise free of restrictions. Despite the endorsement of Indians — the most enthusiastic supporters of the proposition at 71% — the total population's approval rate was reduced to 46%, largely due to the muted support of blacks with a relatively low 42%.

Asked to comment, Piet Delpoort, executive director of the Freedom of Commercial Speech Trust, said that while restrictions on communications may — under certain exceptional circumstances — be acceptable, a total ban on any type of communication would seem to be unconstitutional.

# South African crimes of passion on the rise

(34) CP 8/8/99  
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 out family before blowing out his own brains" have dominated the news.

Last week, 61-year-old Peter Ramatla 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, Ramatla's wife, Dorcas (45) 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 Matjeke was found in her home at Block BB after her ex-husband, Santy Maluleka, allegedly butchered her and turned the gun on himself.

Their six-year-old daughter, Xikombiso 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, Refumuni (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

(252)  
(74)

Pule Molebeledi

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 drafters of the act, saying the wording of some of its definitions was "contorted", "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 drafters 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.

BD 11/8/99

# Don't blame 'aliens'

**T**he myth that illegal immigrants, particularly from other African countries, are responsible for South Africa's high crime rate was dealt a severe blow at a conference on xenophobia at the University of Venda last week.

*(Self) (296) Soulebar 11/8/99*  
The lack of a consistent and practical policy on immigration is leading to the maltreatment of so-called 'illegal aliens', writes **Khathu Mamaila**

The Human Rights Commission's Jody Kolhapen presented statistics that showed the claim that African immigrants are mainly responsible for underworld activities in South Africa is devoid of any truth.

For example, of the 11 884 people arrested for murder during 1998, 97,9 percent were South Africans, while 0,1 percent were Zimbabweans and 0,3 percent Mozambicans (the country of origin of 1,3 percent were unknown).

Of the 15 259 people arrested for robbery with aggravating circumstances, 97,4 percent were South Africans, Zimbabweans and Mozambicans accounted for 0,4 percent respectively, and 1,4 percent were unknown.

Of the 1 663 people arrested for car-jacking, 97,6 percent were South Africans, 0,2 percent Zimbabweans, 0,7 percent Mozambicans and 0,7 percent unknown.

So why do South Africans blame illegal immigrants, particularly people from Zimbabwe and Mozambique, for the crime wave? And why is there such deep-seated hatred of immigrants? Some participants at the conference argued that most South Africans are still victims of colonialism. One participant argued: "In Louis Trichardt there is a board which says, 'Louis Trichardt, Gateway to Africa'."

Kolhapen reinforced the point and said people from other continents are viewed as contributors to the economy, while Africans are viewed with suspicion and as people who take jobs from local people.

"In our country xenophobia has a racial tag. When we talk of illegal immigrants, the focus is on Africans," he said.

"These are the effects of the colonial legacy in which everything while is pure and good and everything black is bad and evil."

In her presentation, Constitutional Court judge Yvonne Mokgoro called for a mindshift towards immigrants. She said the first step would be to stop referring to immigrants as illegal aliens.

"For me aliens do not belong to this world but are from another planet. And the term 'illegal' suggests these people should be punished. I would prefer to refer to these people as undocumented immigrants instead," said Mokgoro.

In his address, former Mpumalanga premier Mathews

Phosa said the influx of people from neighbouring countries reflected the unfortunate past and pain inflicted on them by South Africans.

He cited the riots in Mozambique, Lesotho, Swaziland and Zimbabwe as examples of how the apartheid state destabilised South Africa's neighbours.

"If the economies of these countries cannot provide the much-needed jobs for its citizens, we should realise that South Africa is greatly responsible for the slow growth rate or stagnation of their economies," said Phosa.

"It is also important to realise that workers as far afield as Malawi have been historically linked with the mines in South Africa.

"If we say we are a developed economy, it is equally important to acknowledge that it was also because of the blood and sweat of our brothers from north of the Limpopo. "It is unparatonic to the continent to conveniently want to exclude them at this juncture. Let us not forget we are Africans before we are South Africans. South Africa is a product of colonial boundaries, but Africa is not."

Phosa also said claims that foreigners look jobs and markets from local people blurred the real issue of resuscitating the economies of the region so that "we do not fight over limited resources, jobs and markets".

However, other participants argued that the perception that foreigners took the jobs of locals could not be ignored as any country should first have obligations towards its own citizens.

"In Messina, where unemployment is above 40 percent, local farmers employ illegal immigrants from neighbouring Zimbabwe while ignoring local people because immigrants work for lower wages," said Kolhapen.

"Clearly, you cannot solve this problem by pleading with local people to embrace foreigners. What is needed is an effective immigration policy. Clearly, there is something wrong if local people cannot be employed while they are capable of doing the same work done by immigrants."

Kolhapen said corruption was rife and illegal immigrants could pay as little as R50 to police to evade arrest.

He added that the Home Affairs Department spent lots of money on deporting illegal immigrants, but this exercise was not effective.

Of the 1 600 immigrants who boarded the train taking them back to Zimbabwe, only 400 reach that country. The rest pay R50 to police to disembark or simply jump off the train.

Participants were unanimous that foreigners should all be treated with respect and should not be subjected to any form of abuse or violence.

Certain methods used by police to arrest suspected illegal immigrants were also criticised. Rounding up dark-skinned people simply on the basis of their pigmentation was condemned.

Conference participants agreed that more education was needed to ensure an end to hostility and prejudices against people from other African countries.

## The facts on crime in South Africa

Type of Crime	No. of Arrests	% SA	% Zim	% Mozam	% Unknown
Crime	20 480	98,8	0,1	0,3	0,5
Rape	37 949	98,6	0,1	0,4	0,6
Burglary	8 486	97,4	0,1	0,6	0,6
Theft of vehicles	70 712	97,2	0,2	0,6	1,2
Other thefts	11 308	91,0	1,0	1,1	4,8
Commercial crime	9 162	97,3	0,2	0,2	1,2
Illegal firearms	37 104	96,2	0,1	0,2	1,5
Drug-related					

Source: SAPS

## Judge raps act's drafters

TANIA BROUGHTON

**DURBAN:** South Africa's new Prevention of Organised Crime Act — which allows the state to seize assets suspected of being fruits of crime — would no doubt provide "fertile ground for litigious disputes" on almost all of its provisions, a High Court judge here has found.

Justice Noel Hurt commented that the zeal of those who had drawn up the act "may well have put paid to its constitutionality".

The judge was giving his reasons for his recent ruling that assets belonging to suspended provincial organised crime unit boss Piet Meyer be returned to him immediately.

The household goods and vehicles had been seized by National Director of Public Prosecutions Bulelani Ngcuka who alleged they were "proceeds of crime" bought with pay-offs from illegal casino owners in return for not being shut down.

However, exactly a month later, Judge Hurt rescinded the preservation order after hearing argument that the seizure had been unlawful.

In court, the judge has made several scathing comments about the new "American-styled" anti-gangster legislation.

He has been equally critical in his written reasons, describing the wording of the act as "contorted, obscure and unintelligible".

The drafters have, in most instances, tried to spread the net so wide that it will prove difficult, and in some instances impossible, for the court to apply the literal meaning to the words," he said.

Expressing "relief" that the issue of constitutionality had not been argued before him, he said "there must be serious doubts as to whether the drafters' zeal will not have put paid to the constitutionality of the statute, or at least large parts of it."

The judge based his ruling for the return of the goods on the issue of retrospectivity of the section of the act used against Meyer.

He agreed with Meyer's counsel that the act did not apply to assets possessed by Meyer before being promulgated in January this year.

He also broadly agreed with the reasoning of a Cape High Court judge who had ruled similarly earlier this year, effectively returning assets to an alleged drug dealer.

With the act presently "on trial" — both the Meyer and Western Cape judgments are on appeal — Judge Hurt's reasons are likely to be scrutinised by legal experts.

Amendments to make the relevant section of the act retrospective have been approved by the cabinet and are expected to go before Parliament in the coming session.



# Govt in bid to close loophole in crime Act

**A**n amendment to close a loophole in the legislation allowing the state to seize assets built up through organised crime is to be fast-tracked through Parliament, officials said yesterday.

The change is meant to deal with two embarrassing High Court rulings that forced the National Director of Public Prosecutions to return the assets of an alleged drug dealer and those of a policeman said to be running a protection racket.

In both cases the judges said the Prevention of Organised Crime Act could not be applied to offences committed before it was promulgated last year. Yesterday, as Members of Parliament settled into their offices for the coming session, Justice Department and parliamentary officials were checking a draft of the amendment, which is expected to be formally introduced to Parlia-

ment today.

The department's director of parliamentary legislation, Mr Johan de Lange, said the Bill would be dealt with as an urgent matter in terms of the new rules of Parliament.

This meant skipping the normal process of publishing - in the Government Gazette - a notice of intention to table the Bill, and then publishing either an explanatory memorandum or the Bill itself. De Lange assumed it would be referred to a parliamentary committee soon.

A parliamentary official said that as no new justice committee had been constituted yet, it was likely that the Speaker would refer the Bill to a special ad hoc committee. De Lange said the High Court judgments had revolved around a "purely technical" issue which was hampering the national directorate in exercising its duties.

Earlier this month, Judge Noel Hurt ordered that the state return assets of R600 000 which were seized from KwaZulu-Natal policeman Piet Meyer on the basis that they were the proceeds of a protection racket.

Giving reasons yesterday for his ruling, Hurt said the Act should not be construed as applying retrospectively and also criticised other sections of the Act, saying some of its definitions were contorted, obscure or unintelligible.

Alleged Cape Town drug dealer Gavin Carolus succeeded in April in his application for the return of confiscated assets and the unfreezing of four bank accounts. The Bill will make it clear that the Act covers offences that took place before its commencement and will ensure that criminals do not try to frustrate forfeiture orders by giving away assets as gifts.

Sapa

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# (34) Government gun law proposals shot down

MORE than 1 200 protesters took to the streets of Cape Town yesterday to protest against government's proposals for tougher gun ownership laws.

The march, organised by Victims Against Crime, the United Christian Action and the SA Gun Owners' Association, took protesters from District Six to the gates of Parliament, where they handed a memorandum to a representative of the Department of Safety and Security.

Members of the Friends of Legal Gun Owners also took part.

Virtually every marcher carried a poster or banner bearing slogans such as "Stop Stupid Draconian Gun Laws", "Disarm Criminals, Not Law Abiding Citizens", "Criminals Prefer Unarmed Victims", and "Rwanda

was a Gun-free Zone".

The memorandum rejected the "irresponsible, excessive and intrusive" requirements of the draft Firearms Control Bill, expected to come before Parliament this session.

The memorandum said the bill would effectively outlaw nine out of every 10 licensed firearms, restrict people to owning only one handgun and 100 bullets, raise licence fees to R500, renewable every five years at ministerial discretion, and place "arbitrary" restrictions on barrel length, calibre and magazine capacity.

Self-defence would also no longer be a reason for owning a firearm.

The memorandum, addressed to Safety and Security Minister Steve

Tshwete, also said the bill should be scrapped as its only effect would be to increase violence and crime.

It expressed concern at the "secretive and underhand" way the bill had been drafted and asked why the drafters ignored the expertise, experience and advice of firearms experts.

The memorandum pointed out that the vast majority of the estimated four to nine million illegal firearms in the country were not stolen from legal owners, but smuggled in from neighbouring countries.

During the march, African Christian Democratic Party MP, Steve Swart, said: "Government needs to prevent a scenario where obtaining a firearm illegally is easier and cheaper than obtaining one legally." — Sapa



# Amendment bill to close crime act loophole tabled today

A bill to close a loophole in the legislation on seizure of the proceeds of organised crime was tabled in Parliament today.

The Prevention of Organised Crime Second Amendment Bill has been tagged as an "urgent matter" under parliamentary rules, and is to be fast-tracked through the legislative process. It will be referred to a special ad hoc committee and is expected to be put to the vote in the National Assembly's first sitting of this session, on Wednesday afternoon.

The amendment is designed to deal with two High Court rulings that forced the national directorate of public prosecutions to return the seized assets of alleged Cape Town drug dealer Gavin Carolus and Kwazulu Natal policeman Piel Meyer, said to be running a protection racket. In both cases, the judges said the Prevention of Organised Crime Act could not be applied to offences committed before it was promulgated last year.

The proposed amendment makes it clear that the act covers offences that took place before its commencement, and will ensure that criminals do not try to frustrate forfeiture

orders by giving away assets as gifts. The head of the asset forfeiture unit at the national directorate, Willie Hofmeyr, said he expected the bill would be dealt with "speedily". The directorate would be happy with the legislation once the change was made, he said.

"It is a lengthy and complex act, so we expect there will be a number of legal issues that will arise. We expect a lot of litigation around this act, but we have always done so."

The fact that the directorate was running a number of cases in terms of the act, showed the legislation was working. He said the amendment would allow the unit to repossess assets that had been handed back to Mr Carolus and Superintendent Meyer after the court rulings.

However, the unit was hoping that its appeal against the rulings would have the same effect. Mr Hofmeyr also noted that the assets were still subject to a court order, and the men, therefore, could not dispose of them. "We are absolutely determined to get Meyer and Carolus, and we are going to use every means at our disposal to do so," he said. - Sapa

## Angry marchers take gun-law protest to Parliament

TRIZAN KHITRA  
Staff Reporter

A group of angry citizens marched on Parliament to protest against the impending restriction of law-abiding gun owners. The protesters yesterday voiced

their concerns about the proposed Draft Firearms Control Bill and its implications. "In the light of the terrible wave of crime and violence afflicting our country and threatening all our lives, it seems highly irresponsible to place such restrictions upon the

rights of law-abiding citizens to obtain and use licensed firearms for personal and family defence," said Peter Hammond of the United Christian Action. The march was also supported by the African Christian Democratic Party and the Democratic Party.

ACDP vice-president Louis Green said: "What is most alarming is that renewal will be at the discretion of the safety and security minister and this draconian power should not be given to the minister."

David Garnett of the Department of Safety and Security, who refused to comment on the proposed Bill would be un-nomine for the country as the firearm industry would be affected. A memorandum was handed to David Garnett of the Department of Safety and Security, who refused to comment.

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By Claire Keaton  
Feature Writer

**T**HE asset forfeiture unit expects to make its first deposit this month with money confiscated from a known drug dealer as nobody has opposed the seizure, according to the unit's special director Willie Hofmeyr.

Although the amount of R145 700 is small change for crime syndicates, the deposit is a symbolic victory for the unit, which has had to hand back the property it seized in two cases since June.

The first case of seizure was against alleged drug lord Gavin Carolus in Cape Town in June, while the second was against KwaZulu-Natal policeman and alleged racketeer Piet Meyer in late July.

The decisions forcing the unit to return the assets were made on the technicality that the law does not apply to crimes committed before its promulgation.

"This does not make sense. What rights do criminals have to the assets when they are the proceeds of crime," Hofmeyr says.

The office of the National Director of Public Prosecutions, under which the unit operates, is appealing the decisions.

The Pretoria-based unit anticipated legal challenges but not the problem with retrospectivity, since the United States and other foreign courts have interpreted their laws of seizure to apply retrospectively.

Hofmeyr says South African law, which allows the seizure of assets under the Prevention of Organised Crime Act, was influenced by American law, which does not explicitly state that it is retrospective.

But he is sure that Parliament will amend the law in record time with the tabling of the Prevention of Organised Crime Second Amendment Bill in Parliament yesterday.

Hofmeyr says the required changes could be passed and implemented by the end of the month.

"The Minister of Justice has indicated that the amendment will be dealt with as speedily as possible. Parliament will treat this matter with the utmost urgency," he says.

Hofmeyr says the law is an invaluable weapon in the fight against organised crime and they will go ahead with asset seizure undeterred by setbacks.

Last week the unit attached assets to the value of R44 million belonging to Dr Wouter Basson. He is believed to have misappropriated millions from the apartheid government while heading its secret biological warfare programme.

"Asset seizure is a very new concept in law and a complex procedure, which raises constitutional issues.

"Throughout we expected a lot of litigation. Many cases now will be end-



GRAPHIC: JO NHLAPO

# Hofmeyr

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## a man with a mission

lessly litigated and may only be finalised in two to three years," says Hofmeyr.

"We are geared to fight legal challenges. We will fight all the way to the Constitutional Court. We are confident we will win."

He explains that asset seizure is essential for eradicating organised crime since it erodes the profits of syndicates, making it less attractive for them to operate in South Africa.

"Most of them are in it for the money. Few serious syndicates are into killing for the sake of it," says Hofmeyr. Crime syndicates are

involved in areas like car hijacking, drug dealing, smuggling and money-lending.

"It is very important to take away the assets - the bank accounts, houses, cars, bars and nightclubs.

"If we don't, it's so much easier for someone else to step into the shoes of the boss if he is arrested."

Hofmeyr says it is very difficult to put the bosses in jail because they use footsoldiers and are seldom directly involved in crime.

While syndicate heads may not be deterred by prison, however, they are harmed by the seizure of assets which

belong to them.

"If it becomes less profitable, it makes it more difficult for them to commit crime," he says.

Appointed late in May, Hofmeyr had minimal staff or infrastructure until this week - three lawyers, one chartered accountant, no secretary and a barely furnished office - when two more lawyers and an administrator were appointed.

Despite its limited capacity, Hofmeyr says the unit had to start work immediately. "We needed to test the law early on: to send a message that crime does not pay."

He says the unit is looking for assistance from the private sector, particularly in this interim period. If companies are willing to do their own investigation and legal work - with the unit coming in at an advanced stage to check the findings - it enables them to process more cases.

"One of the areas we could cooperate with the private sector on is bank robberies and heists," says Hofmeyr.

Hofmeyr says South Africa had to build up international cooperation agreements after 1994, before which they hardly existed.

Now countries like Switzerland recognise South African court orders, while other countries like the US institute their own cases for asset seizure on request from South Africa.

In fact, asset forfeiture specialists from the US department of justice (which seizes about R3 000 million a year from criminals in the US) helped South Africa to set up its unit.

Tossing waste into a cardboard box which is his dustbin, Hofmeyr says cheerfully: "Our budget is almost approved. Within two to three years, we will raise more money than the unit costs and be financially self-sufficient."

A mousepad on Hofmeyr's desk proclaims: "Law enforcement is the principal objective of forfeiture."

That perfectly sums up his mission.



# Woods promises hard line on government corruption

(34) BD 17/8/99

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.

However, ANC MP Andrew Feinstein said Woods was extremely dedicated and hardworking. His integrity was also above reproach. 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 chairmen of the other committees are as follows: Sakhwo Belet (public enterprises), Ruth Bhengu (sport and recreation), Yunus Carrim (provincial and local government), Jeremy Cronin (transport), Rob Davies (trade and industry), Johnny de Lange (justice and constitutional development), Ebrahim Ebrahim (foreign affairs) Mluleki George (safety and security), Nomatyala Hanga (housing), Peter Hendrickse (pensions), Barbara Hogan (finance), Patekile Holomisa (agriculture and land affairs), Nkenke Kekana (communications), Mninwa Mahlangu (chair of committees), Salie Manie (labour) Nosiviwe Mapisa-Nqakula (intelligence), Ntsiki Mashimbye (joint standing committee on defence) Shepherd Mayatula (education) Thandi Modise (defence), Aubrey Mokoena (correctional services), Wally Serote (arts and culture), Gwen Mahlangu (environmental affairs and tourism), Abe Nkomo (health) Rosemary Zoleka Capa (home affairs), Pregs Goven-der (improvement of quality of life of women), Duma Nkosi (minerals and energy) Nkosinathi Nhleko (public service and administration) and Cas Saloojee (welfare and population development).

## 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.

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

*Sowetan 17/8/99 (252) (34)*

# Spotting chinks in anti-crime armour

Xolani Xundu

## Business needs co-ordinated security strategies, says study

THE combating of crime against businesses in SA is based mainly on physical security measures such as burglar alarm systems and access control, says a survey conducted by the Institute for Criminologist Sciences at the University of SA.

The study — Crimes against the SA business sector — was conducted among 1 000 wholesalers and retailers and 500 manufacturers in Gauteng, Durban,

Cape Town, the Port Elizabeth-Uitenhage area and East London. Researcher Johan Prinsloo said yesterday physical security measures undertaken by businesses to protect themselves against direct and indirect losses could not function effectively in isolation.

“Such measures need to be supplemented by proactive policing, co-operative action by

business against crime as well as specialised security advice,” Prinsloo said.

The willingness of businesses to actively get involved in co-ordinated actions against commercial crime was an important crime prevention strategy.

The survey found companies' awareness of and co-operation in crime-combating activities in their respective areas was low.

Most businesses also spent varying sums on the prevention and combating of commercial crime. Only 7,7% of the respondents indicated they did not spend any money on security.

The total maintenance and running costs for security for 92,3% of the business premises varied between R1m and R9m.

About 58,7% of businesses said crime was a serious prob-

lem, while 53,7% of them reported an actual increase in crime-related problems during the past few years.

Prinsloo said it seemed companies were selective when it came to reporting crimes such as customer theft and employee theft and fraud to the police.

Crime in urban areas was linked to factors like parking facilities, vandalism by children, teenagers “hanging around” and poor public services like street lighting or public transport.





# Tshwete under fire over moves to control guns

POLITICAL CORRESPONDENT (AFS) 34

Safety and Security Minister Steve Tshwete has tried in vain in Parliament to get critics of draft gun control legislation to hold their fire.

In a mini-debate in the National Assembly yesterday, New National Party leader Marthinus van Schalkwyk challenged Mr Tshwete to clarify the status of the draft Arms and Ammunition Amendment Bill available on the Internet, and apparently shown to some gun lobbyists.

Mr Van Schalkwyk said it seemed the drafting committee had been hijacked by representatives of Gun Free South Africa, without the views of responsible legal firearm owners being taken into account. It also had been said that the drafting process was being sponsored by the British government.

While the British government was friendly, it was inappropriate for the legislative drafting process to be sponsored by a foreign government.

Chalmers had been made that the draft legislation did not exist, and yet it was being debated in every newspaper and on every radio station, with Government officials defending it.

Mr Van Schalkwyk queried where these officials had obtained their mandate to defend the legislation. He quoted senior Safety and Security official Bernie Farnaroff as saying the anti-gun legislation proceeded from the mandate the African National Congress had secured in the election.

There were many legal gun owners on all sides of the Assembly, and: "We never discussed this bill in the election," Mr Van Schalkwyk said.

Current firearm legislation was effective, with strict rules requiring training certificates, proper gun safes and a waiting period.

"We do not have a problem of illegal guns in South Africa. We have a problem of illegal guns."

He urged Mr Tshwete to ensure that the process of drafting firearm legislation was transparent, and that the emphasis shifted to illegal guns.

Mr Tshwete said there was "no such bill on my desk" and nor had any legislation on the subject yet been put to the Cabinet.

However, he confirmed that discussions were in progress and, to criticism that the drafting process had not been transparent, said the New NP leader's questions and comments would not have been possible had the process not been transparent.

# Gun owners sidelined in debate, claims NNP

(94) 00 19/8/99

Van Schalkwyk says UK is helping moves to limit legal firearms

David Greybe

CAPE TOWN — The process of drafting stricter gun control legislation had been hijacked by Gun Free SA, under the sponsorship of the UK government, New National Party (NNP) leader Marthinus van Schalkwyk said yesterday.

"Responsible gun owners have been sidelined," he said, brandishing "a copy of the sixth draft" of the proposed legislation during a question time in the National Assembly.

The new legislation — which government last week said did not yet exist — "will take away the right to own a gun" in SA if implemented, he said.

Safety and Security Minister Steve Tshwete dismissed Van Schalkwyk's concerns, and reiterated what his deputy Joe Matthews said last week: "There is no such bill on my desk. Nor has one been presented to cabinet. I want to make that abundantly clear."

These were the "real issues" that mattered at what was still only a drafting process, Tshwete said.

Van Schalkwyk's claims were "absurd" and demonstrated "top-down thinking", Tshwete called on the NNP to exercise more patience. "At the relevant time a bill will be presented."

The minister defended officials in his department who had spoken out in favour of stricter gun control, the position held by the African National Congress.

However, Van Schalkwyk persisted, and said that while the sixth draft was available on the internet, the drafting committee was discussing an eighth draft and Parliament was still in the dark.

He said the British government (which a few years ago further tightened that country's gun control legislation) was handling the drafting process, he said this was "not healthy... although it is a friendly government".

According to Van Schalkwyk, under the proposed legislation, prospective gun owners will have the difficult job of having to prove "a real need" before being granted a licence to own a firearm.

He said those allowed to keep handguns under the new legislation would be allowed "a maximum of nine rounds" of ammunition.

Based on crime statistics which showed that most attackers worked in groups of at least three, that was not enough bullets, the NNP leader said.

Finally, it was proposed that a firearm licence would cost R500, which would rule out a majority of prospective gun owners in the country, Van Schalkwyk said.

As far as the NNP was concerned, SA's 30-year-old Arms and Ammunition Act was still good enough, he said.

SA's crime problem was linked to illegal guns, not to guns held legally.

Van Schalkwyk called on Tshwete to make the drafting process more transparent.

Tshwete replied the fact that the NNP leader "is alluding to discussions taking place outside this Parliament" was enough of a statement on the transparency of the process.

# Tourist dies in Mouille Point attack

## CHENÉ BLIGNAUT

A five-day holiday in Cape Town turned into tragedy for a 77-year old woman from Johannesburg when her husband of 50 years died after the couple were attacked by muggers in Mouille Point.

The couple, originally from Britain, have lived in the country since 1938.

Dennis Hawksworth, 76, and his wife Jane, 77, from Bryanston, were walking on the promenade near the Mouille Point lighthouse at about 11.50am yesterday when three young men, who police say were street children, approached them.

They grabbed Mrs Hawksworth's cellphone and tried to rip her valu-

able gold chain and locket from her neck.

When her husband tried to help her, the attackers turned on him, knocking him down, and kicking and hitting him while he lay helpless on the ground. Mr Hawksworth died on the scene.

Police captain André Traut said it had not been established whether he died of an injury or heart failure. Mrs Hawksworth was not injured. The youths fled the scene on foot. No one has been arrested.

Speaking from her hotel room in Green Point, Mrs Hawksworth said she and her husband arrived in Cape Town on Monday and were to have left today. It was their first visit to Cape Town in years.

"My mind is still an absolute blank. I can't remember anything that happened," said a shocked Mrs Hawksworth, who was being comforted by complete strangers last night.

The couple's only son, Keith, a pilot, is flying from Johannesburg with his wife in a private plane to be with his mother.

Mrs Hawksworth said her husband had been a gentle man who enjoyed life and still worked as a transformer designer.

The couple celebrated their golden anniversary on June 12.

"We loved it here," she said. "We could have gone back to England, but we never wanted to."

She said her husband's brutal

death would not change her perceptions of the country.

"It just happened and it's something you have to live with. My husband would have wanted me to see it like that."

However, Mrs Hawksworth can not imagine life without her partner. "I don't know where I will go from here. But I won't be happy until I am with him," she said softly.

Investigating officer Neil de Kock warned that there had been an increase in muggings on the Sea Point and Mouille Point promenade recently.

He appealed to anyone with information about the incident to contact him at the Sea Point detective branch on 434 5505 or cell 0835180 583.

(347) PAGE 21/8199



# 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*

BT 22/8/99 (34)(272)

**W**ILLIE 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 entitling 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 "FBI-style" unit of prosecution-driven crime fighters who will use intelli-

gence 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 intelli-

gence 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 bobbies on the beat, involved in visible policing, public-order control 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 ratios.

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 Sonn, 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 dryly, 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.



# Strict new gun law may go on scrap heap

## Opponents believe fresh talks on bill ordered - but Tshwete denies measure now on back burner

ADRIAN MADLAW  
POMONA, ENGLAND

The introduction of strict new firearms control legislation stirred up even more controversy this week after claims the planned bill had been scrapped.

Intended to place severe restrictions on gun ownership in a bid to bring down the high levels of violence and stem the flow of illegal weapons used in crime, the legislation has generated heated debate since it was first mooted last year. Reports today, which quoted gun

industry and government sources, said that Safety and Security Minister Steve Tshwete had halted work on the bill altogether.

It is still in the drafting stage and was expected to be shown to the Cabinet soon before being released for public comment.

But a spokesman for Mr Tshwete denied this morning that the legislation had been put on a back burner.

"The bottom line is that the process has not been stopped," the spokesman told the Cape Argus.

Anti-gun-law lobbyists and some opposition parties, such as the New National Party, remain convinced

that a new round of consultation has been ordered on what is already the eighth draft of the bill.

A New NP spokesman said he believed the bill would still become law, but that another round of consultation with gun-shop owners and anti-control lobbyists had been ordered.

New NP leader Marthinus van Schalkwyk today welcomed "any development that points to the draft gun control bill being reconsidered".

"The drafting and consultation process that preceded the draft bill was fundamentally flawed and did not take full cognisance of the view-

points of key stakeholders," said Mr Van Schalkwyk, who has taken a public stance against the bill.

"Instead of targeting the problem of an estimated 4 million illegal guns, the draft bill would have criminalised regulated and responsible gun ownership," said Mr Van Schalkwyk.

Other sources confirmed last week that Deputy Safety and Security Minister Joe Mathews had already begun calling interested parties to tell them the bill had been put on hold and that new inputs were required.

Gun shop owners and profession-

al hunters have complained that the bill, if enacted in its current form, would cause millions of rands in foreign exchange and thousands of jobs in the game farming, arms dealing and hunting sectors to be lost.

The South African Gun Owners Association Western Cape chairman, Jerry Dalman, said he was pleased with the latest development but warned that his association was not going to "release the pressure".

"It's a welcome step but you never know what else the politicians could pull out of the hat."

But the official in charge of drafting the bill, Director Rick de Carls of

the SA Police Services legal division, said today he had not been instructed to drop work on the gun control bill.

"As far as I'm concerned, it's business as usual," he said.

The Democratic Party welcomed the news that there would be further discussions and consultations on the bill.

The Safety and Security Ministry, however, insists that the progress toward enacting a new gun control law is continuing.

A ministry spokesman said Mr Tshwete was expecting the latest draft policy document to reach him

this week, after which it would be passed on to the Cabinet for approval.

Gun expert John Ross of Guns and Bows, an arms and ammunition outlet in Bellville, questioned the Government's motives in introducing the bill in the first place.

"The existing act is a fantastic document, it should just be implemented properly," said Mr Ross.

"The act provides for the punishment of people who lose their guns, it prevents people with criminal records from getting gun licences and it controls the use of firearms by lawful owners."

# Good intentions not substitute for good laws

THE proposed firearms control bill has sparked considerable debate and controversy in recent weeks. Demonstrations have been held against the bill before its publication and speculation by certain organisations about its content has been treated as if it were fact.

It is in the hope of providing a positive contribution to the debate that I set out my views on the kind of firearms bill which I believe would be beneficial to the country.

In tackling the issue of gun control we must be informed by the facts rather than by our emotions.

SA today is an armed society, born of the frontier mentality of the original white settlers, the fears and antagonism of our diverse communities which were fuelled by colonialism and apartheid and the subsequent tragic conflicts both within our country and across our borders.

Illegal weapons abound throughout our land — the lethal cast-offs of previous and

SA gun control legislation should target criminal elements, writes Velaphi Ndlovu

ongoing conflicts. (34) (35) (36)

They are cheap and easily obtainable in SA, where they are used to deadly effect by criminals who bring terror to our streets.

It is within this context that we must debate the issue of gun control.

The motivation of those who propose draconian restrictions on the right of law-abiding citizens to bear arms should not be maligned, for their intentions are good.

However, good intentions are no substitute for good laws and many of the proposals of the gun control lobby would make very bad law indeed.

Draconian restrictions on the right to bear arms may be effective in certain European countries, but SA is not Europe and the nature of the problem confronting us is entirely different.

The foremost challenge that faces SA is to tackle the vast armoury of illegal

weapons in criminal hands. (37) (38) (39)

Introducing onerous new requirements on those who hold firearms legally, as certain campaigners propose, would do nothing to confront this matter.

It would simply represent a dream come true for every criminal in SA and a nightmare realised for every law-abiding citizen. The lawful gun owner would be harassed whilst the criminal continued to wander the streets with his weapons.

It does not take a genius to work out that it would be law-abiding South Africans who would comply with legislation requiring the surrender of firearms whilst criminals laughed all the way to their next bank heist, burglary or murder victim, secure in the knowledge that one of the few protections which are afforded to decent citizens was curtailed.

Such an approach offers no solution to

our problems. If South Africans are to break out of the cycle of armed violence in which we find ourselves, then our laws must be aimed at the criminals and not at those who legally own firearms.

The Inkatha Freedom Party recognises this fundamental reality and has consistently urged the government to take tough action against those who possess illegal firearms and those who seek to introduce weapons of war from neighbouring states and those members of the public who fail to keep their weapons securely or who use them negligently against others.

We have called upon the ruling party to institute a systematic and countrywide search and seizure operation to confiscate guns held illegally.

We have demanded that fines and sentences for the possession of illegal firearms should be increased drastically and

that the police should act immediately to confiscate all guns from known criminals. We hope that these proposals will gain recognition when legislation is finally presented to Parliament. Nor do we reject improvements to the current licensing system for legally-held firearms.

We believe that there is scope for increasing the fee for gun licences and requiring proper training for licence applicants in the use of firearms.

Legislation that reflected this sensible approach would gain the support of all right-thinking South Africans.

It would be both practical and enforceable and would represent a major step forward in our common crusade to remove guns from criminal hands once and for all. Let us hope that reason will prevail.

□ The author is the IFP safety and security spokesman in Parliament. The article was written before indications last weekend that the gun-control bill had been scrapped.

BD 23/8/99



# Charging windmills will not deter graft

Lesotho Highlands project officials are fighting corruption, says Ronnie Kasrils

(34) **graft**  
 6p 23 18/99

TWO recent articles in Business Day tackle the wider issue of corruption against the backdrop of the criminal case brought against a former CE of the Lesotho Highlands Development Authority in Maseru, Lesotho.

Such public debate on corruption is too important to be used as a vehicle to rehash pet theories and charge ideological windmills which, unfortunately, is what George Dor does in his article. I will not engage in arguments about the merits of Phase 1B of the Lesotho project since that has already been done extensively in your columns, among many others. Rather, we should focus on some of the key issues about corruption.

First, whenever decisions have to be made about large purchases, influences are brought to bear, legally and extra-legally. We need to build systems to deal with this pressure and to keep procurement processes clean.

Second, opportunities for corruption occur not just at procurement, but throughout the management of our activities.

Our best management systems will only be effective if we create a climate of integrity within which they can operate.

Third, corruption is not about public-private debates as Dor suggests. Bribery and corruption occur wherever opportunities for personal gain take precedence over basic ethical principles, whether in the private realm or the public, in construction or in defence.

The fact that bribes have until recently been legitimate tax deductions for most European businesses highlights this.

Dor's remark that my response to the Lesotho case "may have sounded tough, but was totally inadequate" and his questioning of the integrity of the officials concerned shows a sad lack of insight. Does he really



Whatever the criticism, the project remains a fine example of successful regional co-operation

think my predecessor was unaware of the matter? Both the Lesotho and SA officials who have worked on this as on all other project matters have shown exemplary resolve in tackling corruption and there has been no withholding of information from the relevant ministers in either country. Besides, ministers have information not just from their own officials, but from each other and from independent sources. The process that led to the recent charges has been taking place since 1994. It was precisely the "adequate measures and tra-

dillions of international accountability" that Stiaan van der Merwe calls for in his article, which I highly praise for its seemingly non-compliance with internal procedures.

The pursuit of this trail led to the suspension of Sole and his dismissal in 1995. The authorities could have left it there, as both public and private organisations often do, to avoid the hard work and bad publicity involved in following up corruption. So, the very decision by SA and Lesotho to proceed with a civil case was exceptional. It was during this long, drawn out court case that evidence was obtained of substantial amounts of money in offshore accounts.

Sole had denied the existence of such accounts under oath, but through international co-operation, information to the contrary was uncovered. As soon as June this year, the Lesotho director of public prosecution instituted criminal charges.

The legal process will now follow its course. Dor should be aware of joining a lynch mob. Some of the companies mentioned in the summons have said that they did not make payments directly to Sole, but to their agents in Lesotho. The legal process relies on proven facts and these will doubtless emerge. Until then, there must be a presumption of innocence. The available evidence implicates some parties involved in Phase 1A of the project.

Where contracts are still in progress, contract provisions and other sanctions will be applicable to any company found guilty of misconduct.

Where contracts have been completed, the proper authorities will consider legal action to

recover damages. Future sanctions against companies involved in corrupt practices will also be considered.

That is vital to the creation of a climate within which corruption cannot thrive. We will take further guidance from governments and international organisations, including non-governmental organisations like Transparency International, although this must be dealt with as a matter of policy, not as an ad hoc incident. The tender process will continue to follow recognised international procedures.

All engineering and construction contracts already contain clauses against corruption providing severe penalties in the event of proven bribery.

The implementing authorities have further strengthened controls to ensure that no individual can influence decision-making on his or her own.

Audit structures are firmly established in the management of the project and its governance will be further improved with the strengthening of the board of the development authority. So corruption does not threaten to tear the Lesotho Highlands Water Project apart (as the Business Day photo caption reads).

We have confronted the scourge of corruption in a very practical way. We have shown in a very practical way our commitment to making our sector and our countries "islands of integrity" to use the Transparency International phrase.

Those who are not blinded by self-indulgence or prejudice may join us in celebrating our successes and sharing our resolve to do better still.

The project will continue to fly the flag of successful regional co-operation in Africa.

□ The author is water affairs and forestry minister.



# Battle for new gun law heads

## for high noon in the House

POLITICAL STAFF  
(2/2) (24)

The bitter skirmish over proposed gun control laws appears poised to move to the corridors and committee rooms of Parliament.

The final draft of a new firearms control policy document would be put to Safety and Security Minister Steve Tshwete this week, his office said, and if he was satisfied with it he would present it to the Cabinet for approval.

Questioned in Parliament last week about reports of strict firearms control legislation in the office, Mr Tshwete said there was no bill before Parliament.

Reports that the initiative to drastically limit private gun ownership had been "scrapped" heartened those opposing the proposals as misdirected and impractical. But Mr Tshwete's office this week denied the reports.

The drafting process would go ahead, and if the legislative proposals were approved by the Cabinet they would be subject to public comment before being forwarded to Parliament, where it was expected public hearings would be convened by the committee dealing with the bill.

Graham McIntosh, Democratic Party spokesman on safety and security, said the drafting process so far had not been transparent and there had not been enough time for submissions prior to the plan being put to the Cabinet.

In spite of several formal requests, the DP had not seen an "authoritative" version of the proposed legislation.

"From the information available, the proposed legislation appears unduly restrictive against owners of legal firearms and does not address the real problem, that of illegal weapons."

He said the DP had, over the years, made various proposals aimed at ensuring that firearms were owned only by responsible and law-abiding citizens.

"A policy that seeks to remove firearms from law-abiding citizens without dealing with the scourge of unlicensed firearms is misdirected and grossly irresponsible," Mr McIntosh said.

Marthinus van Schalkwyk, leader of the New National Party, decried what he termed Mr Tshwete's "U-turn" in denying media reports that the draft proposals were to be halted.

Njongonkulu Ndungane, the Archbishop of Cape Town, said yesterday that new legislation was "urgently required to restore the safety and security of our people and to affirm the value of human life and dignity."

He called on the Government to proceed with the bill.

(2/2) (24)

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 Mr Steve Tshwete in the policy-drafting process.

The Minister's spokesman, Mr André Martin, has denied press reports that Mr Tshwete had intervened to stop the drafting process. Instead he said the process was going ahead and the Minister would be given a copy of the final draft policy document this week.

"Once he approves it, it will go to Cabinet. If Cabinet approves it, it will be released for public comment," Mr Martin explained.

He was responding to press reports that the Minister had scrapped existing policy and instructed his deputy, Mr Joe Matthews, to tell all interest groups that the legislation had been halted.

The new legislation, when finalised, will tighten up gun ownership regulations and is meant to clamp down on the proliferation of illegally owned guns.

Secretary for Safety and Security, Mr Azhar Cachalia, said he had met with both the Minister and his deputy yesterday and said that the reports were false.

"There is a draft document (known as the eight draft of the Firearms Control Bill) that has been circulated on the Internet, not by the

Government or the department.

"The Minister and I have not approved this document ... it is nonsense to respond to it." Mr Tshwete emphasised there was "no Bill ... nothing of the kind" on his desk or before Cabinet, when New National Party leader Mr Marthinus van Schalkwyk confronted him with the document in Parliament last Wednesday.

However, he confirmed that there were policy discussion documents circulating and at the appropriate moment the relevant Bill would be placed before Parliament.

In response to the NNP's concern that the British government had funded the drafting, Mr Cachalia said the British International Department for Development Aid had supported their work.

"This is nothing unusual, they are supporting development (in South Africa)," Van Schalkwyk said yesterday that the NNP would welcome intervention by the Minister to stop the drafting process and make it more consultative.

"It is quite clear that the draft Bill circulating at the moment confuses responsible, legal gun ownership with criminal, illegal gun ownership," he said.

"The fact that the drafting process has been hijacked by people who are also opposed to legal, responsible gun ownership in a quest for a so-called 'gun free South Africa', has resulted in a biased process," the political leader said.

# ONE GUN PER PERSON

## Tshwete goes ahead with draft gun laws

SAFETY AND SECURITY Minister Steve Tshwete is studying the controversial draft gun-control laws. Political Correspondent **ANDRÉ KOOPMAN** reports.

**D**ESPITE opposition party and media claims to the contrary, the Minister of Safety and Security Steve Tshwete is moving on with the process of enacting a much stricter gun control law, his spokesperson, André Martin, said yesterday.

Martin was reacting to newspaper reports yesterday that Tshwete had scrapped controversial new draft firearms control legislation because the drafting and public participation process had been "deeply flawed".

Martin said yesterday: "The process is going ahead."

Tshwete had been given a final copy of the draft policy document this week, and if he approved it, it would be taken to the cabinet for approval and then released for public comment.

A spokesperson for the NNP said in a statement yesterday: "The fact that Minister Steve Tshwete denied that the draft Firearms Control Bill would be halted until further consultation points to a sudden U-turn in his approach."

Proposals for the new legislation have been criticised by gun owners who claim they will criminalise legal owners.

The proposals were, however, heartily welcomed by advocates of a gun-free South Africa.

In terms of some of the proposals considered, gun owners would have to re-apply for their licences and would have to pay a licence fee of R500, instead of the current R50.

Each gun owner would also be restricted to one weapon.

Limits on heavy calibre guns have also been proposed and people showing an inclination to violence would be barred from owning firearms.

NNP leader Marthinus van Schalkwyk said yesterday in a statement it was quite clear that the draft that was being circulated confused responsible, legal gun ownership with criminal, illegal gun ownership.

"The hijacking of the drafting process by people who are also opposed to legal, responsible gun ownership, in a quest for a so-called 'gun-free South Africa', resulted in a biased process," Van Schalkwyk said.

The outcome of this process would effectively have been to outlaw gun ownership for ordinary self-defence and would have

severely restricted participation in hunting and other shooting sports, he said.

The SA Gun Owners' Association (Sagoo) claimed that the proposals would threaten the arms retail and manufacturing industries.

But SAPS deputy director Berni Fanaroff has steadfastly defended the proposals over the past few weeks. He has said it is not possible to control illegal guns without increasing the controls on legal guns and their owners — because most illegal weapons start out as legal guns.

The DP's spokesperson on Safety and Security, Graham McIntosh, said yesterday the process of formulating the new law had not been transparent, nor had there been adequate time for submissions before it went to cabinet.

"Despite several formal requests, the DP has not yet been furnished with an authoritative version of the proposed legislation," said McIntosh.

From the information available, the proposed legislation appeared to be "unduly restrictive against owners of legal firearms, and does not address the real problem — that of illegal weapons".

"Moreover, some of the proposed control measures are hopelessly unrealistic and unworkable," McIntosh said.

## 'Govt will consult all parties on gun law'

Wyndham Hartley (2/2) (24)

CAPE TOWN — Safety and security secretary Azhar Cachalia says government will consult all stakeholders, both for and against gun ownership, before new firearms control legislation is finalised.

He insisted that the policy document currently in circulation was just a draft.

Cachalia said yesterday the process of producing legislation for the control of guns in SA had not been halted. He said the document circulating on the Internet was not draft legislation.

Cachalia said neither he nor Safety and Security Minister Steve Tshwete had approved the document. Draft legislation became a bill only after it had been approved by the cabinet for submission to Parliament.

New National Party leader Marthinus van Schalkwyk said: "The fact that Tshwete denied that the draft bill would be halted until further consultation, points to a sudden U-turn in his approach."

Democratic Party spokesman Graham McIntosh welcomed the halting of the bill. He said any policy that sought to take guns from law-abiding citizens without first dealing with unlicensed ones was "at best misdirected and at worst grossly irresponsible".

## Changes to assets seizure bill on hold

David Greybe (2/2) (24)

CAPE TOWN — Parliament's justice committee yesterday postponed by a week rushing through changes to legislation dealing with the seizure of profits from organised crime, to await tomorrow's resumption of the trial of chemical and biological warfare programme mastermind Walter Basson.

The portfolio committee also was unable to agree how tough to make the Prevention of Organised Crime Second Amendment Bill, with the main opposition parties adopting a more lenient approach than the African National Congress (ANC).

The ANC, backed by the state's assets forfeiture unit, wants to prevent the courts from returning assets seized if the court overturns the initial granting of the seizure order and the unit appeals the ruling.

Democratic Party justice spokesman Tertius Deport said: "How can you tell a court it cannot change the first (seizure of assets) order if new information is presented that changes the situation?"

The ANC originally planned to adopt the bill in the National Assembly tomorrow and push it through the national council of provinces by Friday, ready for President Thabo Mbeki to sign into law.

Committee chairman Johnny de Lange said the committee had no idea why Judge Pierre Roux had last Friday suspended the seizure order for Basson's assets under the Prevention of Organised Crime Act. De Lange said the case was only "halfway through" when the judge made the ruling.

BD 24/8/99



# 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 Mlangeni

SHOPRITE MD Whitey 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 Bazaars systems from three distribution centres until March this year.

Enormous 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 20 new ones and converted another remaining 79 OK Bazaars stores into Shoprite stores — all in just over 18 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.

Basson said the extraordinary stock losses were discovered with the year-end stockholding at 76 of the 158 OK and Shoprite stores in Gauteng after the changeover in the distribution centres to the Shoprite-stock control system.

Basson said forensic investigations found missing stock at street traders and franchise operators.

He said the stock losses occurred when management was preoccupied with stemming OK Bazaars' operating losses of more than R250m a year.

"Investigations show that big quantities of food, razors, batteries and similar items were stolen from Shoprite, Checkers and OK branches in Johannesburg, Pretoria and Pieterstroom."

Shoprite was not insured for theft, Basson said, because SA insurance companies determined premium charges from losses or profit which companies made in previous years.

"If you lose R100m this year then your premium would most likely be more than that. That is outrageous and for that reason we are not insurable," Basson said.

Shoprite would have had to prove that the stock losses it suffered were

an inside job to successfully claim from an insurer, he said.

The multibillion-rand group posted a 46.8% drop in operating profit to R122m (1998, R236.7m) for the year to June. Profit before taxation fell to R139.7m from R283.2m last year and headline earnings fell to 21.1c a share from 46.1c a share previously, representing a 54% decline.

Spokesman Bran Weyers said "We are now in a position to make arrests or lay charges. Because this is organised crime we want to bust the entire ring."

Everything had been done to avoid a recurrence. "Physical security in all stores, particularly those affected by the unprecedented stock losses has been reviewed and tightened. More stock control managers have been employed in troubled areas. The services of security companies have been extended to improve monitoring of deliveries and stock," Weyers said.

Management and forensic investigation teams were determining the extent and possibility of recouping losses from third parties.

The immense effect of the stock losses on profit, the R373m reimbursement

programme for 79 OK stores and the amount and interest outstanding in the group's dispute with SA Breweries for which provision had not been made, reduced interest income by 70% to R13.8m. In addition to this, stock to the value of R38m was written off, bringing the total written off since the takeover of the OK Bazaars to more than R70m.

Getting rid of old stock cost more than originally foreseen 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 R17.4bn. "The strong increase in turnover can be partially attributed to the fact that OK Bazaars' results were incorporated with those of Shoprite for the full 12 months for the first time," Basson said.

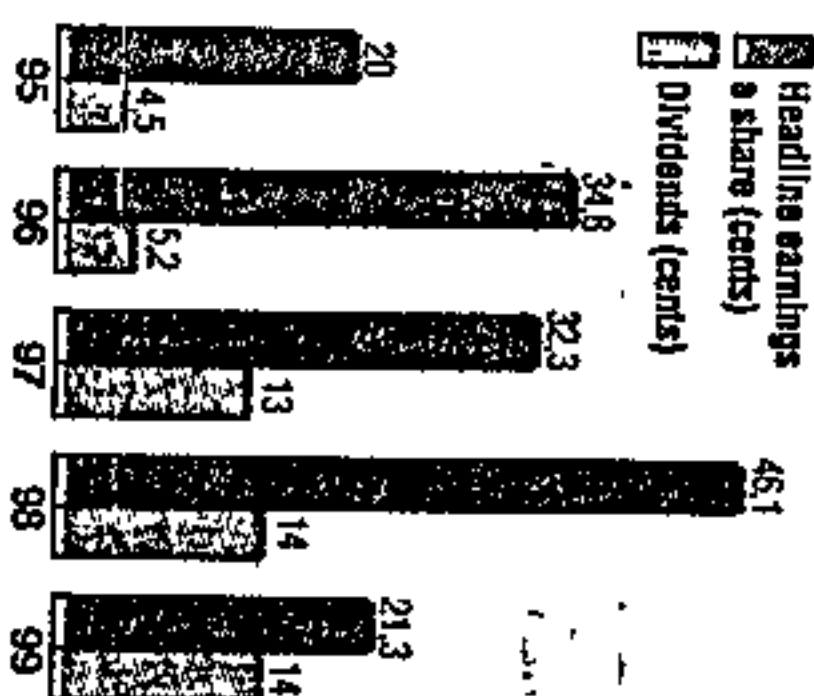
Directors decided to leave the dividend payments to shareholders unchanged at the 14c of the previous year but the dividend cover dropped from 3.3 to 1.5 times.

Basson said trading since June this year was better than during the same time last year. "We should be able to

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## Shoprite Holdings



benefit greatly from a turnaround in the economy."

Statistics SA announced this week that SA's economy grew by a surprisingly large 1.7% in the second quarter compared with 0.6% in the previous three-month period.

Court decision

● Introduction of an Innovation Fund.

## Health unit 'needs more money'

SOUTH Africa's anti-corruption watchdog appealed to Parliament yesterday to help it find more funds or risk curtailing its investigations into fraud and maladministration in the national and provincial governments.

"It becomes extremely difficult to operate within present constraints. We are restraining our activities to minimise cash flow," finance manager of the Health, special investigating unit Mr Herman Coetzee told Parliament's finance committee.

"To continue in the way we're supposed to, we have to get additional funding from the Government or look at additional sources of funding," he said.

Judge Willem Health, who heads the unit, said if the organisation was to operate within its current budget, it would have to turn down some of the cases referred to it.

He said the unit handled up to 100 000

cases at any one time, putting immense pressure on its 55 investigators. The unit had already lost staff because their salaries were no longer competitive.

For the financial year ended March 31, the unit was allocated R16.89 million by the Government, compared to a requested budget of R33.5 million.

The latest audited figures show the unit recovered cash and assets worth R60.37 million and prevented losses to the Government of R13.3 billion between the beginning of 1998 and the end of March this year.

"It is much better to prevent loss by the state than to try and recover it afterwards," Health said.

He has repeatedly locked horns with Finance Minister Trevor Manuel over the funding of the body. Additionally the judge and his unit have made many enemies in the

Government by exposing corruption.

Health's unit investigated then Health Minister and current Foreign Affairs Minister Nkosazana Zuma on charges that she mismanaged Government funds over her support of the controversial anti-Aids play *Sarafina 2*. Zuma and her department were cleared in April.

The judge said that if the Government could not afford to give the unit more money, or a cut of the money it recovers, it should look at allowing the body to raise funds from alternative sources, like donations from abroad.

However, Parliament would have to amend current legislation to allow the body to raise its own revenue. Finance committee chairwoman Ms Barbara Hogan asked Health to hold talks with the Department of Justice to investigate whether it would be possible for the issue to be resolved. — Sapa

# Heath tries to fast-track investigation process

BD 25/8/99

Linda Ensor (34)

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 R19m 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 Fakie 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.



# I'll get my hands on Basson assets - Ngcuka

## Prosecutor prepared to seek amendment to constitution after third bid to seize property defeated

ADRIAN HADLAND  
Pretoria Editor

The National Director of Public Prosecutions, Bulelani Ngcuka, vowed today he would not sit back and allow criminals to enjoy the fruits of their activities, even if it meant a change to the constitution.

Speaking in the wake of his third court defeat, this time in the Pretoria High Court yesterday, when the

seizure of R44-million in assets belonging to apartheid chemical warfare expert Wouter Basson was overturned, Mr Ngcuka said he would try and try again.

"People may laugh now and say we are bumbling fools. But I'm going to get that property."

"I am not prepared to say that those who stole money last year will not be prosecuted."

"The majority of people do crime because of the money. They think they can go to prison, serve a short

sentence and then enjoy the money. We want them to go to prison without the money."

Mr Ngcuka said the forfeiture of illegally obtained cash and assets was accepted worldwide as an essential means of combating organised crime.

"If the constitution proves a hindrance, I will come to Parliament to argue for an amendment to it. We are unable to deal with organised crime if the constitution is an albatross around our necks."

Assets forfeiture unit head Willie Hofmeyr said today that in many countries where legislation along the lines of South Africa's Prevention of Organised Crime Act had been introduced, the laws had been repeatedly challenged, but were eventually accepted.

The South African judiciary had been critical of the vagueness and wide reach of the new laws, but Mr Hofmeyr said this broad ambit was essential. "The sophistication of the criminals we are up against needs

laws that are very wide."

Mr Hofmeyr and Mr Ngcuka have expressed confidence that once a series of test cases have found their way through the justice system and, in some instances, reached the Constitutional Court, South Africa will have a number of laws that will make a big contribution in the fight against organised crime.

In the Pretoria High Court yesterday, Mr Justice Pierre Roux made a special punitive costs order against the State in the Basson case as a

"form of judicial disapproval" for what he called a "hopeless application flawed with unpleasantness."

Dr Basson's assets - including a company in the United States, homes in Britain and Pretoria, and money in foreign bank accounts - were seized this month under the Prevention of Organised Crime Act.

Dr Basson is alleged to have defrauded his apartheid bosses. Yesterday, Judge Roux said Ms Acting Justice N Cassim, who had granted the interim seizure order,

had erred. If Judge Cassim had been made aware of the fact that Dr Basson wanted to oppose the application on sound grounds and that he had made a serious offer to the State in this regard, she would have come to another conclusion.

Mr Ngcuka said he had already instructed his office's advocates to prepare an urgent appeal.

Dr Basson is due in court next month on 16 counts of murder, 13 of conspiracy to murder and two of attempted murder.

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ARF 20/8/99

# Court sets aside Basson asset order

DD 26/8/99

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Stephané Bothma

PRETORIA — The Pretoria High Court accused 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 Ngcuka as a "form of judicial disapproval" for bringing a "hopeless application" before the court.

Less than two hours later Ngcuka 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," Ngcuka 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 Ngcuka 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 (Ngcuka) 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 draft his affidavit in support of the application. "His affidavit is quite inadmissible."

Roux said Ngcuka'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.

Ngcuka 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

Government cannot tackle scourge on its own, Judge Willem Heath says at Business Day's business achiever of the year award ceremony

(34) (252)  
B2 26/8/99

**T**HE power and success of any emerging democracy lies in its economy. A sound financial basis will result in a strong sociopolitical and socioeconomic environment which in turn can support a system that enshrines strong democratic principles.

SA is no different. Since the transition to democracy, SA has emerged as the powerhouse of southern Africa. Nowhere has this been more evident than in our interactions with neighbouring countries. Our international ties are also indicative of the respect and admiration we enjoy with first-world countries and their recognition of SA as a leader in sub-Saharan Africa.

On a local level, the realignment of the cabinet after the elections has shown a commitment to service delivery by government. President Thabo Mbeki has appointed his cabinet to enhance delivery and promote democracy and good governance.

US Vice-President Al Gore, in the electronic journal of the US Information Agency, Economic Perspectives, said the following:

"There is no question that as we move into the global information age, foreign corrupt practices threaten to undermine both the growth and the stability of our global trade and financial system. Nowhere are the consequences more evident than in emerging and developing economies. The financial crises in Russia and Asia have clearly been deepened as a result of cronyism and corruption. As emerging economies open their doors to foreign investment and trade, corruption tends to thrive. At worst, it can impede the ability to attract overseas capital, it can damage economic development and reform and it can hinder the growth of democratic institutions."

There is no doubt that corruption has a profound effect on the financial position and the economy of a country's economy is directly proportional to factors such as imports and exports, and to the quality of government administration and to the level of corruption. Corruption hurts everyone. It deepens poverty, it distorts social and economic development. It erodes the provision of essential public services and it undermines democracy. Instead of fair competition based on price, quality and innovation, corruption leads to competitive bribery. This harms trade and deters new investment.

In the 1998 Transparency International Corruption Perception Index, four African countries — Uganda, Kenya, Nigeria and Tanzania — appear within the last 13 of 85 countries surveyed. Africa, as a developing continent, faces a major problem not only with corruption, but even more so with the perception of corruption. In the same index, the first African country to appear is Botswana, ranked 23, followed by Namibia at 30 and SA at 32 out of 85 countries.

There is a growing consensus among developed and developing countries alike that the fight against corruption advances national and economic interests. Combating corruption is now one of the highest priorities on the agenda of both international development agencies and leading organisations.

I believe that combating corruption effectively and sustainably is possible only with the involvement of all stakeholders. These include the state, civil society and the national and international private sector. Government cannot tackle corruption effectively on its own other than in highly authoritarian and potentially abusive ways.

We must build systems that combat corruption. The three most important aspects in the fight against corruption are:

- Raising awareness about the costs of corruption;
- Promoting good governance, delivery-driven and clean administration; and
- Strengthening the justice sector. Corruption is present in every



JUDGE WILLEM HEATH

country in the world. The only difference is that some countries have managed to control it more effectively than others. One of the principle ways of doing this is to raise the awareness of the private and the public sector with regards to the cost of corruption. Both the public and the private sector are on the receiving end of fraudulent schemes and the effects are clearly evident in the economy.

By raising awareness we can educate people to the fact that cor-

ruption leads to lack of delivery, inaccessibility to basic services, unavailability of education, training and medical services, and lack of funds for pensions, welfare grants, and housing. All these elements affect the poorest of the poor and lead to an increase in crime.

Examples currently being investigated by the special investigating unit include the following:

- In housing subsidy cases, the cash recovery to date has been R3 286 000. This amounts to 219

subsidies. The monthly amount recoverable through acknowledgements of debt is R22 685. At present 122 cases are involved. The unit has received 21 default judgments involving R315 000 and six more cases are due to be heard next week in the special tribunal. In addition to this, a summons is to be served on a contractor next week to the value of R608 040 — equivalent to 40 subsidies.

In pension cases, 1 048 state employees have allegedly drawn a pension as well as a salary. The value of potential recoveries is R53m. On an average pension of R500 a month, this would mean that 9 397 persons could have received a pension every month for 12 months.

The legislation establishing the unit was one of the first acts of Parliament towards a clean administration. In so many cases, we find people are deprived of their rights because a corrupt official in collusion with the private sector is trying to make a "quick buck" or become involved in major syndicate activities.

The promotion of good governance and a delivery-driven and clean administration is essential to the survival of democracy. It is encouraging to see that the government has made great strides in this direction through the establishment of bodies such as the public protector, the Independent Directorate: Serious Economic Offences, the National Directorate: Public Prosecutions, and the special investigating unit.

Also, the improvement in transparency and the oversight in government through activities such as integrated financial management systems and training and technical assistance for audit institutions and anticorruption agencies have become essential in this fight.

Another essential ingredient is that the bodies created to fight corruption have the necessary independence and backing. Independence is vital to their credibility and integrity. It builds better watchdogs in society and creates a greater confidence in the country.

Corruption flourishes where institutions in the justice sector — including the judiciary, prosecutors, police investigators and the private bar — are weak and incapable of investigating and prosecuting criminal activity.

To address these problems it has become essential to look at drafting new criminal and anticorruption laws to support those already in existence, comprehensive training at all levels including the judiciary, and improving the court administration to prevent tampering with records and reduce the delays experienced in hearing of cases.

By strengthening the justice sector and giving it the tools it needs, we will not only create the deterrent effect, but also cultivate anew belief in our legal systems.

We have already experienced the deterrent effect that the unit has on corrupt practices. Often — even before an investigation commences or is concluded — the unit receives calls or approaches to sign acknowledgements of debt or to admit corrupt practices. This amounts to good and clean administration.

The recent upheaval in developing country economies, underscores the importance of transparency in public institutions and public decisions. Evidence also shows that countries with notoriously high levels of corruption risk marginalisation in a world of rapid economic integration. We cannot allow this to happen to our fragile democracy.

A massive investment in anticorruption campaigns will most certainly result in a substantive decline in corruption and a very visible economic growth and stability.

SA does have the potential to manage corruption effectively and prove, not only to its neighbours, but to the entire world that it is setting the benchmark in combating corruption in the new millennium.

Heath is head of the special investigating unit. These remarks have been edited.

# Lack of prosecutions highlighted

(252) (24)

Mtg 20-26/8/99

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 Nedcor/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 decide to prosecute, 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 failing miserably in the first instance, but doing "surprisingly well" in the second.

Only 24,5% of murders, 17,7% of rapes, 17,5% of assaults with intent to do grievous bodily harm, 6,4% of housebreakings, 4,2% of robberies, 3,1% of car thefts and 2,8% of carjackings handed over for a decision to prosecute in 1998 were prosecuted.

According to the report, the number of prosecuted cases resulting in convictions was "dismally low". Only two out of every 13 murders, one out of every 11 rapes and one out of every 53 carjackings resulted in a conviction.

The trouble seems to stem from witnesses and victims refusing to proceed with cases. This is especially common when the victim and offender know each other. Last year 53,5% of cases of assault with intent to do grievous bodily harm and 38% of rape cases were withdrawn.

In cases where police were the main witnesses, a high number of cases ended up in court, including 86% of drug offences and 88% of drunk-driving offences. More than half of those cases resulted in a conviction.

Prosecutors only take on cases where "there is a reasonable prospect of obtaining a conviction". The report credits the three-quarter conviction rate after prosecution to this factor: About 90% of drug-related crimes, 80% of housebreakings, 75% of car thefts, 67,2% of carjackings, 63,9% of murders and 50,4% 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, for the unscrupulous crime pays, as most accused persons are never caught or prosecuted."



'Less criticism  
as results seen'

# We'll win in the end, says upbeat Ngcuka

## PARLIAMENTARY BUREAU

National Director of Public Prosecutions Mr Bulelani Ngcuka said yesterday his former leadership role in the ANC put him in good stead with IFP leaders and had not experienced problems in investigations into political violence in KwaZulu-Natal.

Speaking at a media briefing Mr Ngcuka said he might have been criticised in the beginning but now people could see the results of his work. He said the IFP were co-operating with the Directorate.

Mr Ngcuka said the number of criminal prosecutions of offenders were on the increase in the province. A thorny issue was that of prosecution of crimes resulting from the Truth and Reconciliation report.

He said he wondered every night whether South Africans wanted him to channel scarce resources to pursue TRC cases which were crimes of the past while they had a pressing load of current crimes to consider.

He said however he did not agree with Human Rights Commission chairman Barney Pitso that all prosecutions should be dropped for the sake of reconciliation.

## Prosecutors

### meeting targets

#### PARLIAMENTARY BUREAU

The overhaul of the prosecution services about a year ago was beginning to bear fruit as Government intensifies its iron-fist approach to crime.

National Director of Public Prosecutions Mr Bulelani Ngcuka said yesterday that when his office was established a year ago he met every prosecutor to find out their grievances. He found they were suffering from low morale and low pay.

He then increased their salaries by 18% and held back a further three percent increase until September on condition that they met performance targets.

He said statistics gathered since April this year showed prosecutors were well on the way to meeting the targets and earning their three percent increase.

## Prosecutions director says defeat in court is not the end of asset forfeiture law



ADRIAN HADLAND  
POLITICAL EDITOR

National Director of Public Prosecutions Bulelani Ngcuka had been warned repeatedly that when he tried to persuade South Africa's judges to implement new laws against organised criminals, he would face an arduous, uphill battle.

After three court defeats in quick succession - the last one concerning apartheid chemical weapons expert Dr Wouter Basson in the Pretoria High Court earlier this week - Mr Ngcuka remains upbeat about the prospects and confident that, sooner or later, he will win the day.

But why is it that the judges appear so determined to block a law, in this case the Prevention of Organised Crime Act, which allows the state to confiscate any cash or assets which have obviously been obtained as a result of crime?

"The judges feel that this act is too drastic, that it's an affront to the rights of individuals," says Mr Ngcuka. "They've adopted a very narrow approach and there's a high degree of resistance."

The general sense among local judges, according to Mr Ngcuka, is that the penalties imposed are too severe, that property can be grabbed without a conviction and that some clauses of the act are possibly unconstitutional.

But a degree of judicial resistance has been a common feature in many parts of the world where laws of this kind have been passed.

In the United States, where the Bill of Rights is renowned for its ferocious protection of individual rights, 12 court cases were lost before the law was finally accepted by the Supreme Court.

Similar patterns have played out in Australia and in Italy. In all, though, judiciaries eventually accepted that organised crime was a different kind of animal to the usual run-of-the-mill act of illegality.

Organised crime is sophisticated, experienced and backed by state-of-the-art technology. Money and goods flow freely and quickly across international borders and from one bank account to another in a matter of hours.

For ordinary police officers, proving the ownership and source of a million rands in unmarked bills is a virtual impossibility. Until this act was passed, the money was inevitably handed back to the very criminals who stole it in the first place.

"The majority of people do crime because of the money," says Mr Ngcuka. "They think they can go and serve their sentence and then enjoy the money afterwards. We want them to go to prison without the luxury of enjoying the money when they're free."

In preparing the legislation itself, Mr Ngcuka brought in a number of international experts and top-rank senior counsel to examine each clause and give advice on the anticipated problems.

The head of the United States asset forfeiture unit came to South Africa along with Australia's attorney-general.

So far, the law has been tested with varying degrees of success in High Courts in three jurisdictions, KwaZulu Natal, Pretoria and the Cape, with a further case pending in Umtata.

"I hope the Eastern Cape will be more lenient," says Mr Ngcuka.

Of the five cases, two have been successful and three - including the Basson case - have been over-ruled.

Head of South Africa's asset forfeiture unit Willie Hofmeyr says: "Test cases are a high risk, but we must test the law."

"Whichever legislation like this has been tried, there have been challenges but the litigation has always, finally, been approved."

"Our concern here is that the judiciary has done nothing to educate themselves," he adds.

"We have put a lot of effort into training prosecutors but you can't lecture the judges for an hour before the trial. There is a crying need for them to examine international precedents. All the measures in this



Expected obstacles: Bulelani Ngcuka

act have been used in other democracies. We haven't just pulled them from a hat."

Surprisingly, the one issue local judges have not seized on is the act's constitutionality. On the face of it, the law contravenes the constitution in several ways. It has an impact on the freedom to hold property, by confiscating it before a conviction has been obtained. It upends the right to remain silent by compelling respondents to prove their assets have been acquired legally, thereby opening them to further prosecution. And it



Underneath: head of the asset forfeiture unit Willie Hofmeyr

presumes the accused are guilty. Ironically, the tendency of local judges has been to go for technicalities - such as whether or not the law can be applied to events which happened prior to the law being passed - or because it is too "vague", rather than on constitutional grounds, which has caused a major problem for Mr Ngcuka and his team.

"We are stuck," says Mr Ngcuka. "No judge has addressed this issue fully square. I don't have the authority to go to the Constitutional Court and say 'test this law'."

"The Constitutional Court will only do that if there is a case. They don't want to test acts in the abstract because there may be real implications that were not considered at the time."

In spite of all these difficulties and the prospect of a long series of court battles which may even do damage to the reputation of Mr Ngcuka, the national director remains determined to proceed. "If we had lost these cases because it could be proved that the money had not come from crime,

that would be fine. But if there is uncontroversial evidence, it would be morally wrong to sit back."

He and his team cling, in the meantime, to the clutch of courtroom victories they have achieved. One of these will result in R145 000 being paid into a special "crime-fighting" account this week.

The money was found in the boot of known drug dealers earlier this year and the bills were marked with mandrax residue.

The cash was confiscated under the act and claimants were given the opportunity to step forward and prove it belonged to them. A few inquiries were made by phone, mostly by other known drug dealers, who claimed the money was from pilchard exports to Ghana. They failed, however, to step forward and swear an oath to this effect.

The money is expected to be officially forfeited next week after a judge has signed the default order.

"It's a very good illustration of what the new law is capable of," says Mr Hofmeyr. "Previously, the police would have given the money back as there wasn't enough evidence."

Whether it takes five more court battles or 20, whether it requires a constitutional amendment or a new law to close the loopholes, Mr Hofmeyr and Mr Ngcuka are ready and willing to persevere.

"People may laugh and say we are bumbling fools," says Mr Ngcuka of his latest defeat in the Wouter Basson trial. "But I'm going to go back. I'm going to get that property. We shouldn't say that, just because someone stole the money last year, or the year before, that we shouldn't be able to move in and take it back."

The issue is both a moral one and one of necessity. Laws like the Organised Crime Act are being used across the world and are acknowledged as the only real weapon available to countries to fight organised crime. It is a question of sending out the right signal and letting criminals know that wherever, whenever, they defrauded the country's citizens of their property, they will be brought to justice.

"We believe the majority of people want us to do something about crime," says Mr Ngcuka.

ARUR 27/8/99  
(34) (272)



COMMERCIAL CRIME

# TIGHTENING THE COLLAR

Business and the criminal justice system begin to sweep clean (34) 11/23/81/99

an Swanepoel, head of the Investigating Directorate for Serious Economic Offences (Idseo), has three strongrooms at his Visage Street, Pretoria, headquarters stacked floor-to-ceiling with open case files on commercial crime.

"We have about 50 cases at any given time," he says, "and it generally takes about two years to complete one."

Idseo, formerly the Office for Serious Economic Offences, is modelled on the UK's Serious Fraud Office, and bears testimony to the costly legacy of white-collar crime in SA.

For years, it seems, white-collar criminals have been a protected species — living happily on the proceeds of crime, their activities unsuspected. Many have committed fraud, forgery and embezzlement, and left the scene of their crimes before they could be exposed.

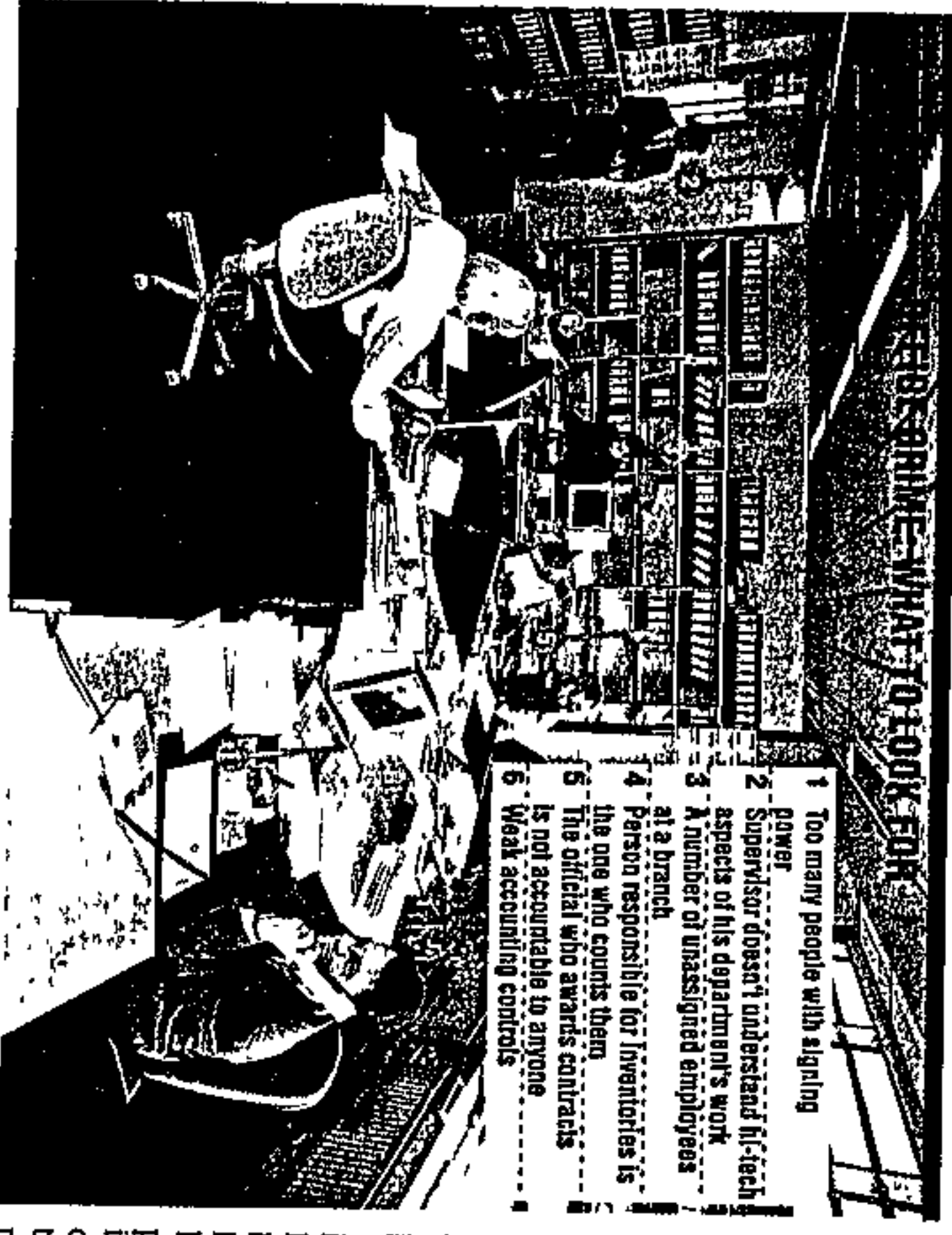
Those found out and arrested often have been able to delay indefinitely, or even subvert, the course of justice.

Those tried and consigned to prison are often freed for good behaviour after serving a fraction of their sentences, returning to enjoy the fruits of their ill-gotten gains.

But remedies may be at hand.

With private-sector support, government is reforming the entire criminal justice system — the SA Police Service, the Justice Department, Correctional Services and Welfare.

As the process unfolds, it could spell the end of the internal inefficiencies, corruption and poor morale that have subverted the authorities' ability to contain all types of crime, and which have created a new



**ESCAPE WHAT TO LOOK FOR**

- 1 Too many people with signing power
- 2 Supervisor doesn't understand financial aspects of his department's work
- 3 A number of unassigned employees at a branch
- 4 Person responsible for inventories is not accountable to anyone
- 5 The official who awards contracts is not accountable to anyone
- 6 Weak accounting controls

ball game for criminals.

The extent of white-collar crime is reflected in police records that show "fraud, forgery, malappropriations and embezzlement" occurred at a rate of 64 cases/100 000 of the population from January to May this year. Compare this to the 15,3/100 000 for car hijacking, 5,8 for hijacking of trucks and 90 for robbery with aggravating circumstances and it is soon

were unable to cope with the number and complexity of cases. But Swanepoel admits Idseo itself has previously been unable to make much headway, even dealing with a small fraction of commercial crime reported to the police, because of a lack of resources, red tape, negligence or bribery.

Swanepoel cites high staff turnover as a major delaying factor. "Once our investigators have two years' training, they get officers from the private sector — banks, accounting firms, big corporations. They all have to have their own investigating units. We lost half our staff last year."

Swanepoel points out that each time a new investigator is appointed, he has to familiarise himself with the contents of perhaps 200 files.

The good news is that Bulelani Ngcuka, appointed National Director of Public Prosecutions last year, has been proactive in recruiting new staff and is determined to keep them. While promoting affirmative action, he says he is determined to retain skills and experience wherever he finds them. It means he must offer advancement opportunities to everyone, he says.

Ngcuka has created financial incentives for prosecutors. After securing an 18% increase for prosecutors last year, he is offering another 3%, provided they reach certain targets set earlier this year, by the end of September.

Ngcuka's post was created under the National Prosecution Authority Act, fast-tracked through parliament last year to create a new dimension to the criminal justice system.

Idseo has already felt the benefits. "We had a 200% increase in staff last year," says Swanepoel. He confirms that Ngcuka has succeeded in bringing Idseo up to its establishment level.

More appointments have been made this year and Idseo will have 25 police investigators, four accountants, 30 advocates in Pretoria and 12 in Cape Town when its staff complement is filled.

When necessary, Idseo has the cooperation of the National Intelligence Agency, which works closely with the National Directorate of Public Prosecutions.

It also gets international assistance in the substantial number of cases where there is an overseas link.

Now the unit will be able to apply the prosecution powers it was granted in 1996 but which went unused because resources were not available, forcing Swanepoel to refer cases to already overburdened public prosecutors.

Another important dimension to the reform is the creation of three courts dedicated to commercial crime. "If you put commercial crimes on the roll in other courts, you simply can't find dates because these things run a long time and the courts have other priorities," says Swanepoel.

The special courts initiative was developed jointly by the police, BAC and the Department of justice.

The first court will start in October. "Prosecutors have already been appointed, and we are all set to go," says Ngcuka.

The commercial crimes court is expected to significantly reduce delays that create a perception among criminals that the law will never catch up with them.

Since 1996, substantial support for the criminal justice system has come from the private sector in the shape of funding and expertise. BAC was formed that year, after then President Nelson Mandela appealed to business for assistance. It consists of an informally co-ordinated group of organisations in different parts of the country, and a national body.

Van Rensburg says BAC has decided to concentrate on four projects — one of them commercial crime. The organisation has helped devise a new police policy and structure better focus on commercial crime and developed new training modules for investigators. It also advised in-creating investigators' powers, with power to seize the assets of suspected criminals if the weight of evidence warrants it.

Is life going to get tougher for white-collar criminals at last? **Edel Bevan**

**Bulelani Ngcuka will be a speaker at the 9th International Anti-Corruption Conference in Durban from October 10-15.**



(34) Fm 27/8/99

CRIME IN THE WORKPLACE

# AN INVISIBLE WHISTLE FOR THE CAMOUFLAGED CRIME

Staff give first-line protection against the crook in their midst

How does that high-flying colleague pay stay on the move? An in-house scam, perhaps? No? Well, consider this: his employer may be investigating his credentials — and here's the scary part — yours, as well.

In the present environment, when white-collar criminals are snatching bigger and bigger sums from under the noses of company officials, people in positions of responsibility should take such possibilities seriously.

There may be a simple explanation of how someone on a modest salary is able to fund a lavish lifestyle. But don't take for granted your colleague is Mr or Mrs Nice just because your families are on visiting terms.

Unlike muggers, car hijackers and housebreakers who hit their targets and

run, or con artists who defraud strangers, white-collar criminals insinuate themselves into the fabric of an organisation, build relationships with colleagues and blend in with those around them.

Anecdotal evidence suggests they generally don't have a criminal record, they frequently live in a stable family situation, and they are usually in middle or upper management.

Once in place, a criminal is able to steal cash, falsify inventory records, create ghost employees at branches. He can also create a fake paper trail to justify unauthorised cash payments to outsiders, allocate contracts in return for gifts, sell trade secrets or divert large flows of funds from their rightful destinations to their own accounts.

Managers and others must be alert to any sign that all is not as it should be. If a

## Economy & Business

crime remains undetected, losses will continue to mount and the fallout could be damaging to everyone in the chain of command.

Corporate SA is taking its adversarial seriously. Companies no longer rely solely on auditors to detect miscreants in the workplace. Business Against Crime estimates that only 2%-3% of white-collar crime is detected by the auditing process.

Risk management is becoming a corporate governance issue. And, unfortunately, one of the most effective ways of fighting crime is by encouraging and protecting whistle-blowers.

A new venture offering a tip-off service for corporate clients was recently estab-

### INDUSTRIAL ESPIONAGE

#### PIGEONS IN THE SPYMASTER'S LOFT

Someone anonymous, surely a good Samantian, has e-mailed you an amusing or sexy picture. It is a moment's diversion, but as you gaze at the illustration, you are unwittingly downloading a programme which sends all your correspondence to a computer hacker, and addresses of your other e-mail correspondents.

Surreal, right? Maybe, but it's a true story from Howard Griffiths, a forensic investigator who makes a living by combing through SA corporations in pursuit of information thieves.

Industrial espionage — the theft of critical competitive information — sounds spiffy. But, with SA's relatively small R&D budget, isn't local business too sleepy for such escapades? Doesn't the US have the monopoly on computer hackers and men in black?

"It happens often in SA and in all businesses, particularly from companies wanting to gain market share, some of them international concerns," says Griffiths, MD of Griffiths & Associates. "There's a new world order. It isn't communism vs capitalism anymore, it's a global business war."

Industrial relations negotiations are a prime area for prying ears. Others are tender applications, mergers and acquisitions, marketing strategies and customer lists, particularly as the econ-

#### WHAT TO DO

- Report immediately to the department head who should inform the chief executive
- Preserve the evidence
- Protect the assets at risk
- If it's serious, initiate civil or criminal action

#### HOW TO PREVENT IT

- Train staff in fraud prevention and detection
- Establish an internal audit committee
- Review and improve internal controls
- Increase budget for security personnel

omy splutters. Yet it isn't a hot button for SA business publicly.

"We sweep for bugs every three months and we've never found anything, there was discussion about whether we should do it at all," says Exchange chief operating officer Edwin Gear.

Exchange may have been fortunate. "When we used to sweep for bugs a few years ago, we found one in a hundred (sweeps). These days, it's one in five," says Ockle Fouty, CE of private investigation company OF&A.

"Big corporations will never reveal they've been the victims of bugging," adds Griffiths. "Though there aren't many true industrial spies around, the loss of information through staff or hackers happens more often than companies like to think."

The worst problem is usually the enemy within. "It could be someone who didn't get a promotion or the right deal, or a person who has left a company for a competitor," says Griffiths. "All their friends are still there — all they have to do is pick up the phone to get information."

Poaching valuable staff is an obvious way for crucial information to leak. The IT industry itself is a big target. "People in IT are highly mobile and, though it's a big concern, there's not much we can do," says Gear.

The industry has matured from jealousy guarding innovation to one driven by marketing. "It's all about being first to market and there's always the risk that staff compromise an in-

lished and has already scored some successes.

When an anonymous employee fingered a middle manager in a purchasing department, the client company discovered he had been defrauding it for years.

The caller had been aware of the problem for some time but had been reluctant to come forward until offered the opportunity to do so anonymously, says Tip-offs Anonymous CEO Brian Adams.

In an era when accountability is important in business, a manager or supervisor who values his or her job and peace of mind must stay alert to flaws in internal controls — and, of course, avoid fiddling or using the company credit card for his own expenses.

Edna Brabant

tative by leaving for a competitor at a critical stage," he says. "We have sophisticated firewalls to keep out hackers, and we are very protective about our M&As."

Industrial espionage is made easier by new technology, especially computers. Data security company Nanoteg estimates that computer crime, including theft of information, cost SA about R360m in 1997. That may seem negligible compared to the US, where data theft is said to have clocked up US\$20bn, and computer crime cost \$47bn in 1998. But Nanoteg estimates only 10% of SA computer crime is detected.

Unlike in the US and the UK, industrial espionage isn't a crime in SA, which makes it difficult to police. Evidence is prosecuted as theft, fraud or malicious damage to property. But common law can fall short on something as nebulous as the theft of information or as complex as computer crime.

"SA is investigating whether to implement legislation to cover computer crime, and we are likely to use the US as a model since its nature is global," says Nceba Gomomo, senior researcher at the Institute for Security Studies.

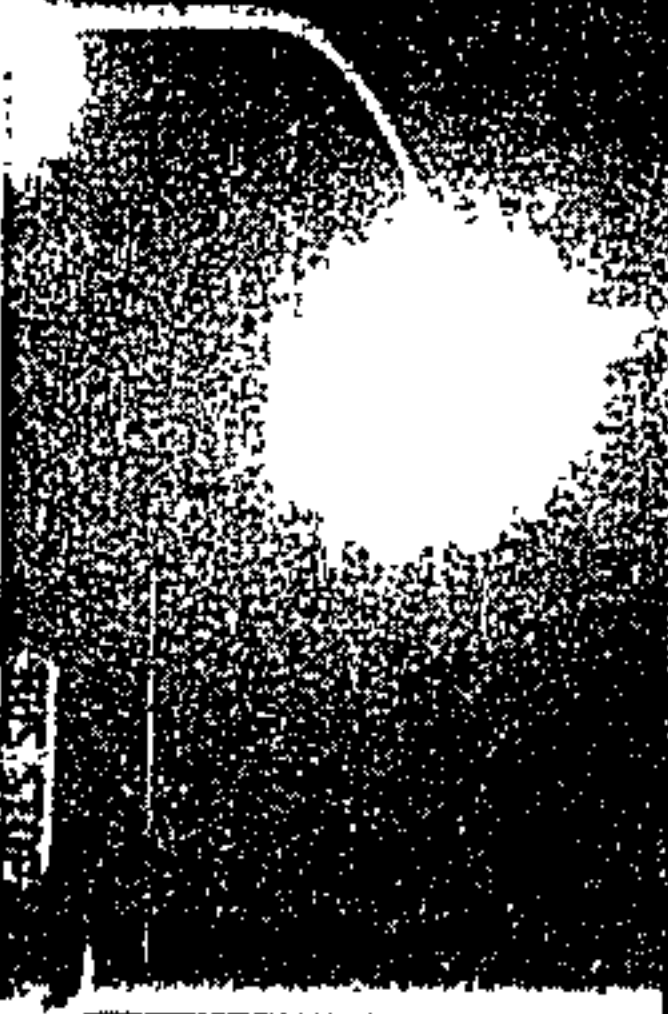
Companies need to evaluate their risks to prevent problems. "People know what's valuable, but often don't know how to protect it," says Griffiths. "They'll say: 'We think we've been the victim of hacking.' But they'll be calling us from a phone that could be tapped." SA seems fertile ground for security consultants.

Tammy Uvill



# Concerned citizens in the 'hood

In the absence of the police, communities are doing it for themselves, writes Kerry Cullinan



**W**e should go in my car because the gangsters know it, so they won't do anything," says Louis Swigelaar, head of the Neighbourhood Watch Association in Mitchell's Plain, indicating his battered, red vehicle.

As we head out into the night, a two-way radio crackles repeatedly: there's a housebreaking, a child is looking for his father. It's 10pm on a Friday and neighbourhood watch members are linking up with each other.

Neighbourhood watches are a positive sign in crime-battered Mitchell's Plain that law-abiding people are fighting back - against the criminals and the failure of police to offer adequate protection. Using their own cars, petrol, guns and spare time, about 1 200 residents have joined the 40-odd watches in the vast community, the working-class answer to the armed response companies of the rich.

"We are here to protect lives and property," says Mr Swigelaar, who is also a commissioner of oaths and justice of the peace. Middle-aged and shortish, he looks more like a family man than Rambo. Yet his quiet confidence has earned him the respect of the neighbourhood watch members and he is also called in to mediate in gang fights.

Mr Swigelaar quit his job as a manager of a furniture chain a year

ago to concentrate on building the watches. The father of three says simply: "Someone has to do it. My children must be able to walk in the road. My family, my neighbours must be safe."

He says the aim of the neighbourhood watches is to be visible. "We go into an area to be visible and normally the perpetrators move out. Rooklands is one of the zones that co-ordinate the neighbourhood. It's past midnight and the guys are revving up their motley, patched-up cars. They are generally young, mid-20s to mid-30s, and there is a good rapport in the group.

"We have become like a family," says Eugene Geldenhuys, a trained medic. "I have been with the neighbourhood watches since I left school 10 years ago. Before, I would see crime happening before my eyes and not be able to do anything about it."

When there has been a crime, watch members try to help the victims and catch the criminals, says Mr Swigelaar. But he stresses that they are "not allowed to hurt the perpetrator" and must use "minimum force to apprehend people and take them to a police station".

Given how understaffed and under-resourced the police are, one would expect that officers would have an interest in the neighbourhood watches. But the relationship is patchy and depends largely on individual cops. Only one officer, Des

Laing of the crime prevention unit, seems to work closely with the watches.

Mr Swigelaar says Captain Laing works with them "because he is dedicated, listens to the community and responds". Ideally, the association wants to see one police officer assigned to each neighbourhood watch group. "They have the power to arrest suspects and members would be motivated by the presence of a person with expertise," says Mr Swigelaar.

Second prizes would be for police reservists to join the neighbourhood watches - they have the same powers as police. But understaffing means there are neither officers nor reservists to spare. Reservists are made to work at the police station, including neighbourhood watch members who have trained as reservists. This weakens the watches.

"The police are working on their own, the reservists are working on their own, neighbourhood watches are working on their own. We need to work together so that we can feed information to one source. There are sometimes no results because one is working against the other."

Mr Swigelaar says police "relax over weekends because they know the neighbourhood watches are there". Watch members can respond to an incident in their area in five minutes, but it takes the police two

to three hours to attend to a complaint.

There is a ray of light, however. The anti-urban terrorism unit Operation Good Hope is playing a role in getting local police and watch members together.

Frustrated by police failure to launch a proper search for a missing six-year-old Tafelsig girl, Veronique Means, the neighbourhood watches turned to Operation Good Hope chief Gaetan Daniels.

After the child's naked body was found in June, Operation Good Hope helped set up a joint operations centre, which is being run jointly by police and neighbourhood watch members. People who don't want to approach the police can bring information about criminals to the centre. It will also provide an immediate response to serious crimes.

In spite of his criticisms, Mr Swigelaar hasn't given up on the police. He is deputy chairman of the local community policing forum and holds the portfolio of community safety in the forum.

The police are somewhat divided

over neighbourhood watches. They admit the watches make their lives easier, but some are uneasy about their role and there are moves at provincial level to ensure that all neighbourhood watches are registered with the police to prevent them developing into vigilante forces.

"There have always been problems between the police and neighbourhood watches," says Dyson Jacobs, communications officer at Mitchell's Plain police station. He says a closer working relationship means the station would have to allocate an officer to work with the watches and "given the lack of person-power, this is not possible".

Mitchell's Plain's first neighbourhood watches were formed in 1990 by residents who were tired of living in fear. Today, they are sophisticated and widespread. At weekends, a 24-hour "control room" co-ordinates a network of two-way radios as members report incidents and ask for help. The 80 radios were donated by the provincial safety and security secretariat.

"Sometimes it is extremely busy, and then we work through the night," says Ivor Dyson, between fielding calls in the control room on a cold Saturday night. The control room is in a house that was once a satellite police station. The station was closed because of lack of resources. The association hopes the

over neighbourhood watches. They admit the watches make their lives easier, but some are uneasy about their role and there are moves at provincial level to ensure that all neighbourhood watches are registered with the police to prevent them developing into vigilante forces.

Cape Town municipality will give them the house.

Mr Dyson says members have to sign in with their zone, or report in over the radio when they come on duty. By midnight more than 300 people have signed on.

"The things I've seen happening, I said to myself they can happen to my children too," says 53-year-old Abdullah Wagie, co-ordinator of the Portland's Neighbourhood Watch. Errol Felsman says he joined the watch when a mentally handicapped child in his neighbourhood was killed in the crossfire of a gang fight. "We went to the house (of the gangsters). The person on the left of me and on the right were both shot. But we went in and arrested those responsible. And we saw that we could take a stand against gangsterism, crime and drug abuse."

Discipline is maintained through a constitution and a code of conduct. The rules stipulate no politics is allowed and that members have to be sober, have clean records and operate in the areas where they live.

"There is a certain degree of machismo involved in the watches. Some members carry more than one gun, the language is militaristic and the talk about crime is serious. But many members cannot afford guns or bullet-proof vests. In Eastridge, a youngster tries to conceal his only weapon, a hockey stick. And those without cars must patrol

on foot, shabby shadows of the flashy, well-resourced gangsters.

Strict rules govern the use of guns, which are all checked carefully against members' licences. "If a member uses his firearm, he must not move away from the area where he shot. I will then go out there and investigate. Even if there is a valid reason, we will still make a report to the police," says Mr Swigelaar.

He stresses that his association does not have links with Pagad, which has been implicated in the assassination of gangsters and the destruction of shebeens in the Western Cape. But sometimes watch members get over-zealous. For example, two members brought to the police station a man suspected in a stabbing. He had been spooked and his shirt was torn and bloody. A few weeks later, a wife battered in Tafelsig was beaten by watch members. Zoraya Abraham, secretary of the association, is one of the few women active in the watches. She says they are trying to encourage more women to join and to get the wives of members to form support groups. She says women are particularly effective in dealing with domestic disputes.

This is an edited version of an article that appeared in the *Iktasa* publication *Shiyaga!*





AIMING FOR ACTION: NP leader and gun enthusiast Marthinus van Schalkwyk tests a specialist handgun, at the Milnerton Shooting Range yesterday  
 Picture: TERRY SHEAN

## Nats open fire on draft gun law

JANET HEARD

(252) (34)

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 Secretary 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.

ST (cm) 29/8/90



# Ngcuka welcomes testing of new crime prevention act

CP 29/8/99

34 (252)

NATIONAL Director of Prosecutions Bulelani Ngcuka is bracing himself for another legal tussle - and the likelihood that more egg will land on his face - before the legal machinery is in place to seize and keep the ill-gotten gains of criminals.

Since the Prevention of Organised Crime Act became law in January this year, Ngcuka has had a bumpy ride. The seizure of two hundreds of assets went smoothly, but those of an alleged kidnapping gang in the Transkei hangs in the balance.

The courts have also agreed with three challenges to the law - which allows the state to take civil action to seize assets used to commit a crime or which are the proceeds of crime - by alleged criminals.

The act's provisions mean that evidence which may not be strong enough to secure the conviction of a suspect can nevertheless be used as the basis for seizing assets. The state only has to prove that it is probably likely that these assets were obtained through crime.

The basis for the three rulings against forfeiture was technical - that two sections of the act did not apply retrospectively to the period before the act became law in Jan-

uary this year. First, Gavin Carous, a Cape businessman who has admitted running an illegal shebeen and a taxi fleet for escort agencies, won back the right to his properties, cars, cash and jewelry. Judge Andre Blijmants said the act lacked retrospective force - and that there could be "no deduction that the property, cars or close corporations had been obtained or retained through illegal activities".

Next, Durban detective and alleged crooked cop, Piet Meyer, obtained a similar ruling in terms of his luxury vehicles and furniture. Still less savoury was the victory of apartheid chemist Wouter Basson, whose legal counsel got the courts to rule that yet another section of the act was unsound.

These loopholes are to be plugged by parliament, which is set to amend the act this week, with President Thabo Mbeki on standby to sign the amendments into law by next weekend. This means that in just over a week Ngcuka's assets forfeiture unit could be once again knocking at the door of apartheid chemist Wouter Basson and seizing some R44 million of his assets.

But Ngcuka and Willie Hohmeyr, who heads the Assets Unit and was a key architect of the controversial law, anticipate still more legal battles - not least the as yet untested question of whether the law is in line with the constitution.

Experience in countries like the United States, Italy and Australia indicates it will take time before the law meets with approval from the judiciary.

The logic behind seizing assets thought to be the proceeds of crime or the means of commissioning crime is simple: it is a way of undermining that crime does not pay. Moving in advance of a trial is intended to prevent alleged criminals hiding their ill-gotten gains. This would mean that convicted criminals would no longer have such assets to look forward to on their release from prison.

Ngcuka said although measures to allow assets' forfeiture were in line with international trends to combat organised crime, they were new to South Africa and it was inevitable that judges would feel uneasy with a law that seemed sweeping and drastic.

Adding to such unease was the perception that forcing an alleged criminal to disclose his assets flew in the face of the right of an accused to remain silent.

Hohmeyr has been at pains to emphasise that the forfeiture measures were civil, not criminal. This week he said it was wrong to argue that the act was at odds with legal tradition.

He said where a person's liberty was at stake - as in a criminal trial - a case had to be proved beyond reasonable doubt.

However, civil courts relied on the balance of probabilities to decide whether damages should be awarded. Similarly, decisions on assets seizure relied on balance of probability. Hohmeyr says the act is not a case of double jeopardy -

someone being punished for a crime by losing his assets and then running the risk of being punished again if convicted in court. Instead it simply enabled the state to intervene and prevent anyone being in possession of the proceeds of crime. Far from fearing a challenge to the constitutionality of the act - for example on the right to hold property - Ngcuka would welcome it.

"From our side we would like the question resolved once and for all but we do not have the authority to test it in the Constitutional Court," he said.

Ngcuka said if a problem did arise, the constitution would have to change. It could not be allowed to be an "albatross".

Ngcuka's determination to be in a position to seize criminals' loot stems from concern about the high crime rate and claims that crime has become big business in South Africa with syndicates, often inter-

national, targeting the country. Measures such as assets seizure and anti-trading laws have proved valuable in countries such as the United States, Italy and Hong Kong in dealing with gangs such as the Mafia and the Triads.

The Public Prosecutions Directorate hopes that a strengthened law will help it tackle, for example, local hijacking syndicates, Nigerian, ho-controlled heroin traffickers and Cape Flats gang-bosses, many of whom are accused of having links with organised crime as far away as South America and south-eastern Asia.

By 1996, organised crime was estimated to account for a turnover of R41,1 billion in South Africa - a time when the opening of the economy and borders had joined with an apartheid era history, where un-governability in the townships was matched by the illegal activities of many members of apartheid forces.

Researchers argue that this scenario made it easy for criminals to emerge on a wide scale, while the very factors that South Africa uses to attract investors - infrastructure, a developed financial system, potential markets internally and a gateway to other African countries

have made the country attractive to organised crime seeking to move illegal drugs and weapons and to launder money.

Ngcuka set up several specialised investigative units to look at urban terror in the Western Cape, political violence in KwaZulu-Natal, vehicle hijacking in Gauteng and apartheid era human rights violations. And now the unit dubbed "the Scorpions" is to tackle priority crimes.

A holistic approach, teamwork, performance targets, hand-picked investigators and the fast-tracking of key cases through the justice system are key aspects of these units' approach to combating organised crime.

Ngcuka says there is often a direct link between criminal activities such as hijacking, gun smuggling and the illicit drug trade. In many recorded instances, cars are taken out of the country and exchanged for weapons and drugs, which are then brought back into the country.

According to his investigators, a key element in such criminal networks is corrupt officialdom - at border posts, home affairs offices, traffic departments and the like.

Having made the country attractive to organised crime seeking to move illegal drugs and weapons and to launder money, Ngcuka set up several specialised investigative units to look at urban terror in the Western Cape, political violence in KwaZulu-Natal, vehicle hijacking in Gauteng and apartheid era human rights violations. And now the unit dubbed "the Scorpions" is to tackle priority crimes.

A holistic approach, teamwork, performance targets, hand-picked investigators and the fast-tracking of key cases through the justice system are key aspects of these units' approach to combating organised crime.

(34) (252) CP 29/8/99

# Crime forfeiture act gets revised

By ZOLIE NGAVI

## Hasty change to remove technicality forcing assets to be returned

AMENDMENTS to the controversial Prevention of Organised Crime Act will be brought before Parliament this week after the act underwent much-needed surgery.

Emerging will be a piece of legislation that states clearly that the act is meant to apply retrospectively, a technicality which has caused Prosecutions much embarrassment as it was forced to return properties allegedly acquired as the proceeds of criminal activity.

However, members of the ad hoc committee dealing with this legislation have not only applied them-

selves to the issue of retrospectivity but also to other provisions of the act in order to ensure that, should its constitutionality be challenged, it should be sound.

The act, rushed through Parliament earlier this year, has already been used on six occasions, and on three of these judges ruled that properties seized should be returned to their owners because the act did not apply to alleged crimes committed prior to its promulgation in January this year.

Though this has been addressed

with the new amendments, legislators are still concerned about the constitutionality of the act. Johnny de Lange, chairman of the ad hoc and justice committee, has repeatedly stated that he would be happy if the legislation is challenged in the Constitutional Court as soon as possible.

The problems with the legislation on the forfeiture of criminals' assets would remain until its constitutionality had been tested. National Director of Public Prosecutions Bulelani Ngcuka said this week.

Unfortunately he did not have the authority to go straight to the Constitutional Court and ask it to look at the act.

"I would really love to get this thing sorted out so we know where we stand," he told a media briefing in Cape Town.

In separate rulings, three High Court judges have overturned seizures under the Prevention of Organised Crime Act, saying it does not apply to alleged crimes committed before its promulgation in January this year.

Ngcuka said none of the judgments had squarely addressed the issue of constitutionality, and had focused instead on other aspects, such as retrospectivity.

He had been guaranteed that the Second Amendment Bill - which will change the act to make it clear that it applies to crimes committed before it came into force in January this year - would go through the National Assembly next Wednesday.

It would go to the National Council of Provinces on Thursday (Sep-

tember 2) and to President Thabo Mbeki for signature on Friday (September 3). By Monday (September 6) it would be promulgated and come into operation.

Ngcuka said judges were wary of the idea of being able to seize property without a criminal conviction. His office thought it might be a good idea for them to have workshops with judges from other countries who had dealt with similar legislation.

The head of the directorate's assets forfeiture unit, Willie

Hohmeyr, said overseas advisers had warned there would be tremendous resistance to the legislation from the judiciary.

The directorate would continue fighting the cases in court, because it felt it was vital to persuade the judiciary that the law's wide measures were necessary if organised crime was to be effectively combated.

"It is a matter we are going to have to fight out in the courts over the next year or so," he said.

The forfeiture of criminals' property after a judicial decision based on a balance of probabilities was perfectly consonant with what happened in the civil courts every day.



BD 21/8/99

## Department 'to scrutinise crime proceeds law'

Farouk Chothia (34) (272)

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 Bulelani Ngcuka, 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, as in most "civilised" countries, interpreted the purpose of the legislation rather than settling for a literal meaning of words.

Democratic Party justice spokesman Tertius Delport said he was concerned that the amendments approved yesterday made "inroads into the discretion of the courts".

# 'Scorpions' set to sting crooks

## Mbeki launches SA's most powerful weapon against crime scourge

MURRAY WILLIAMS & SAPA

President Thabo Mbeki has unleashed what he hopes will be South Africa's most powerful weapon against crime.

The Directorate of Special Investigations, nicknamed "Scorpions", is an elite team of investigators and intelligence experts who will focus on organised and syndicate crime, serious economic offences, corruption in the criminal justice system and crimes against the state.

Safety and Security Minister Steve Tshwete said the Scorpions' intention was "stinging them (criminals) from where they are hiding, to behind bars where they belong".

The unit will be led by former policeman and United Nations war crimes investigator Frank Dutton.

He will report to the national Director of Public Prosecutions Buleani Ngwenya, who in turn will report to Mr Mbeki through the inter-ministerial security committee. The unit will have a staff of 200, which it hopes to expand to 2 000 within the next two years.

The directorate will have substantial resources, including the ability to intercept and monitor electronic communication, surveillance systems, forensics and effective witness protection programme.

Director Dutton said the unit would rely heavily on the police, the National Intelligence Agency and other secret services.

Mr Ngwenya said it was possible the Scorpions would take over a number of existing cases from the police as soon as it began operating.

He revealed the unit's name had been sealed when Mr Tshwete had sung the Xhosa song, "Nkanyiso yika unomadukuwane" (I'm afraid of the scorpion) at an inter-ministerial



Scorpions' head Frank Dutton, left, leads the team of detectives who will fight criminal masterminds countrywide. He reports to Director of Public Prosecutions Buleani Ngwenya, centre.

meeting. The establishment of the Scorpions follows Mr Mbeki's announcement at the opening of Parliament in June that "a special and adequately staffed and equipped investigative unit will be established urgently to deal with national priority crime, including police corruption".

Since then, an inter-departmental task team has worked fast to form the new unit.

"My brief is to produce a dedicated pool of skilled professionals," Director Dutton said.

He said he was under no illusion of the enormity of the task. "I'm

aware the levels of despair about crime are very high, and our biggest challenge will be to develop a credible unit that enjoys the confidence of the people it aims to serve.

"To earn this, we have to ensure high standards of honour and integrity among our recruits."

"Vigorous" screening processes and continuous self-policing would "keep the taint of corruption at bay".

Director Dutton said the directorate would try to recruit educated and dynamic young people and would draw on international expertise to develop quality training. Cases would be assigned to

teams, each comprising intelligence gatherers and investigators, guided by a prosecutor to ensure success when the cases reached the courts.

The president said Director Dutton faced a difficult task. National police Commissioner George Fiyas had faced a difficult task, not least of which was trying to clean up police corruption.

Mr Mbeki said it was appropriate that the new super-unit had been launched in the Cape, which was "plagued with gangs and gangsters".

The launch was a sign of the government's commitment to deal with crime of all types, Mr Mbeki said.

### Newsman foil hijack

Two journalists on their way to the official launch of South Africa's elite crime busting unit, the Scorpions, in Guguletu escaped a hijack attempt.

Johann Maarman and Deon Gurling of Rayport got lost on their way to the launch of the directorate of special investigations.

They stopped near four men and Maarman got out to ask the way.

One man pushed him out of the way and said they wanted his car. Maarman jumped back into the car and sped off. - Sapa

RRR (34) 2/9/99



CR 2/19/99

# There's a sting in the tale

(34)

SPE

**GASANT ABARDER**  
*When told of the Scorpions concept, Frank Dutton did not give it a second thought*

**I**URED back to South Africa by his deep sense of patriotism, Frank Dutton has left behind him a successful career as one of the world's premier war crimes investigators to head an elite team of crime fighters to eradicate organised crime in the country.

When Dutton emerges from his office to meet me, clad in a formal black suit, he seems mild-mannered yet authoritative — much like a bank manager.

Albert hard to imagine, Dutton will soon be faced with the unenviable task of heading the Directorate of Special Investigations, better known as the Scorpions, which he believes will meet and even beat world standards in crime fighting.

But make no mistake: Dutton is an old hand at investigating crimes on South African soil as well as abroad, boasting an impressive CV in managing large investigations.

The 50-year-old former policeman started his police career in KwaZulu-Natal as a 17-year-old rookie, and in 1974 had his first taste of investigative policing at the detective branch of Tongaat police station.

In 1983, Dutton was appointed head of the Pinetown field unit, which dealt with serious violent crimes in an era marked by political violence.

It was two years later that Dutton's career took a 360° turn when he started investigating political violence. He excelled at his new brief and was moved to the Goldstone Commission of Inquiry where he was instrumental in putting the notorious former Vlakplaas commander Eugene de Kock behind bars.

In 1996, Dutton was approached by the United Nations to serve as an investigator at the International Tribunal for the former Yugoslavia. He was based in the Netherlands and managed the UN's forensics team investigating mass graves. Last year he was promoted to investigation commander.

Dutton, however, longed for his native South Africa where his three children and four grandchildren were still living.

to gain international experience in the management of large investigations. I always knew that I wanted to return to this country and plough back the skills and experience I had gained abroad.

"It all started with a phone call from Bulelani Ngwenza (Director of Public Prosecutions) who told me of the Scorpions concept and that he wanted me to head it. I did not give it a second thought. I then met up with him in Germany where we discussed the plan. I was excited," he beams.

South Africa has become a haven for criminals in the past few years where hest gangs, international syndicates and mafia-style crime organisations have looked virtually invincible.

Because of limited resources and manpower, the local law enforcement agency, the South African Police Service, has looked in for rooting out these sophisticated crime families.

With an air of quiet confidence, this man, who admits that his most hectic activities include handiwork, reading and writing for recreation, believes that the Scorpions will turn all this around.

He has his vision for the Scorpions down to the letter.

"My long-term vision for the Scorpions is to establish a highly professional and credible investigative unit to meet and beat the best in the world. But to reach that standard we have to make certain — it should not be rushed.

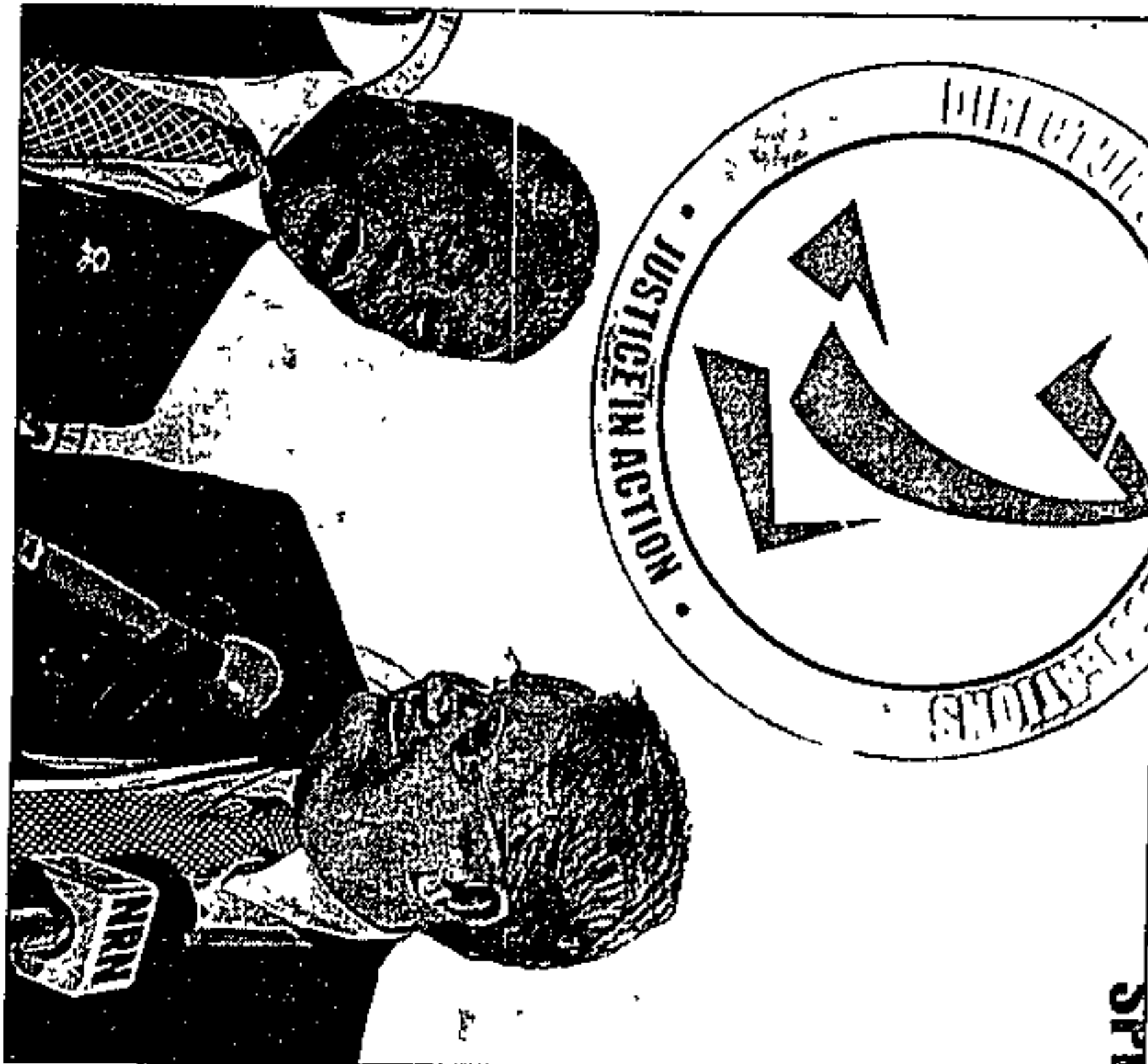
"In the short-term, the ground work must be done properly. Our first breath of life must be acquiring the right people and in starting out we don't want to overstretch.

"Our initial goal will be to employ 200 people who will work on the trika principle, used by the UN, incorporating a team of intelligence agents, detectives and prosecutors.

"We will then pause and consolidate and over a period of two years we will look for well-educated, dynamic young people who will receive initial basic training from which their disciplines will be determined. We want to offer them a life-long career at the Scorpions."

Dutton admitted that he will not hesitate to head-hunt for the best. He is also aware of the public's poor perceptions of policing and sees it as imperative to overcome this hurdle.

"We are looking outside the bound-



**JUSTICE IN ACTION:** President Thabo Mbeki launched the new Directorate of Special Investigations in Gugulethu yesterday. With him is Frank Dutton, who will head the specialist anti-crime unit.

PICTURE: DENZIL MASEGILE

aries of South Africa for expertise, but we are looking to primarily recruit South Africans.

"The biggest challenge I foresee is to establish the credibility of the Scorpions — that is the difference between a crack team and a mediocre team.

"We are not going for quick fix solutions. We want to lay a good soil and the crops we reap will be the criminals. I do, however, understand there is a great and urgent need to stop crime in this country," he says.

Dutton rejects the idea that that there will be a fair amount of stepping on the toes of the SAPS in terms of overlapping their work.

"The unit is not being formed to take over any unit within the SAPS, but to complement and assist the police in investigating syndicates and organised crime. I think there has been a vacuum in that respect.

"We will have no special powers and it must be kept in mind that we

have to work in the confines of a Constitution," he says.

If the Scorpions can pull it off, South Africa can rid itself of the straggle of crime which has restrained this country in many respects as a potential world leader.

And Dutton, in his humblest manner, understands that he could be at the forefront of a revolution against crime.

He finds it important, though, not to aspire to organisations like the FBI or other world crime fighting organisations, because South Africa is unique.

He laughs at the idea of his men running around in black suits and arrogantly commanding police officers at crime scenes. But like the name Scorpions suggests, his directorate will be quietly at work, plugging away, and stinging criminals when they least expect it.

And he will be at the head of it, much like a bank manager.

## Scorpions all set to fight crime

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**RONNIE MORRIS**

Cape Town - White-collar-crime-nals will now face the sting of an elite group after President Thabo Mbeki officially launched the crime fighting unit the Directorate of Special Investigations, dubbed the Scorpions, in Gugulethu yesterday.

The unit, led by Director Frank Dutton, has a founding complement of 200 detectives and prosecutors that would be increased to 2,000 in about two years.

The Scorpions will investigate priority crimes, including organised crime, violent crimes, political violence, terrorism and crimes against the state, serious economic crime and corruption in the police, criminal justice system and the security forces.

Mbeki was joined at the launch by several Cabinet ministers, including Pennell Maduna, justice; Steve Tshwete, safety and security; Ben Skosana, correctional services; Joe Mlambe, intelligence; Mangosuthu Buthelezi, home affairs; and Patrick Lekota, defence.

The establishment of the Scorpions gives substance to an announcement by Mbeki at the opening of parliament in June that "a special and adequately staffed and equipped investigative unit will be established urgently to deal with all national priority crime, including police corruption".

The Scorpions will report to Bulelani Ngwenza, the national director of public prosecutions, who in turn will report to the president sitting with the Inter-Ministerial Security Committee.

Tshwete, chairman of the committee, said the Scorpions would not replace the National

Intelligence Agency or the South African Police Service but complement the activities of the two institutions and will be a resource to them in the fight against national priority crimes.

The Scorpions will operate along a multi-disciplinary approach, which would include intelligence, investigation and prosecution. This will boost efforts to strengthen co-ordination among the law enforcement agencies and reduce fragmentation and duplication.

To ensure that operations by the Scorpions are conducted ethically and professionally, there will be an office for internal integrity that would form part of the directorate and report directly to the director.

There will also be specialist prosecutors, who will be headed by a deputy national director of public prosecutions.

## Mbeki launches stinging assault on crime

CR 2/19/99

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**GASANT ABARDER**  
**CRIMEWRITER**

THE Directorate of Special Investigations — dubbed the "Scorpions" and described as the country's leading crime-fighting unit — was launched by President Thabo Mbeki in Gugulethu yesterday.

With a brief to probe organised crime, crimes against the state, serious economic crimes and police corruption, the elite unit is to be headed by former KwaZulu-Natal investigator Frank Dutton.

The directorate, based in Pretoria, is to be staffed initially by 200 people, including intelligence agents, detectives and prosecutors,

but the number is expected to grow to 2,000 within two years.

It will become fully operational on January 1 next year.

Mbeki said yesterday: "We lost him (Dutton) for a little while when the United Nations borrowed him. It seemed natural when we set up this directorate that we should call back his expertise. We were worried that he may have been tempted by the Europeans to stay there."

He said they would closely monitor the unit's results. "We have the capability to get on top of these crimes."

Mbeki said national police commissioner George Fiyaz has "a

big problem in cleaning up corruption in the police force" and that the formation of the Scorpions will increase the capacity of law enforcement agencies in South Africa.

But Dutton warned at the launch that there will be "no fireworks" when the unit comes into being. Instead, the directorate will undertake large probes and strike when criminals least expect it.

"As I understand it, my brief is to produce a dedicated pool of skilled professionals. Although I am excited about the future of the Scorpions, I am certainly under no illusion as to the enormity of the task we face. I accept the position

with some trepidation.

"I am aware that the levels of despair about the problem of crime are very high. It will be hard for us to shy away from expectations to produce tangible results in a short space of time," he said.

Fiyaz said the establishment of such a unit is long overdue. "What is absolutely necessary in South Africa is a joint approach between investigator and prosecutor."

Safety and Security Minister Steve Tshwete commented: "There can be no going back now. The establishment of the Scorpions is an attempt to strengthen the hands of the police."

See Page 10



# Crimes come in capsules

These are just a few of the latest incidents of pharmaceutical crime.

It was only after a customer complained that Glaxo Wellcome found its Imuran 100ml tablets were being stolen at Johannesburg airport and repackaged for illegal sale in South Africa.

Glaxo Wellcome spokeswoman Vicki Ehrlich said the tablets were imported in bulk from the UK and packaged here in two-blisters packs. The customer complained there was only one blister in each pack.

When they investigated, they discovered the counterfeit packaging. An airport official was subsequently dismissed.

Glaxo Wellcome packages Betnesol-N drops differently for the South African market and for its companies in other parts of the world, but found stock destined for other countries being sold here by a South African wholesaler.

The stock, Ms Ehrlich said, was apparently intercepted before being shipped out of South Africa and routed back for resale here.

In July, hijackers cost Roche Pharmaceuticals R3-million of Roncephin, an injectable antibiotic

used to treat serious infections such as meningitis and pneumonia, in the 4km trip between Johannesburg airport and the company premises.

Public Affairs manager Jennifer Wilson said the drug was imported from Switzerland and they had been waiting anxiously for its arrival because of high demand in winter.

The stock has not been recovered. When Merck Pharmaceuticals got complaints about one of its hypertensive treatments, it found that a cheap substitute being brought into South Africa was being illegally packaged to resemble Merck's product.

Prathma Naidoo, external affairs director, said the counterfeit product was being made in Pakistan. They became aware of the problem after a customer complained.

Glaxo Wellcome packages Zantac - a drug used for the treatment of gastric ulcers - differently for the state and retail sectors, even giving the state version a different name. But the company found out stock that should have been being used only in state hospitals was being sold in a private pharmacy.

Ms Ehrlich said the packaging clearly identified it as intended for the state and it must have been stolen.

# Police swoop on stolen medicines

Pharmaceutical companies now using own security guards to prevent theft

Two Cape Town pharmaceutical wholesalers have been raided and stock believed to have been stolen seized in the latest round of an on-going battle against rampant medicine crime that is estimated to cost the industry close on R2-billion a year.

The companies, which police said they could not name because of the sensitivity of the investigation, were both found in possession of Filxonase aqueous nasal spray that was part of a stolen batch worth nearly R1-million.

Organised pharmaceutical crime robs the pharmaceutical industry of up to R2-billion annually, and the state sector of as much as half the medicine it buys. This has forced companies to send special security personnel to guard stock coming off aircraft, to employ private investigators, and to package in special foil that cannot be easily reproduced.

Medicine destined for state hospitals will now also be packaged exclusively, different from that intended for the retail market, in an effort to



**DI CAHERS**  
**HEALTHWRITER**

address overwhelming theft from hospitals and clinics. Glaxo-Wellcome spokeswoman Vicki Ehrlich said police recovered only a small portion of the 4500 bottles of nasal spray the company lost in the latest theft.

But they had high hopes of a conviction because the stock had never been released for distribution, making it impossible for anybody to produce documentation that it had been bought in good faith.

"We're hoping for a watertight case with this. The stock was stolen right out of the factory, so nobody will be able to say they bought it legitimately," Ms Ehrlich said.

The stock had the batch number

B6159EBA and she said anybody buying stock with this batch number should be aware the stock was stolen. Other stock from the same batch left behind during the theft, would be re-labelled and sold with a different batch number.

In May, Athlone company Brinestone Pharmaceuticals was raided by police investigating an alleged scam, and stolen drugs worth R1.5-million were recovered.

Brinestone spokesman said it had no idea the drugs had been stolen, and police struck a deal in terms of which the stock was returned, the next month the Brinestone Investment Corporation shed its pharmaceutical business.

Health Minister Manto Tshabalala-Msimang told the parliamentary portfolio committee on health a "war against the theft of drugs" was being fought and that pharmaceutical companies and the Government were joining forces.

Merck Pharmaceuticals' external affairs director Prathma Naidoo said the company was employing its own investigators in an effort to safeguard business. Special foil, although more expensive, that was more difficult to copy was now being used as packaging.

Bobby Hamman, managing director of International Healthcare Distributors and a specialist on pharmaceutical crime in South

Africa, said organised crime was "orchestrating" its own pharmaceutical industry, operating within the legitimate industry and raking in millions of rands.

He blamed inadequate medicine control laws, lack of prosecutions and skills that were inadequate for such a massive fight.

Hospitals and airports were only two areas where drugs were illegally re-routed. Generic and parallel imports were routinely repackaged and stock past its self-by date was remarked and re-packed. Manuaticur excess and bulk loose tablets or capsules were also stolen and packed for sale.

Mr Hamman said most retailers bought stolen stock unsuspectingly. International estimates are that as much as 7% of all medicines on pharmacy shelves worldwide are counterfeit. In developing countries that figure could be higher.

About 60% of all pharmaceuticals on the Nigerian market are believed to be counterfeit - some made locally and some imported.

# Govt's anti-crime mechanisms begin to bear fruit

By Wagheed Mischach  
Political Correspondent

GOVERNMENT plans to get tough on the country's top criminals are coming to fruition after a week in which the far-reaching new Crime Bill is being approved and a crack new investigative unit, the Scorpions, launched.

The controversial new Crime Bill will be ready for implementation by Monday after several amendments to the original Prevention of Organised Crime Act in January.

President Thabo Mbeki is expected to sign the law today after its approval by the National Council of Provinces.

The African National Congress is confident that the loopholes in the law have now been cleared up in the wake of a court ruling recently that the Act was not retrospective.

The law will empower the Government's Asset Forfeiture Unit to seize the ill-gotten gains of the country's top mobsters and gangsters.

The Act will be retrospective, meaning that the Government will be

able to seize assets of criminals gained in the past, before the law came into force in January.

ANC MP and Justice Portfolio Committee meeting chairperson Johnny De Lange vented his frustration on three judges this week for granting "amnesty" to criminals whose assets had been seized.

The court's ruling had forced Government to review the legislation.

De Lange said the decision of the three judges was "stunning" considering that the legislation was drafted

and refined by the best minds in the legal fraternity, including academics, government officials, law enforcement agencies and non-governmental organisations.

The Act was originally passed in January with support from all six political parties then in Parliament, all members of Parliament, the nine provincial governments and large sections of the civil society, said De Lange.

Meanwhile, the Government has also launched the Federal Bureau of Investigation - Scorpions - unit - to

strengthen its hand in apprehending and convicting the country's top criminals. The unit will focus primarily on crimes against the state and terrorism, organised crime and commercial crimes.

The Directorate of Special Investigations will be headed by the former KwaZulu-Natal policeman Frank Dunton.

The crime-fighting unit is expected to work with and complement the work of various other state organs.



*South African Herald*



# Straight to jail for 40 years for rapists

## Definition of the crime is broadened in proposals

HENRY LUDSKI

**A** GOVERNMENT crack-down on rape will include 40-year mandatory minimum sentences for rape with 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 Penneil 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 controver-

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sial 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. Law 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 1998 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.

*We can no longer sit on our hands. That makes us more culpable. We have to act.*

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

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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.

# Heath wants the corrupt blacklisted

Linda Ensor

CAPE TOWN — Anti-corruption unit head Judge Willem Heath yesterday called on government to introduce a blacklisting mechanism for officials found guilty of corruption.

This followed reports that disgraced former Mpumalanga finance director Shadrack Mashiele had been appointed chief director in the province's public works department. He was dismissed as finance director after a disciplinary inquiry last year brought to light his role in a R51m fraud.

Heath said the unit had been fighting for some time for a blacklisting provision but had not yet made progress. "Once an official has been found

guilty, he should be blacklisted. Otherwise it sends the wrong message that officials can do what they like and still be appointed to government jobs."

Government was not opposed to the idea. He was confident that if the measure was adopted, it would be enforced. Heath's call was endorsed by Gavin Woods, chairman of Parliament's influential standing committee on public accounts, and by Democratic Party finance spokesman Ken Andrew.

Woods supported blacklisting officials who were found guilty of serious financial misconduct for anything from one year to an indefinite period, depending on the gravity of the offence. Public Protector Selby Baqwa has also raised the question of blacklisting

guilty government officials from the diplomatic service with the presidency and the foreign affairs department.

Heath also disclosed that summonses would be issued against about 10 prominent community and political leaders in Mpumalanga in about three weeks' time, calling for the repayment of a substantial sum of money allegedly channelled out of the Mpumalanga Parli Board for their personal gain.

Andrew said blacklisting was essential to demonstrate an intolerance of crime and corruption. "We... cannot allow the cancer to spread. We have to be quite ruthless about it. People must know that if they are found guilty they must suffer the consequences. Otherwise there is no deterrent."

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He won the best female artist award at the Kora All Africa Music Awards ceremony, donated R1 million to the Nelson Mandela Children's Fund at the event.

## New crime act a 'super weapon'

JANIA BROOKS/ITW

JOHANNESBURG: South Africa's revised organised crime combating legislation was now "even tougher", asset forfeiture unit head Willie Hofmeyr has warned.

Amendments to the Prevention of Organised Crime Act were fast-tracked through Parliament last week and President Thabo Mbeki is expected to sign them into power today.

Hofmeyr said the unit was now poised for action again.

The act — dubbed the country's "super weapon" against organised crime — has, thus far, achieved some spectacular, high-profile failures with the unit being forced to return assets it seized from alleged Cape Town drug dealer Gavin Carolus, Kwazulu-Natal top cop Piet Meyer and apartheid-era rogue Wouter Basson.

In each of these cases, the judges have been highly critical of the legislation and ruled that it could not be applied retrospectively to assets acquired from crimes allegedly committed before it came into being at the beginning of the year.

This issue has now been clarified in the amendment, Hofmeyr said. But several other issues had

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also been dealt with and the act had been "toughened up considerably". Previously, Hofmeyr said, the act was neutral on whether assets should be seized or simply attached and left in the person's hands until a final forfeiture order was made.

Now the act stated that the assets should be seized unless there is "undue hardship". Hofmeyr said this was necessary because the American experience had been that assets were "lost, disposed or damaged" in the period the case was decided.

Other "technical" amendments were that the act now applied to "all crimes" not just organised crime and that should a court grant a variation or rescission order against the seizure of assets, they would remain impounded until the outcome of any appeal.

Now that the amendments have been approved, Hofmeyr said his unit was back in business.

Regarding the Carolus, Meyer and Basson cases, he said, "we are still evaluating our options."

"We have to decide whether it will be best to institute new action, from scratch, or to fight out the appeals. We are also busy with some other investigations which have been delayed while we sorted this out."



# Heath unit to close

## Once cases finalised

### Minister slams judge for fund-raising drives

CLIVE SAWYER  
POLITICAL CORRESPONDENT

The Heath investigative unit will be closed when it finalises the cases referred to it, Justice Minister Pennueli Maduna has told Parliament.

He was replying in a mini-debate in the National Assembly to questions from Democratic Party leader Tony Leon about whether this year's R16.9-million budget allocation for the Heath unit was adequate.

Mr Maduna said there was no particular "Heath unit" but rather a unit appointed in terms of the law on special tribunals and in this case headed by Judge Willem

This unit was mandated only to investigate the cases referred to it and once this was done it would come to an end.

"There cannot be a permanent structured budget for his unit alone," Mr Maduna said.

Mr Leon said the Heath unit was probing 222 000 cases, including in one section of a current investigation 8000 cases.

He queried why in the case of "at least six matters" it had taken up to 18 months for cases to be referred to Heath, allowing those under suspicion to conceal evidence and shred files.

"Every day you delay you allow the very people under investigation to conceal their tracks," he

(31)

ARLT 9/19/99

Mr Maduna rejected Mr Leon's claims about the number of cases being investigated, saying that only 64 proclamations referring matters to the unit had been issued.

At the same time, the Justice Minister hit out at Judge Heath for his fund-raising efforts for the unit. Judge Heath has had talks with business representatives and has given evidence to Parliament's finance committee to plead for more resources.

Mr Maduna said the correct route would have been for Judge Heath to approach the relevant minister for more money.

"None of his powers entail asking for donations from the public."

## Heath unit to be dissolved, says Maduna

Farouk Chahla

THE special investigating unit headed by Judge Willem Heath will be dissolved and similar units headed by other judges will be created, says Justice Minister Pennueli Maduna.

Maduna also warned Heath that he would be operating outside the law if he raised private sector funds to bolster the unit's budget.

The minister said during a parliamentary interpellation that no time frame could be set for the closure of the Heath unit. It would "come to an end" once it finalised investigations referred to it by the president.

The unit was created in terms of the Special Investigating Units and Tribunals Act which did not envisage the creation of a single, permanent unit to investigate "all kinds" of cases, he said. The president could appoint "differ-

ent" units. As the unit was not a permanent structure, it could not have a "permanent budget". Provision had to be made for "similar units headed by other judges", Maduna said.

Asked to clarify Maduna's comments, his spokesman Paul Setseise denied the unit would be dissolved. This would not happen as it was created in terms of the law and government was committed to fighting corruption, but there was a need to address perceptions that the fight against corruption was an "individual kind of initiative".

Cases could continue to be referred to the unit, but "the president can appoint any judge to investigate any allegation of corruption".

Setseise said government was looking at a more cost-effective system. Other judges would not necessarily be full-time investigators, with "complete offices, personnel, etc".

(252) (31)

The president might, for example, decide that a case in Northern Province should be investigated by a judge from the province who would have the same powers as Heath.

After concluding the case, the judge could return to their "normal work", Setseise said.

Maduna said it was improper "in the extreme" for Heath to "come out and beg" for funds. He should not make requests to any parliamentary portfolio committee or the private sector for more funding. None of his powers "entail" him to ask for donations.

"The law is the law and we shall follow it," Maduna said. Heath should approach him and government would do its "utmost" to assist if the unit ran out of funds, Maduna said.

Unit probes vehicle dealers: Page 6

# 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.

(74)  
BD 10/9/99 (252)



PREVENTION OF ORGANISED CRIME ACT

FM 10/9/99

# MORE CHALLENGES ON ASSET LAW

Issue of retrospectivity not the only pitfall in a rights-based State (252) (34)

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 Prevention 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 complementary 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

## GETTING THERE

### Cases won by the Asset Forfeiture Unit:

- Igshaan 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 Investec broker who faces fraud charges

### Cases lost:

- Gavin Carolus. 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 Basson. 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 Umtata businessman had his property seized for the alleged kidnapping of tycoon John Pitsiladis's daughter for a R1,8m ransom in August 1999

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.

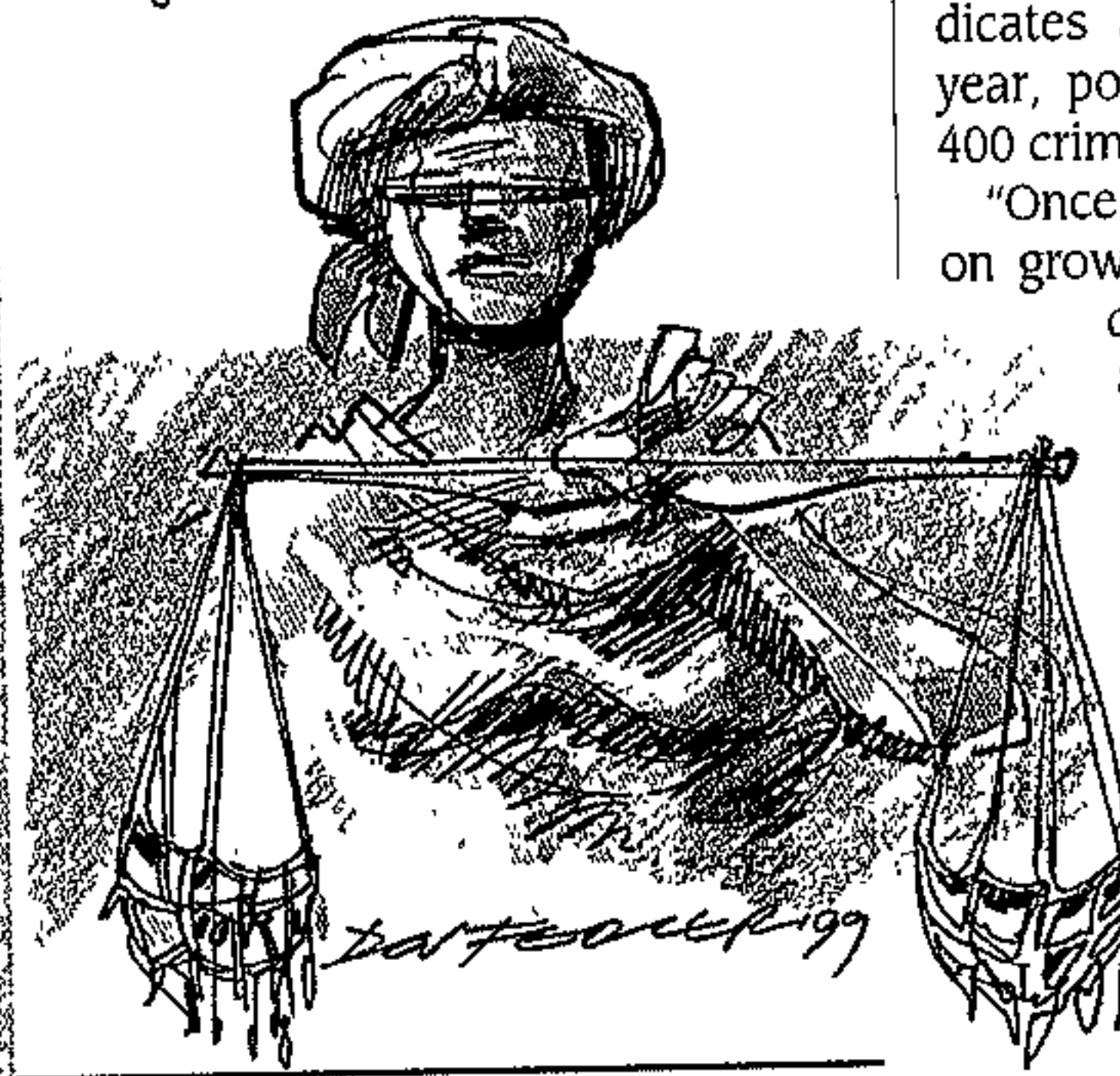
For the Organised Crime Act, the immediate future promises more disputation. Peter Gastrow, a director of the Institute for Security Studies, says the law requires "some creative shaping by police, prosecutors and the bench, in such a way that it is sharp, effective and constitutional".

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"

Ferial Haffajee





# 'Freedom breeds crime': grist for authoritarian mill

There are lessons to be learned from eastern Germany, writes **Jonny Steinberg**

(34)

BD 15/9/99

**W**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 unnerved by this simple maxim precisely because it is true. Put the lid on the spaces in which ordinary people live their lives and the spaces in which crime festers 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, Hessler 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 during a comprehensive transition from one form of society to another.

"Twelve years ago Pankow was like another planet," Riebe remarks, gesturing 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 even 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 handle bars? 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 Mathamaga, 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 neighbourhoods 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 a 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 processing 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

BD 17/9/99 (34)

Police, who monitor homes, cannot provide all diplomats with bodyguards, writes Simphiwe Xako

LAST weekend's murder of Zimbabwean vice-consul Madzorera Meki in Johannesburg once more brings the protection of foreign diplomats in SA under the spotlight.

Supt Nasser Mohamed, head of the SA Police Service's international liaison, says although foreign diplomats' homes are monitored on a 24-hour basis, it is impossible to provide every individual with a bodyguard.

Meki was shot in the head while dropping off a colleague's airport parking permit in Bedfordview in what police believe was a hijacking. His 11-year-old son, Tawanda, escaped unhurt but had to be treated for shock.

Nasser said although there are around-the-clock patrols, 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 Meki with security on a private visit.

Police found Meki's BMW on the highway after the anti-hijack tracking device was activated, causing it to switch off.

Although Zimbabwean deputy high commissioner Danson Mudekanye said he was impressed by the co-operation they had received from the SA government and the police, the lack of an effective and cohesive security system for foreign diplomats in SA could affect international confidence in the country.

Shortly after Meki's murder, the Democratic Party called on President Thabo Mbeki to pay more attention to the safety of foreign officials in SA.

At Meki's memorial service in Johannesburg on Wednesday, a Zimbabwean government official lamented that the vice-consul's murder had "not only been a loss to his family, but to the country and the entire region".

Meki had been with the Zimbabwean consulate since 1994. He was based in Pretoria for four years before being transferred to Johannesburg last year.

In April this year, a visiting senior United Nations Children's Fund (Unicef) representative was raped at a UN residence in Pretoria. Intruders broke into the Waterkloof Ridge house shortly after midnight by cutting an electric fence and breaking a window. They raped the woman in her bedroom, looted the house, forced her to a nearby field and raped her again.

Police arrested nine suspects in connection with the incident. The official, whose name was not released, had visited SA on Unicef business.

A senior UN official said the incident could "swing either way" the perception of SA overseas.

"An incident like this is a further signal to international organisations that your country needs all the help it can get. So it may mobilise further involvement. But if stories like this keep filtering through indefinitely, the world will consider SA a lost cause and begin to turn its attention elsewhere."

The Meki murder may be one more cause for concern for any high-ranking official who thinks of visiting SA.

In January this year, the Canadian government warned its citizens to be wary when visiting SA after its high commissioner, James Bartleman, was robbed of his property in Cape Town.

The Canadian government had warned its citizens in an official document that they had to be extra cautious when visiting Johannesburg, Cape Town, Durban and Pretoria.

Just a week before that attack, Daewoo SA president Yong Koon Kwon's body was found in his car at the Korean guest house in Gauteng's Morningside Manor. He had been shot dead.

In January, the foreign affairs department launched an investigation following a complaint by the Liberian ambassador to SA, Llewellyn Witherspoon, that he had been verbally abused by Centurion traffic officers at a roadblock.

The Liberian embassy released a statement saying the ambassador had been in grave danger during the event.

In April, Burundian ambassador Gedeon Magete's car was stolen at gunpoint from his residence in Pretoria. A week before that his briefcase was snatched by a gun-toting attacker.

In May, Siddio Malani, 11, son of Nigeria's high commissioner to SA, was kidnapped en route to the American International School in Mafikeng. Police found him in Zeerust after his abductors apparently released him.



## Crime escalates against foreign diplomats and businessmen in SA

January 1999:

Canadian high commissioner gets robbed in Cape Town

Daewoo Corporation SA president is found dead in his car in Gauteng's Morningside Manor

Liberian ambassador complains of harassment by traffic officers

April 1999:

A senior UN official is raped in Pretoria

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Graphic: KUBEN DAVID

## Cabinet approves firearms draft policy

(34) (252)

By Waghled Mlsbach  
Political Correspondent

CABINET has approved the draft policy on the control of firearms in South Africa, paving the way for wider powers for the police and restricting gun ownership in the country.

In a media statement yesterday, Safety and Security Minister Steve Tshwete said that he would appoint a team to draft a Firearms Control Bill to be placed before Cabinet next month.

The new legislation gives wider seize and search powers to the police and provides for

- Stricter control of gun ownership.
- The Bill 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, being in possession of a gun, when under the influence. The policy also recommends harsher sentences for illegal possession of firearms.
  - The Minister to have greater powers to declare certain areas or kinds of places firearm-free zones.

- State-owned firearms to be registered with the Central Firearm Registry and for much stricter control over the distribution of firearms by state employees and parastatal organisations.
- Stricter control of licensing of firearms to the general public.
- Licences to be renewable every five years to determine whether people are still fit to own guns; and
- A limit on how many guns can be owned for self defence. This would, however, not affect hunters, collectors or sport shooters.



# Heath Commission 'getting the job done'

South Africa's Special Tribunal and Special Investigating Unit are admired and envied internationally, says **JUDGE WILLEM HEATH** of the Heath Commission

(34) *ARLT 21/9/99*

Corruption is rife in South Africa. The position is much worse in other African and South American countries, but it is also a problem in developed countries.

It is an internationally accepted principle that the ideal situation is to manage corruption. Corruption will never simply disappear. The special investigation unit is at present involved in more than 220 000 cases. A proclamation signed by President Thabo Mbeki, refers to several thousand incidents of corruption which require investigation.

We are looking, for example, at alleged corruption in drought relief which happened before the 1994 election. About 32 corporations are involved and we have had to rent a 10-ton truck to go and pick up the individual files. Each file requires an investigation, but the potential exists for us to recover as much as R2,4 billion.

We already have 179 complaints arising from payments made to attorneys by the Road Accident Fund. The allegation is that the clients have not received the full amount which was due to them from their attorneys. The number of files from attorneys varies between a small number and approximately 2 000.

While we have received excellent co-operation in this respect from the law societies as well as from individual attorneys, a number of attorneys have formed an organisation called the SA Association of Personal Injury Lawyers and they are opposing the investigations on various grounds.

In KwaZulu Natal, we are investigating about 900 car dealers involved in the alleged theft of government vehicles. The Department of Transport has been co-operative and so far we have recovered 400 vehicles.

In Gauteng, we are looking into 108 000 housing subsidy applications involving about 237 contractors in building projects. The Department of Housing has been helpful, but each house built by each contractor has to be investigated.

In many cases under investigation,

the amounts involved are fixed. In other cases, an approximate value has been received. In another category, no values have been captured on our database. A provisional value based on the three scenarios suggests that about R3 billion may be recoverable.

The government took the initiative to establish the special tribunal and the special investigating unit. The developed and developing world countries alike have on numerous occasions expressed their admiration for this unique concept to protect and recover state assets.

The multidisciplinary approach used by the unit to investigate cases and to present them to the special tribunal is regarded internationally as the key to its success.

The special features of the unit and their successes have led to numerous invitations to international conferences to deliver papers on corruption in South Africa.

The majority of people in South Africa are tired of corruption and we believe we enjoy their support. Members of the private sector contact the unit frequently with information. If an individual wishes his/her identity not to be disclosed, then the unit agrees to this.

The media is also highly supportive of the unit, which usually enjoys full co-operation from civil servants and easy access to documentation.

When a politician refers a case to the unit, strict instructions are given to the department involved to co-operate with us.

All these factors make an enormous contribution to the successful completion of an investigation and to the speedy recovery of state assets and money. During the period from January 1998 to March 1999, the unit completed cases to the value (as verified by the auditor-general) of R1,35 billion. Taking into account the budget of R16,2-million in that financial year, the "dividend" amounts to R86,25 for every rand invested.

We have been promoting a realistic working relationship with the office of



Judge Willem Heath: his role in countering corruption has earned him the respect of many in the international community.

the Public Protector, the Director of National Public Prosecutions, the SA Revenue Services, the auditor-general, the police and others. We have drafted a pamphlet dealing with control measures, which in our experience are most commonly not implemented and the other parties have approved the document.

Regular training at the unit promotes efficiency and the knowledge of the activities of syndicates. The sophistication of local syndicates is enhanced by international syndicate expertise.

A major scam we are looking into at the moment concerns 419 letters purporting to be from Nigerian entities looking for investment. The letters originate in South Africa and have been circulated domestically and internationally. The letters promote investment in non-existent companies and we would like to issue a warning

to people not be persuaded by them and not to invest in these schemes. Ignorance among civil servants makes them easy prey for corruption. Thus, an educational programme should be launched to teach basic control measures and to arm the civil service against enticement to take part in the activities of syndicates.

We believe that anti-corruption activities should include the anti-corruption units, the government, non-governmental organisations and the private sector. Individuals and companies in the private sector are frequently involved in corrupt activities. All the institutions should make their contribution to combating corruption. Wide media publicity for the activities and achievements of the unit has proved to be a deterrent. In numerous instances, people sign Acknowledgements of Debt to repay what they have taken or received unlawfully.

## Successes, activities of the unit

Achievements and activities of the Heath Special Investigating Unit:

- 220 000 cases under investigation at present
- 506 judgments handed down by the tribunal since August 1997.
- Value of savings, recoveries and worth of assets protected, R1,35-billion.
- 32 corporations under investigation for drought relief fraud of R2,4-billion.
- 179 complaints about the Road Accident Fund involving 2 000 cases.
- 400 government vehicles recovered in KwaZulu Natal, 900 dealers under investigation for fraud of R3-billion.
- 108 000 individual housing subsidy applications being examined along with work of 237 contractors. Provisional value, R3-billion.
- 419 fake Nigerian investment scam letters collected.
- 97 signed acknowledgements of debt to the Government, value R1,2-million.
- Unpaid loans from the Eastern Cape Development Corporation.
- Identification of students who have failed to repay bursaries.
- Recovery of amounts cashed with stolen cheques and other cases of cheque fraud.
- Unauthorised repair work to fixed property and state vehicles.
- Overpayment of salaries.
- Interdicts to stop invalid contracts and freezing of assets pending investigation.
- Payments made on false invoices.
- Claims for arrears rentals on farms.
- Pension money theft.
- Recovery of arrears levies due to Transnational Local Councils.
- Payment of pension money to state employees.
- Overpayment of councillors' allowances.



# Government's fight against corruption 'feeble'

CHARLES PHILLANE  
POLITICAL CORRESPONDENT

The Government has shown little commitment to its objective of fighting corruption in the public sector.

While the public sector anti-corruption summit last year drew up proposals to fight corruption, the Government's record so far has been less than satisfactory.

One of the proposals was that "managers should convey by example their attitude towards corrupt practices".

President Thabo Mbeki, in his speech to the summit, emphasised this point, saying the struggle against years of oppression led to a strategic position of making the country un governable. But now the new public servants, who fought the old order, had to reorient themselves and redirect their loyalties and responsibilities.

"The ability of the public institutions to cross the threshold and fight corruption efficaciously hinges largely on a number of factors, an important one of which is political will and determination from the highest echelons to tackle this ugly monster that is reaping havoc with our control systems.

"In this regard, it is incumbent for Government unequivocally to affirm its seriousness and desire to stamp out corruption wherever it occurs," said Mr Mbeki.

"Perpetrators of corrupt practices in both the public and private sectors will be severely punished for contributing to this moral mayhem which has been allowed to creep into the fabric of our society."

But the Government's attitude to the four former Independent Broadcasting Authority councillors, former Gauteng safety and security MEC Jesse Duarte and Mpumalanga Premier Ndaweni Mahlangu

has been feeble and out of step with Mr Mbeki's statement.

The former IBA councillors have gone through just about every government institution investigating corruption which

## 'A clear message

### needs to be sent out to corrupt officials'

found that they should repay R234 550,08 resulting from abuse of credit cards.

But the councillors still refuse to repay the money and the special investigation unit headed by Judge William Heath issued summons to the councillors to pay up or

give reasons for their refusal.

Three of the councillors are still in senior positions in government. They are Lyndell Shope-Mafole, who is minister in the South African embassy in Paris, Pieter de Klerk who is general manager in the communications department and Sebeleso Mokohe-Mahabane, group executive for corporate relations at Sentech, the state-owned signal distributor, and William Lane assists the banking ombudsman.

Mr Mbeki also showed lack of commitment when he addressed Mr Mahlangu's outbursts about lying politicians. Instead of responding to a public outcry, he sent African National Congress spokesman Shinus Nkonyana to get an apology.

Former Gauteng Safety and Security MEC Jesse Duarte resigned when an investigation against her use of a government vehicle without a licence was closing

in on her. She refused to be cross-examined by the Moetane Commission.

The commission later found that there was "a strong suspicion" that Ms Duarte was involved in covering up an accident she had while driving without a driver's licence. She was later appointed in a senior foreign affairs position in Mozambique.

The Government's response was that the appointment was approved by former president Nelson Mandela and therefore they would not interfere in the matter.

A clear message needs to be sent out to corrupt officials otherwise people will continue to question the Government's commitment to rooting out corruption.

Commitments made at the public-sector and national anti-corruption summits, which laid out tasks for the Government, should be implemented with the same level of urgency as its attitude to crime.

# Kluever's step-down signals new breed of watchdogs

CLIVE SAWYER  
POLITICAL CORRESPONDENT

A new generation of watchdogs will be on duty in the opening years of the 21st century in South Africa.

Auditor-General Henri Kluever is stepping down with the expiry of his contract, while the Government has signalled that Mr Justice William Heath is not likely to be given a renewed mandate when his corruption-busting investigation unit completes its case load.

The passing of the two from their roles will be landmarks in the country's transition from the old order to the new, and from the provisions of the interim constitution finalised at Kempton Park in 1993 to the 1996 founding document agreed to by the elected constitutional assembly.

Mr Kluever's post is of special interest because it is one of the "state institutions supporting constitutional democracy" enshrined in the 1996 constitution, which also obliges other organs of state to help and protect these institutions.

All other such institutions, including the public protector, human rights commission, gender commission and independent electoral commission, are headed by people with no ties to power before 1994.

Mr Kluever, by contrast, served in four pre-1994 ministries, the former public service commission, and was director-general of state expenditure.

He was appointed in 1993 to the office of auditor-general for seven years.

The job entails auditing and reporting on the accounts of all national and provincial departments, all municipalities, and a

range of other institutions accountable to Parliament for the way they have spent public money.

Tabling of these reports creates an inevitable frisson of interest, as the reader translates the studiously dry and reserved language of the auditor into often sad and shocking tales of waste and irregular spending.

The CV provided by Mr Kluever's office notes that he has been a strong advocate of the apolitical and transparent operation of Parliament's standing committee on public accounts.

Observers of the committee in action, as it does its job of interrogating top civil servants on how taxpayers' money has been spent, know that Mr Kluever is not one to pull his punches, nor to exaggerate. Those having to explain to the all-party

committee why the auditor-general was "unable to express an audit opinion" on one matter or ruled that spending on another "must be regarded as unauthorised" know that the reports are regarded with the greatest authority by MPs.

His overall observations on state spending, in evidence to the committee, have set a precedent for critical frankness. Now, a new committee of MPs will sit at the request of President Thabo Mbeki, to recommend a successor to Mr Kluever.

The multiparty committee's recommendation must be supported by at least 60% of the members of the national assembly before it is forwarded to the president.

The new auditor-general, to take office on January 1, will be appointed for a fixed, non-renewable term of five to 10 years. The 1996 constitution requires that the

auditor-general must be a South African citizen and a fit and proper person to hold the office.

"Specialised knowledge of, or experience in, auditing, state finances and public administration must be given due regard in appointing the auditor-general."

Believed to be a leading contender to replace Mr Kluever is Shaanet Fakie, who has been deputy auditor-general and chief executive of the auditor-general's office since March last year.

Mr Fakie, a University of South Africa honours commerce graduate, has been a chartered accountant since 1986, and spent from 1987 to 1993 working in Australia, first for a firm of auditors and later for public- and private-sector clients. He is an active member of the Association for the Advancement of Black Accountants.

# SA gun laws lag way behind SADC nations

Ivor Powell

**F**our South Africans will be the victims of gun-related crime for every single Zambian victim. And well more than 20 South Africans will be shot dead every time a Botswanan dies from gunshot wounds.

These are among the chilling consequences of South Africa's existing gun laws, argues independent researcher Katharine McKenzie after investigating gun-control measures in 10 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. It's also the country with the laxest controls. As 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 the gun is 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 resistance 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 reapply 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 Organisation.

According to McKenzie, SADC efforts are being undermined 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 entrenched here than anywhere else."

"In Tanzania, for instance, there

are only two gun shops in the whole country. In Mozambique, there are none. The role of South Africa needs to be looked into."

One of the case studies highlighted by McKenzie is that of Botswana, where, with a population of just more than 1.5-million, only 217 murders were recorded in 1997. South Africa's national average stands at about 12 000 firearm-related murders per year.

Botswana has the toughest gun control laws in the SADC region, with 29 000 firearms licensed to private citizens and only a proportion of law enforcement and security personnel allowed to carry firearms in public. Each year 400 shotgun and rifle licences are given out for hunting — decided by a public raffle system in which the

winners are given gun licences.

In Mozambique only one gun is permitted per licensee. In addition to this, only 6.67 mm handguns are licensed, the argument being that larger-calibre weapons are weapons of war.

In South Africa, legislation dating back to 1969 (though subsequently amended on various occasions) disqualifies only those with criminal and psychiatric records from licensing firearms — and permits any one person to own up to 12 guns.

The situation in South Africa remains alarmingly anarchic, with nearly 30 000 handguns being reported stolen and around 8 500 being stolen from the police and the defence force each year, according to the Institute for Security Studies. Only 1 764 stolen firearms were recovered in 1998.

The countries surveyed by McKenzie were South Africa, Zimbabwe, Zambia, Lesotho, Swaziland, Tanzania, Malawi, Mozambique, Botswana and Namibia.

## Security firms 'weaken police'

Pearl Sebolao (34)

PRIVATE citizens using security companies for protection from escalating crime levels contribute to undermining initiatives 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 Katharine McKenzie which showed SA's gun policies were out of sync with the rest of the southern African region, which had stricter gun control measures.

A National Economic, Development and Labour Council representative said the use of security firms was in direct competition with initiatives by the state, and weakened the police.

The study, commissioned by Gun Free SA and the Ceasefire Campaign, equates strict gun control with effective crime control, and says that countries with stricter controls experience lower crime levels.

According to the study, Botswana, which has a total ban on the issuing of handgun licences and only 29 000 licensed firearms, experienced only 11 armed robberies last year.

SA, which in contrast allows for everyone over the age of 16, who is not disqualified, to own a handgun, with no limit on the number of handguns one can own — had 4.18-million licensed firearms and a high crime rate.

The study cites statistics compiled by the Crime Information Analysis Centre showing that last year an average of 33 murders were committed daily

using firearms. There were 69 501 reported cases of robbery with firearms being used.

McKenzie found that screening of applicants for firearm licences in SA was ineffective compared to most countries in the region, with fingerprinting being done randomly and at the discretion of the commissioner.

Nearly 200 000 firearm licences were issued a year and about 86% of applicants got firearm licences, she said.

Licences in SA were also issued for an unlimited period, while in Lesotho, Swaziland and Malawi firearm licences should be renewed every year. In Mozambique they are renewed biennially and in Zambia and Zimbabwe they are renewed every three years.

Cycle of violence: Page 10

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# W. J. SA needs silver bullet of gun control

Experience shows that unrestrained proliferation of firearms leads to a cycle of violence that is difficult to break, writes Wendy Cukier

By Wendy Cukier

WILEY SA is unique. It is useful to consider the international experience with firearms regulation in response to recent criticisms of local legislation.

Sovereign nations must determine the appropriate balance between the concern for public safety and the interests of gun owners. Whatever they decide, it should be based at least to some extent on the best available research — and founded in international law and human rights rather than rhetoric inspired by the US National Rifle Association.

Despite efforts to minimise the importance of firearms, death and injury resulting from them are a major threat to public safety in many countries. A recent study by the United Nations Crime Prevention and Criminal Justice Commission reported almost 200 000 firearm deaths a year in murders, accidents and suicides.

International experience shows clearly that unrestrained access to firearms increases the lethality of suicide attempts and violent assaults. Guns figure prominently in the cycle of violence against women in many countries, and the patterns of this violence are similar. A growing number of victims are children, as combatants and casualties.

In Latin America, criminal violence dwarfs political violence and has a huge effect on individual security, economic development and governance. The economic costs of violence, including policing as well as the value of lives lost, have been estimated as consuming 14% of gross domestic product.

Even in Canada, where the rates of gun death and injury are relatively low by world standards, the economic costs of firearm violence have been estimated to be \$6bn a year.

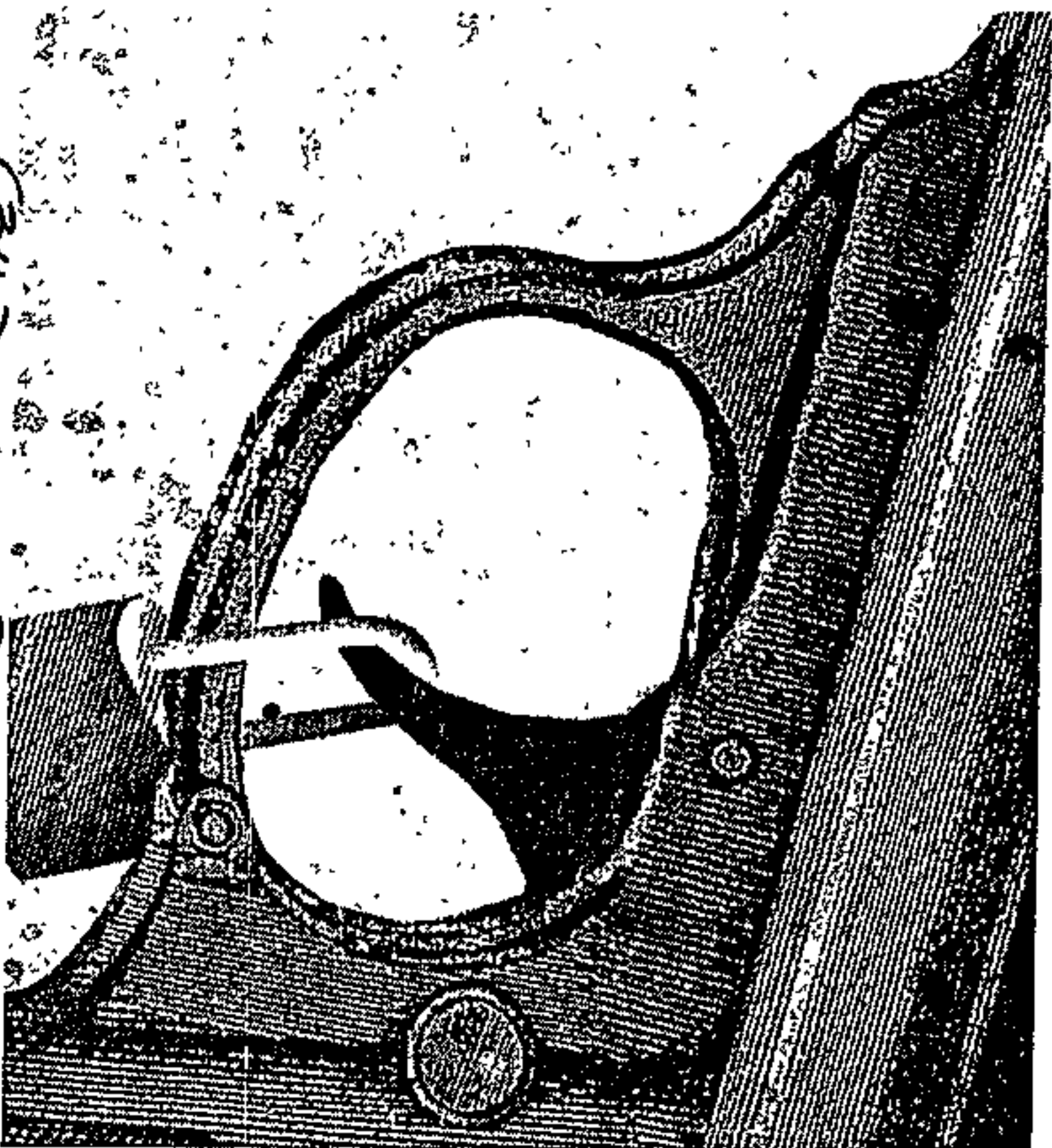
Guns do not cause violence. We must address the root causes of violence, conflict and injury, but we must also focus on the instruments of violence.

However, regardless of the context — crime, conflict, domestic assault or suicide — firearms increase the severity of violence and the number of victims. The best prevention strategies involve breaking the chain of the causes of violence or injury at its weakest point.

The firearm is an important focal point. Rates of firearm death and injury are linked to the accessibility of guns.

The unrestrained proliferation of firearms leads to a cycle of violence that is difficult to break; fear leads to arming, which breeds violence, which leads to insecurity, which leads to further arming. Firearms undermine long-term efforts to build civil society, whether in war zones or inner cities.

The link between accessibility to



firearms and death rates has been suggested in a number of studies. One study that examined the link between gun ownership rates and firearm deaths within Canadian provinces, the US, England/Wales and Australia concluded that 92% of the variance in death rates was explained by access to firearms.

Another review of 13 countries showed a strong correlation between gun ownership and homicide rates and suicide rates. In another study, based on a standardised survey of victimisation in 54 countries, gun ownership was significantly related to both the level of robberies and the level of sexual assaults. The relationship between levels of gun ownership and threats/assaults with a gun is also strong.

The gun lobby in Canada and elsewhere frequently cites "research" to prove more guns make us safer, but the research that it cites has been soundly criticised.

The University of Chicago's Prof John Lott's More Guns Less Crime claims that allowing civilians to carry concealed weapons reduces crime. This conclusion runs counter to the bulk of research, which shows a direct relationship between the rate of gun ownership and firearm deaths in developed countries.

Lott's study has been widely criticised. His advice following the Jonesboro, Arkansas shootings, where an 11-year-old and a 13-year-old killed four schoolchildren and their teacher, is also revealing: "Allowing teachers and other law-abiding adults to carry concealed handguns in schools would not only make it easier to stop shootings in progress, it would also help deter shootings from ever occurring." Few criminologists or crime prevention experts in Canada or the US would share this view. Another refrain of gun enthusiasts is

"Crime Control not Gun Control" — or punish criminals, not law-abiding gun owners. Catchy slogans, perhaps, but they miss the point.

Most guns used in crime originated as legal weapons. The interactions between the licit and illicit markets are precisely the reason why it is critical to maintain strict controls over legal gun ownership. Firearms that are misused come from three principal sources:

- Firearms that are misused by legal owners (particularly in impulsive crimes) such as domestic violence and suicides);
- Firearms that are taken or stolen from legal owners, often because they are improperly stored, or those which are bought legally and sold illegally; and
- Firearms that are illegally imported.

To restrict the misuse of firearms, controls on legal ownership are critical. More than 50 scientific studies have demonstrated the effectiveness of firearms controls in reducing the misuse of guns. In Canada, where firearms owners hunt and pursue a wide range of recreational activities, progressive restrictions of firearms have resulted in significant reductions in firearm deaths and the use of firearms in robberies.

Criminologist Neil Boyd concluded there is ample evidence to support the efficacy of gun control: "With gun control legislation, we have some strong suggestions that the criminal law is working. And it is working not by manipulating penalty levels for specific forms of crime, but by putting a regulatory system in place that can limit access to firearms, enhance the safety of firearm use and educate the public with respect to the dangers inherent in widespread availability of these potentially lethal commodities."

Wendy Cukier is professor of justice studies at Ryerson Polytechnic University, Toronto

SA's conduct has a big impact on what happens in other countries in southern Africa, says Katharine McKenzie

The debate about appropriate gun control measures intensifies, it is appropriate to look at the role SA plays as the dominant partner in a developing region.

With 4.8-million licensed firearms, SA has by far the most legal guns in the Southern African Development Community (SADC). SA's ratio of one firearm per 10 people contrasts with other countries where firearms are not part of everyday life.

In Botswana, a decision not to issue any firearm licences has been implemented by national police commissioner Norman Molebogo. "In the past it was easier to get a licence, but the police found that weapons changed hands frequently and there was little control," he says.

A similar concern was recently voiced in SA by Satey and Security Minister Steve Tshwele, who told Parliament that 70% of the addresses on SA's central firearms register, which contains details of all firearm licences issued, are out of date or false. It was also found many people had lost their guns or had them stolen without reporting this.

The central firearms register lacks integrity in part a consequence of the absence of a renewal requirement for gun licences. Other countries in the region, many of which do not have SA's extensive resources, insist on regular renewal of all firearm licences.

In Lesotho, Swaziland and Malawi, licences are renewed annually. In Mozambique biennially, and in Zambia and Zimbabwe every three years. This practice ensures sound administrative control.

Many countries in the region also employ a process of rigorous screening to ascertain the suitability of individuals applying for firearm licences. In Lesotho and Swaziland, traditional authority structures endorse licence applications, which must have the support of the chief or village elder.

In Tanzania a range of structures from street level up must agree to a firearm licence application before it is approved by the director of criminal investigation. Mozambique's policy excludes some categories of people from applying for gun licences. Applications must be accompanied by a letter from the applicant's employer. Licences are refused to the unemployed.

In Lesotho, self-defence is not sufficient reason to acquire a firearm licence and all applications are carefully scrutinised in a process that lasts between six and 12 months.

Many countries regulate the number of firearms, amount of ammunition and calibre of firearm for which a licence may be granted. SA's limit of 12 firearms for each licence holder (and more for some categories) contrasts sharply with countries like Mozambique, where an individual may be granted only one handgun licence for a 6.7mm calibre firearm. Civilians may not have 9mm firearms, which are regarded as weapons of

police and military.

In Namibia, individuals may licence up to four firearms, but all gun owners are required by new gun laws to reapply for their licences.

The new Namibian licences are booklets with a photograph of the licence holder and fingerprints. While SA's new car licence system requires that fingerprints be taken, this is not compulsory when it comes to issuing a firearm licence.

SA's constitution defines children as anyone under the age of 18, but juveniles as defined by the Arms and Ammunition Act are under 16.

Between January 1995 and August 1998, firearm licences were granted to 2 723 people aged 16. Swaziland and Zimbabwe also grant licences to 16-year-olds, but in Namibia the age limit conforms to the international norm of 18, and in Lesotho and Zambia applicants must be 21 years or older.

As SA prepares to discuss a few laws, it would do well to look at the effect of its considering firearms stock on its neighbours. While Pretoria frequently asserts its leadership in regional policy processes and conflict resolution, its neighbours feel the impact of its liberal firearms dispensation.

## As far afield as Malawi, local police turn up SA-made firearms

Botswana's police commissioner believes that SA's gun laws are not tough enough. He says illegal weapons come across the border from SA and are used to perpetrate violent crimes. As far afield as Malawi, the police frequently turn up SA-manufactured firearms. Mozambique lives with the legacy of weapons and other material supplied to Renamo by the apartheid regime.

Firearms proliferation not only negatively affects SA's neighbours but also pushes up crime figures. Tshwele believes that "the theft and loss of privately owned guns is almost certainly the most important source of illegal guns for crime" with 82 guns lost or stolen daily, almost double the 1994 figure.

Firearm homicide in SA accounts for 49% of all murders committed, with a murder rate of 64.6 per 100 000 people. In Zambia and Botswana it is less than 15 per 100 000.

Both of these countries strictly regulate access to firearms. In Botswana there were only 11 robberies committed with firearms in 1998 against 69 501 robberies in the same period in SA.

This suggests a strong correlation between gun control and crime control. The argument that SA should deal with illegal weapons first before looking at licensed firearms holds little sway in a country where firearm abuse abounds, frequently involving "responsible" licensed gun owners, and where the status of legal firearms and illegal firearms frequently changes.

A reasoned look at SA's responsibilities as a leader in the SADC in fulfilling the vision of a peaceful African renaissance is required.

Katharine McKenzie is an independent researcher who wrote this article for Gun Free SA



# Heath unit's wings clipped

David Greybe

CAPE TOWN — Government is to clip the wings of the Heath anti-corruption unit by confining its activities to the Eastern Cape.

Government yesterday gave notice in Parliament that the special investigating unit will cease to exist as a national anti-corruption unit, and will in future handle new cases only in the Eastern Cape, where it is based.

Justice Minister Penuell Maduna told the justice portfolio committee it made no economic sense to appoint the unit to a case in Johannesburg when Judge Wilhelm Heath and his staff were based in East London.

It will in future handle cases only in the Eastern Cape, where it is based

Johnny de Lange, chairman of the justice committee and an African National Congress MP, said that in future judges would be appointed from the province where a particular case arose.

Maduna said the Heath unit would continue with the 50 or so cases it was handling at present. De Lange said these could take years to complete.

Maduna said he hoped, in the light of his recent statements — which were interpreted at the time to signal the imminent dissolution of the Heath unit — that what he said yesterday was not

going to cause more confusion. This is not a political matter.

Health's claims over the extent of the savings and recoveries made by the unit, and his complaints of inadequate funding and subsequent notice to seek funds from the private sector, have drawn the wrath of various ministers, including Maduna and Finance Minister Trevor Manuel. Maduna said while the Heath unit had "done a lot of good work", he could not guarantee Health will be given a new mandate.

He reiterated that he had never said

the unit should be dissolved.

Health declined to comment yesterday. "I have an agreement with the minister to first meet him about the future of the unit," he said.

De Lange said the intention was for a return to basics "in which the Heath unit stuck to its original mandate — the recovery of state assets — and did not become involved in criminal investigations of alleged corruption and fraud."

Maduna said the Special Investigating Units and Tribunals Act "did not envisage a permanent scrutiny of government". It also did not envisage a permanent Heath unit. The president can appoint investigating units, and tribunals as and when the need arises.

Commenting on Heath's four-year absence from the bench, Maduna said: "You do not want a judge to be away from the bench too long."

The perceived permanence of the Heath unit, with its unique seizure of assets powers, had "begun to give a wrong perception of SA — that we cannot be trusted", Maduna said.

The electorate was the permanent anti-corruption watchdog in SA, and not the Heath unit.

New York judges Page 3

## Lack of input holds up code of ethics

A CODE of ethics to discourage government ministers and MECs from acting corruptly had not been finalised, because input was required from provincial MECs. Deputy President Jacob Zuma said yesterday.

He was responding to a question from Douglas Gibson, chief whip of the DP, as to what steps were being taken to implement the code of ethics envisaged in the Executive

Members Ethics Act. Zuma said that, after considering the views of MECs, the draft code would be finalised.

In terms of the act ministers would have to declare their business interests, any gifts they receive and would have to promote moral standards in government — Parliamentary Bureau

## Fraud costing banks R4bn a year

FROM AFP (34) (58)

Cape Town - South Africa's banking sector was losing about R4 billion every year to fraud, a banking official told a parliamentary committee yesterday.

Last year the industry also lost about R1,1 billion to robbery. Bob Tucker, the chief executive of the Banking Council of South Africa, told the safety and security committee in a briefing.

The large amount was despite a 22 percent decline in bank and cash-in-transit robberies, from 465 in 1997 to 382 in 1998, attributed to a tightening of security.

Tucker said He estimated that 40 percent of commercial crime in South Africa was committed in the banking sector.

Of nearly 60 000 commercial crime cases opened by the police last year, more than 94 percent

Last year cheque fraud cost the industry R151 million.

Tucker said that automated teller machine (ATM) crime, often committed by syndicates, was another headache for banks, with about 11 000 cases reported each week. This was estimated to be half of the actual number of incidents, he said.

## Crime costs banks over R1bn a year

ANDRE KOOPMAN (34) POLITICAL CORRESPONDENT CT 23/9/99

CRIME-RELATED losses and crime protection measures cost South African banks about R1,1 billion a year, according to Bob Tucker of the SA Banking Council.

Before the National Assembly's safety and security committee yesterday, Tucker said he could not praise the SA Police Service enough for efforts it had made in combating bank robberies and cash heists, the number of which had "declined dramatically".

Bank and cash-in-transit robberies dropped by 22% from 465 in 1997 to 382 in 1998, he said.

Tucker said banks handle about two million automatic teller machine (ATM) transactions a day amounting to about R400m and that more than 1 000 ATM criminal incidents are reported weekly.

It is suspected that only about half the actual number of ATM incidents are reported to the police.

Tucker said steps must be taken to secure ATM sites more effectively from members of crime syndicates, which are believed to be responsible for most ATM-related crime.

However, he said it was difficult to secure prosecutions in such cases as police were inclined to regard these incidents as petty crimes.

While banks had taken certain steps to combat ATM crimes, Tucker said it is still too early to say what the results would be.

Tucker released statistics revealing that: ● Last year banks lost R151m in cheque fraud. A single incident cost a major bank R160m. ● Forty percent of commercial crime is perpetrated against banks, and a single scam can involve R50m to 100m.

● Last year police opened 59 515 commercial crime dockets involving a potential loss of R4,6bn. More than 84% of these were for fraud, while forgery accounted for about seven percent.

Major banks have agreed to contribute R5m over three years to establish special commercial courts and it has been agreed that the costs involved in prosecuting large cases would be borne by the private sector, Tucker said.



ARG 25/26/9/99 (34)

# Computer trap to slash serious crime by 30%

## 'Behavioural fingerprint' tracked

DAVID BALL  
Grahamstown

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 criminal apprehension project (Secap) is modelled on systems in America and Europe.

Mark Welman, 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 R80-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 Welman said Secap would research priority crimes, establish an online investigative support system and offer training in investigative techniques.

He said 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 Welman, about one million women are raped in South Africa each year and

roughly one in four children suffer some form of violent abuse

Alcohol is a key factor in rape and domestic abuse cases and most rapes occurred on weekends near shebeens

"The Grahamstown police have slashed rape and violent crime in the town by more than 20% by putting people who walk out of shebeens drunk into the cells for the night."

The online 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 restraint the offender used on the victim. The information will be fed into a sophisticated informed offender profiling system (IOPS), 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 that perpetrators leave behind."

Micki Pistorius, 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 each work on their own case without knowing they were all looking for the same person."

She said about 30 serial killers who had operated in South Africa in the past five years and were responsible for the deaths of more than 120 women had been arrested. She said 10 serial killers known to the police and still functional were on the run.

Dr Welman explained that Dagnet, an advanced computer system, 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 was 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 Dagnet system enables the police to concentrate resources in specific areas and can also predict future sites of attacks or crimes.

Brin Hodgkiss is a post-graduate psychology student at Rhodes University who works at the MTN Centre for Crime Prevention Studies in Grahamstown

He is 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.

"In the United States most serial killers are white, but in South Africa we don't know how different the serial killer profile is yet."

Mr Hodgkiss said working closely with the SAPS serious violent crime unit in Grahamstown had given him an insight into the problems facing the police, such 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 Welman 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. - @LiveWire

### Maduna puts Heath in amber

(34) (25/2) JUSTICE Minister Penuell Maduna carried out his threats against Judge Willem Heath's Special Investigation Unit this week by severely restricting its activities.

Maduna has severely cut the responsibilities of the controversial crusader against corruption and his unit. Government said this week the Heath team would cease to be a national unit after completing the cases now under investigation. Heath will now handle only cases in the Eastern Cape.

This returns the unit to the status of the former Heath Commission, which was established in 1995 to investigate maladministration in the Eastern Cape. The national unit was established in April 1997 to root out government corruption and recover misappropriated assets.

This week's move by government will partly silence Heath, a controversial man who has irritated certain members of government, including three Cabinet ministers.

Heath said on Friday he was unable to comment until he had discussed the future of the unit with Maduna, with whom a meeting is awaited.

● Cowboy or crusader? Marcla Klein takes a closer look at Heath on Page 7

ST(BT) 26/9/99

# Maduna denies battle with Heath sparked curb on probe

## Ministers press Mbeki to put brakes on anti-graft drive

STAFF REPORTER

Johannesburg - A week after announcing plans to rein in the Heath anti-corruption unit, Justice Minister Pennell Maduna has denied a clash between him and Mr Justice Willem Heath.

But it has been learnt that some Cabinet ministers are behind moves to ask President Mbeki to isolate Mr Justice Willem Heath and put the brakes on the anti-corruption drive, which has brought the unit into conflict with a number of politicians.

"There is no fight, although there may have been some misunderstanding because of the manner in which the minister's comments were quoted in parts of the media," said Mr Maduna's spokesman, Paul Setsetse.

He said Mr Maduna was portrayed in some parts of the media as having an axe to grind with Judge Willem Heath but this was not the case.

The Government and the unit under Judge Heath had worked well together in saving the country almost R1,35-billion, despite a shoestring budget and a small staff.

The unit has a daunting 100 000 cases of corruption to investigate, with allegations involving government officials, municipalities and the private sector.

Mr Maduna announced last week that the Heath unit would be confined to the Eastern Cape once it had completed about 50 investigations countrywide. The unit would cease operating as a "national anti-corruption crusader" and be used only to recover state assets.

Mr Setsetse said: "We must look at the cost-effectiveness of appointing a judge (to investigate) in the province where the corruption is alleged to have taken place."

Judge Heath, according to Mr Setsetse, has asked for a meeting to clarify the announcement by Mr Maduna, but no date has been set for a meeting.

Judge Heath declined comment until he has spoken to Mr Maduna, but also rejected claims of "bad blood" between himself and the minister. "We are not enemies. There has been a high degree of co-operation between the unit and Government," he said.

Judge Heath and Mr Maduna are both scheduled to attend an international conference on corruption in Durban next month.

RRG 27/9/99 (252)

(34)



# Probe into justice and public works departments shows widespread corruption

ROBERT BRAND  
Parliamentary Bureau

An investigation by the departments of justice and public works has brought to light "widespread corruption" by contractors and "gross mismanagement" by officials which had cost the state R54-million, Government announced yesterday.

The officials allegedly siphoned off money intended for the maintenance and repair of magistrates courts and official residences throughout the country, a statement by the Government Communication and Information System said.

The statement said allegations of corruption were brought to the attention of Public Works Minister Stella Sigau and Justice Minister Penwell Maduna by the department of public works' Fraud Awareness unit.

A joint investigation, including officials from both departments, was then launched to investigate repairs and renovations carried out between January 1997 and October last year at courts and official residences in all nine provinces.

The investigations revealed "gross mismanagement of state funds" by justice department officials, totalling R54-million, the statement said.

In addition, the investigations uncovered fraud and misrepresentation by two contractors and "possible collusion" between the contractors and officials from both departments.

The Office for Serious Economic Offences has been asked to take over the investigation with a view to criminal prosecutions, the statement said.

In a separate incident, a contractor had attempted to bribe a public works official by offering him R60 000 to change his findings in a report on the contractor's activities, the statement said.

The contractor was arrested in a sting operation and has appeared in court.

Further allegations of corruption in the Pietersburg regional office of the department of public works were still being investigated, the statement said.

Bd 29/9/99  
Heath doing a  
first-class job,  
says Mandela

Tim Cohen (34) (952)

CAPE TOWN — Former president Nelson Mandela implicitly criticised government's decision to scale back the Health special investigating unit yesterday, saying he thought judge Willem Heath was doing a first-class job.

Mandela said at international accountability firm KPMG's annual partners' conference that he was disappointed by reports that some former comrades were involved in corruption.

"It was the most shattering experience," he said. The difference between the former regime and government was that the latter was facing up to the problem and had appointed a judge to do nothing else but investigate corruption.

Despite government's decision to restrict the unit to cases within the Eastern Cape and appoint other judges on an ad hoc basis in other provinces when necessary, he said Heath was doing a "first-class job".

"I have not the slightest doubt that we will get the crime situation under control."

Mandela echoed President Thabo Mbeki in saying that, with SA's second democratic election over, it was "down to work for our government" while he lobbied for investment in SA.

"We are eager for foreign companies to expand into SA, to trade with us and to invest in our country," SA had an economy with sound fundamentals.

Testimony to that fact was that of all the emerging markets our economy withstood the battering resulting from the Asian crisis best.

Emerging markets had experienced how ailments in one part of the world could affect others far removed.

"In this globalised world, no single country can live or work on its own. We are all tied together in a common destiny," he said.

The proposed new gun laws will replace archaic legislation, give the police wider search and seizure powers and tighten regulations on ownership and licensing. But most importantly, writes Political Correspondent Waghled Mlsbach, they seek to end this country's gun culture.

# SA to get stricter firearms legislation

There are essentially three groups in the current debate around gun control in South Africa, those who want a totally gun free South Africa; those who want legislation to stay the same and a third group that wants tighter and stricter regulations and sentences for those who are irresponsible and harm others with their weapons.

It is safe to say that the Government has taken the position of the third group - of tightening up the archaic legislation that goes back to the late '60s, and imposing harsher sentences on those who transgress the law.

The proposed new gun law is a pragmatic approach to the realities of local gun ownership and crime.

It is the Government's first meaningful attempt at chipping away at the entrenched gun culture of this country - which increasingly reflects what's happening in the United States, with its wide availability of firearm retailers and politically powerful pro-gun lobbies such as the National Rifle Association.

South African statistics make alarming reading. Nearly 30 000 handguns are stolen each year. 8 500 stolen from the police and defence force, according to the Institute for Security Studies. Only 1 764 firearms were recovered last year.

In a recent survey, commissioned by Gun Free South Africa, it was revealed we have a great many trigger happy people compared to neighbouring Southern African Development Community (SADC) countries.

For instance, the research - conducted in 10 SADC countries - shows that more than 20 South Africans will be shot dead for one person killed in Botswana. And four South Africans will die from gunshot wounds for every one person who is shot and killed in Zambia.

This country has 12 000 firearm-related murders every year compared with only 217 murders a year in Botswana out of a population of 1,5 million.

A further breakdown of the statistics reveal that there is one licensed firearm for every ten South Africans. Every day, 33 people die of gunshot wounds, most of which involve handguns. In Gauteng a woman is shot dead by her partner every six days. Daily more than 80 legal firearms are stolen.

Katharine McKenzie, the independent researcher who conducted the survey, says that current gun regulations in South Africa are still archaic.

The law disqualifies only those with psychiatric or criminal records from

owning licensed firearms - and permits any one person to own up to 12 guns. It also allows 16-year-olds - who are not yet eligible to drive or vote - to own guns, McKenzie says.

Government has taken a tough line in this almost anarchic situation. On September 16, Cabinet approved a draft ministerial policy on the Control of Firearms in South Africa and appointed a team of officials from various criminal justice departments to draft a Firearms Control Bill.

By mid-October, the Cabinet committee on security and intelligence is expected to appraise the bill and pass it on to Cabinet for final approval. It will then be published in the *Government Gazette* for final input from various stakeholders and interest groups.

It is expected that the draft bill will be based on the approved firearms control policy, as well as earlier working documents and research.

Its main recommendations can probably be summed up as an attempt

to get a stricter control of gun ownership in South Africa. It does not go so far as Britain, of banning outright the carrying of a concealed weapon, but it will nevertheless make the regulatory environment tougher on criminals and owners.

Certainly police powers will be increased under the new legislation. It looks certain that the police will have wide powers to search vehicles and buildings and to seize guns and ammunition. For instance, they will be able to fingerprint everyone in a vehicle or building where illegal firearms are found.

It also looks increasingly possible that there will be stricter regulations concerning the behaviour of gun owners. It has been recommended that any gun owner found in possession of his weapon when under the influence of alcohol, will be severely penalised.

There are likely to be harsher sentences meted out to people who have illegal guns. It is also proposed that

those applying for gun licences will have to be tested to determine if they are fit to possess a lethal weapon. The firearm will be licensed separately and renewed every five years.

A novel idea is to give the Minister of Safety and Security the power to declare any area or place a firearm free zone.

All firearms owned by public servants and those working for parastatals will have to register their gun on the Central Firearms Registry.

But the one aspect which has raised the hackles of the pro-gun lobby, particularly gun shop owners, is the attempt to restrict gun ownership to one firearm a person.

Director of the non-governmental organisation Gun-Free South Africa, Adele Kirsten, says the stakes are rising now - with South Africa's domestic arms and ammunition industry, particularly gun shop owners, feeling especially threatened by the prospect of tough legislation shrinking

their market. They are therefore ploughing resources into a high-profile and well coordinated campaign to resist effective gun controls.

However, the proposed new gun control law should be seen in the context of a whole host of tough anti-crime legislation and other developments the Government has undertaken to make this country a safer place to live in and to make it as intolerable as possible for criminals.

Lawmakers now have the Proceeds of Crime Bill, other pieces of legislation and the elite Scorpions unit, which considered as a whole, are expected to make a huge difference to the fight against mobsters and other criminals.

The proposed gun control law is a realistic approach to our current trigger-happy society. Although there will be questions raised about the police's ability to enforce the legislation given their limited resources, the proposed new law is certainly a move in the right direction.





# From small beginnings, community gets big cut in crime

STAFF REPORTER

One of the neighbourhood watches that has survived on nothing more than initiative and community support for the past 10 years is the Surrey Estate 24-hour Neighbourhood Watch Patrol. The patrol has evolved over the past decade from "a group of concerned citizens" patrolling in their spare time, to one that operates 24 hours-a-day, seven days a week.

Long-serving member Rashard Hartley recalls: "At the time, we were all volunteers using our own cars to patrol the area."

"But as time went by, we recognised the need for a more organised system."

What emerged was a combined effort by the volunteers and people from the community in initiating a fulltime patrol three years ago.

The watch began when crime started to escalate in the area.

Police records showed an average of 30 houses were burgled a month 10 years ago.

The situation came to a head when the home of Sheikh Ibrahim Abraham was burgled, prompting him to call an emergency community meeting at the Darul-Istisna mosque.

Outraged residents decided it was time something was done and began patrolling the area after work and at weekends.

Today, the average number of break-ins in Surrey Estate a month has been reduced to three.

Media liaison officer for Manenberg police station, Inspector Reginald Daries, who is responsible for Surrey Estate, said there had been a marked decrease in the number of burglaries since the inception of the round-the-clock patrol three years ago.

The patrol was "fantastic" in helping police during the chaos caused by last month's tornado in Manenberg, Surrey Estate and Guguleu.

The patrol now has two cars and an office which serves as its base and headquarters. The office is divided into a control room



HANES TRAVI

equipped with a two-way radio transmitter and an administrative room where an old computer and a filing cabinet are used to store information about the daily running of the patrol.

It is also used to keep track of all the patrol's financial reports.

The patrol is manned by 12 paid members who patrol the streets of Surrey Estate, Greenhaven and Primrose Park every day.

Another 30 "core" volunteers are actively involved in the running of the patrol. Because it needed its own cars, an appeal was made to the community to help out.

"We went door to door for about four months to collect money for one vehicle, while the other was donated by a member of the public," said member Khalid Khan. A deserted shop was rented for the headquarters.

From here, base supervisor Abduraghem Pathon and two other members use two-way radios to monitor the movements of the patrol's two vehicles. A list of all the houses the patrol covers is kept on record on the computer.

Mr Pathon says: "If we get to know the names and faces of our residents, it makes patrolling, especially at night, that much easier as we are able to distinguish the residents from the non-residents."

Experiences had shown that crime in Surrey Estate was mostly committed by people passing through or people from other areas.

As the patrol is a non-profit organisation, it relies heavily on monthly donations from the community to help pay the 12 paid members' wages, the rent for the base, petrol bills and other expenses.

Local mechanics do their bit by maintaining the vehicles for free.

The patrol offers businesses a lock-up service - members are present when the owner opens up in the morning, and they return at closing time.

Families who worry that their homes might be burgled while they are on holiday or out for the day, can call the patrol who will keep an eye on the premises while they are away. The patrol also concentrates on "soft spots", such as schoolchildren and old

people. **AKR 30/9/99**

Because the late working hours can take its toll on family life, members try to hold family get-togethers at least once a month.

"This gives wives a chance to interact and share stories about their working husbands," said patrol chairman Faizel Abrams.

Washieda Hartley said initially it was hard for her and her children when her husband was patrolling till late.

"As time passed and the area showed signs of improvement, I realised that he was trying to make the streets of the neighbourhood safer for everyone," she said.

To keep in shape members try to work out as often as possible and the patrol envisages all its members becoming police reservists.

As for becoming part of the province's Community Safety department project, the patrol has not yet decided what it will do.

"We haven't discussed anything as yet, but we are happy to go on doing what we have been doing for so long, serving the community," said Mr Pathon.

# Bid to unite city watch groups and curb street justice

(S4) Province plans umbrella policing body

YUNUS NEP  
Staff Reporter

The Western Cape government is to equip, pay and train neighbourhood watches in a bid to draw them under one umbrella body and curb vigilantism.

As part of its plan to fight crime in the province, the Community Safety Department has a scheme to establish a closer working relationship between the 200 neighbourhood watches, the police and community policing forums.

The neighbourhood watch pilot project is one of the National Crime Prevention Strategy programmes to enable the department to regulate neighbourhood watches in the province under a uniform constitution and code of conduct.

Another of the department's crime-fighting initiatives, the "rent-a-cop" scheme, has already successfully integrated 375 of its members at police stations all over the Western Cape, and it is envisaged that a further 440 rent-a-cops will be doing duty at 30 police stations by the end of the year.

The city centre is at present patrolled only by "rent-a-cops".

Deon Oosthuizen, the department's director of crime prevention, said they wanted to use the neighbourhood watches more effectively and prevent them from becoming vigilante groups.

"We have to work out a code of conduct all neighbourhood watches will abide by."

Neighbourhood watches would not be forced to join the project, but those that did would be eligible for financial assistance and training.

"The neighbourhood watches which agree to the terms will be asked to join their local community police forums. Those that adapt and adhere to the constitution will be eligible for government funding," Mr Oosthuizen said.

John Cloete, the project's manager, said the department would sit down with the neighbourhood watches to establish what they needed in the way of equipment and training.

"We have undertaken to provide funds for them and we will, after assessing their needs, draw up a complete business plan. We will also be looking at other corporate sponsors, like

Business Against Crime, for assistance."

Neighbourhood watches have for years been the domain of groups of community members, who have taken it upon themselves to patrol their streets and oversee the running of the "watch" in their area without government help.

"We've had talks with all the neighbourhood watches in the East Metropole and dates have been set with the other sectors to explain the process," said Mr Cloete.

"The feedback has been very positive and the neighbourhood watches spoken to seemed very excited."

For the first time there would be proper co-ordination between police, community policing forums and neighbourhood watches.

Mr Oosthuizen said neighbourhood watches would be asked to join community policing forums so that they fall under a single structure.

Mr Cloete said in areas such as Bonteheuwel, Atlantis and Delft, neighbourhood watches were "getting together on their own".

The department wanted to focus on "the overall co-ordination and training of the neighbourhood watches".

"There are a lot of communities out there who rely on the neighbourhood watch in their area. Take a place like Mitchell's Plain, where there are about 380 policemen, compared with the 1 200 neighbourhood watch members. They do sterling work, and without them police would have a more strenuous job, but they don't get the proper recognition they deserve," Mr Cloete said.

The objectives of the project included:  
■ A healthy working relationship between all existing neighbourhood watches, the SA Police Service and the department.  
■ The regulation of neighbourhood watches through a code of conduct and constitution.  
■ To assist neighbourhood watches by training to enable them to be more effective.  
■ To give neighbourhood watches the "recognition they deserved for the invaluable task they have performed in the community for many years."  
■ To establish a communications platform to attend to problems experienced by neighbourhood watches.



# R4-million every hour to protect our citizens

'Get on top of crime and SA  
can save R10-bn a year'

AGT 2/10/99

(34)

QUENTIN WRAY  
in Grahamstown

**T**rying to let its 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 R38 000 a year to keep one prisoner behind bars.

These and other shocking statistics formed the basis of Rhodes University taxation specialist Professor Matthew Lester's talk to an enthralled audience at the Sanlam Future Business Leaders' Week held here.

In his talk entitled "How to blow R219-billion in 365 days", Professor Lester said that if South Africa could get on top of crime and shave 30% off these costs, R10-billion could be freed 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 for social projects to be diverted to protection services.

Professor Lester said that only people who earned in excess of R8 000 a month put more into the state's coffers through taxes than they took out through their consumption of services. This meant 318 000 people were paying for the services that non-tax payers received.

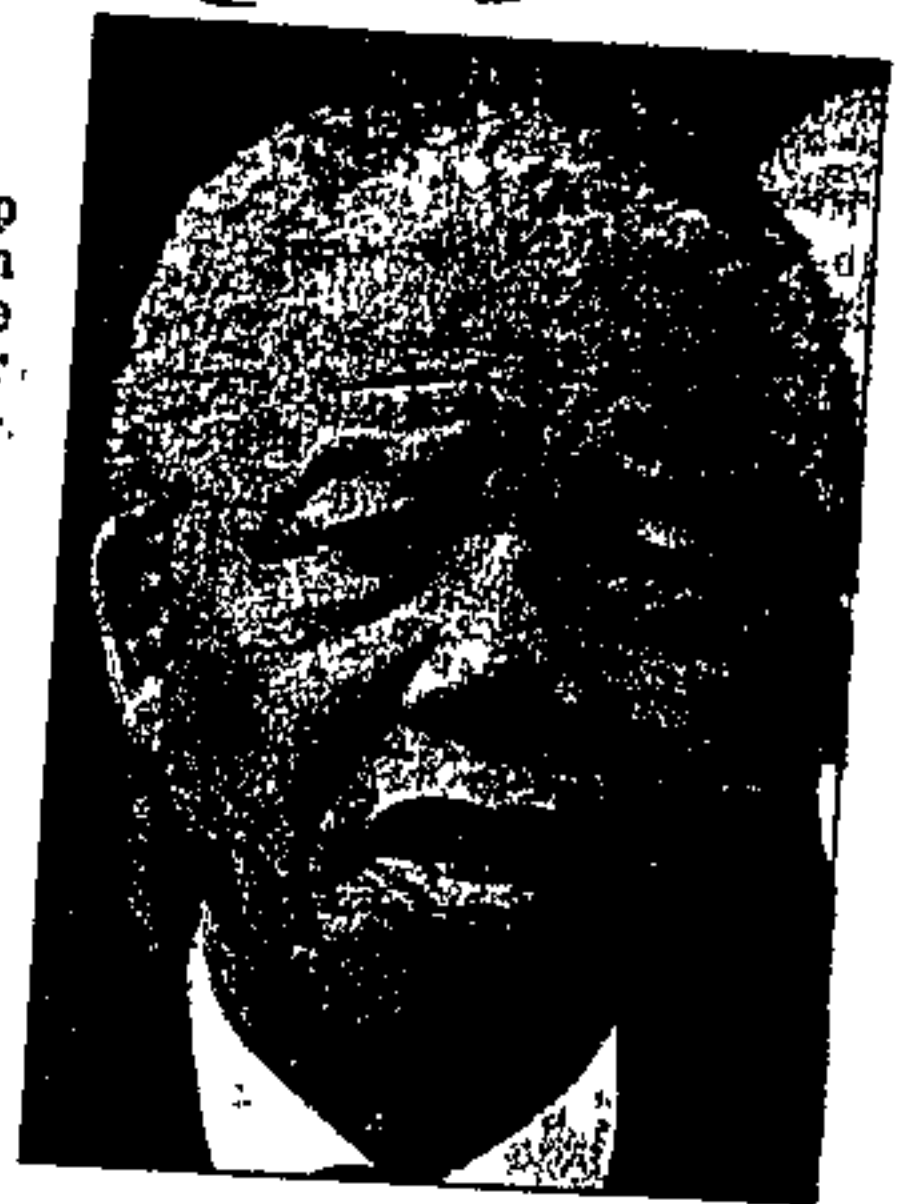
According to the controversial 1996 census, non-taxpayers included 2,6-million disabled people, 4,6-million unemployed and about four million who had no schooling and were part of the so-called lost generation.

He said interest of R48-billion a year was costing taxpayers R1 522 a second. SA's debt burden had been incurred under the apartheid government because its policies "created the ultimate tax holiday" as so many potential taxpayers had been untraceable.

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 traumas the



WORLD CLASS: Nelson Mandela and Desmond Tutu



country had gone through in the last century it had managed to produce "world class people".

These included politicians like Nelson Mandela and Govan Mbeki; business people like Cecil Rhodes and Anton Rupert; church leaders like Desmond Tutu; writers like Herman Charles Bosman, Sol Plaatjies and many well-known sports stars. - ECN Weekend



# State seizes 'drug cash' in landmark court victory

JOHAN SCHRONEN  
CRIME CORRESPONDENT

(34)

**The State has won its first victory under the Prevention of Organised Crime Act in being granted an order by the Cape High Court to seize R78 000 from alleged Netreg drug dealer Faizel Abrahams.**

The money was confiscated as evidence in a raid two weeks ago.

Yesterday's order was the first obtained under the newly amended act, which allows the state to seize assets and cash thought to be the proceeds of crime.

It follows setbacks under the act in its original form, when courts ordered the return of seized assets.

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.

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 forfeited to the State," he said.

ARG 5/10/99

ARGUS, FRIDAY, OCTOBER 8, 1999

ART 8/10/99

# Crime 'is killing our tourism'

(288) (34)

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.

"The perception 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 830 000 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 was 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 Molebeledi

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 provide 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

BD 11/10/99

include the vice-president of Bolivia, Gorge Quiroga Ramirez, African Development Bank president Omar Kabbaj, International Chamber of Commerce secretary-general Maria Cattai, 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 underlining 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

(304A) (34)

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 unhampered 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

(34)

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 with it 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.

CT 11/10/99



# Africa outlines plans to stamp out corruption

① (34) 12/10/99 ARG

ALEX DUVAL SMITH  
STAFF REPORTER

Durban - An attempt to stamp out bribery at Nigeria's biggest airport, and a plan by Botswana for an international database of graft, are among initiatives being outlined at the 9th world anti-corruption conference in Durban.

But the irony of staging the conference in Africa - perceived as the most corrupt continent - was not lost on the more than 1 000 delegates.

"What is the point of anti-corruption laws when a president can pardon whoever he wishes?" asked Zimbabwean opposition politician, Margaret Dongo. Earlier, James Wolfensohn, president of the World Bank, told the delegates from about 100 countries that fighting corruption was crucial to achieving equity and social justice.

He said the bank had previously ignored corruption because it was deemed a "political issue", but that it now had a plan aimed at fighting the scourge without cutting aid.

He conceded that "more often than not, if a government official steals something, it's a lack of control and supervision in our practices".

The five-day conference which opened yesterday is a biennial event organised by the Berlin-based lobby group, Transparency International. It is best-known for publishing an 85-country "corruption perceptions index", the most recent of which places Denmark at the top and Cameroon at the bottom.

The top African country, Botswana, is at number 23, ahead of Japan. The 1998 index, based on business people's views of corruption they encounter around the world, ranks South Africa at 32, Italy at 39 and Colombia at 79.

Most of even the lowest-scoring countries have sent delegates, ranging from civil rights groups to justice ministers. But Nigerian President Olusegun Obasanjo, a former council member of Transparency International, cancelled his visit.

Absent in any significant numbers

are representatives of the large corporations that often are accused of perpetuating corruption on a grand scale.

Also absent are the aid agencies, blamed for increasing corruption in the developing world by not properly policing the use of their donations.

Robert Wilson, chairman of the mining group, Rio Tinto, which employs 35 000 people worldwide, including 6 000 in Africa, conceded that means to "fight corruption are not something business leaders discuss".

He said Rio Tinto had a company policy of not paying bribes, and of protecting "whistle blowers".

"A growing number of companies have policies such as ours - but it was not long ago that the payment of bribes was tax deductible in Europe.

South African President Thabo Mbeki earlier linked levels of corruption in South Africa - at their worst in provincial and local government - with apartheid, and said: "The existence for a long time of a political and social system that was morally and politically illegitimate meant that people set their own norms of social behaviour.

"The first thing we had to do was to end the illegitimate system and replace it with a system that will evolve social norms," he said.

But Abigail Bonsu, a Ghanaian journalist and a delegate, said young democracies faced special dangers.

"Moral standards have fallen in Ghana because people are no longer afraid of the authorities, and the judicial system is not strong enough, and therefore not respected."

Botswana President Festus Mogae said his country was planning a database of the incidence of corruption, but blamed governments in "the north" - the developed world - for not taking enough action against companies guilty of corruption.

"The corrupter and the corrupted must all face the due process of the law," he said.

The Heath special investigating unit has sent officials into three northern universities to probe allegations of massive corruption.

## DEVELOPMENT Wolfensohn speaks out at Durban conference

# Corruption key to ending poverty, says World Bank

(34) (297)

SHIRLEY JONES

KWAZULU NATAL EDITOR

Durban - Voters in developed countries were reluctant to give money to poor countries because of fears that the funds would end up in the offshore bank accounts of corrupt leaders, James Wolfensohn, the president of the World Bank, told delegates at the ninth International Anti-corruption Conference yesterday.

Wolfensohn said that for the World Bank, which was trying to keep the balance of development assistance flowing, corruption had become a vital issue because of the incidence of poverty.

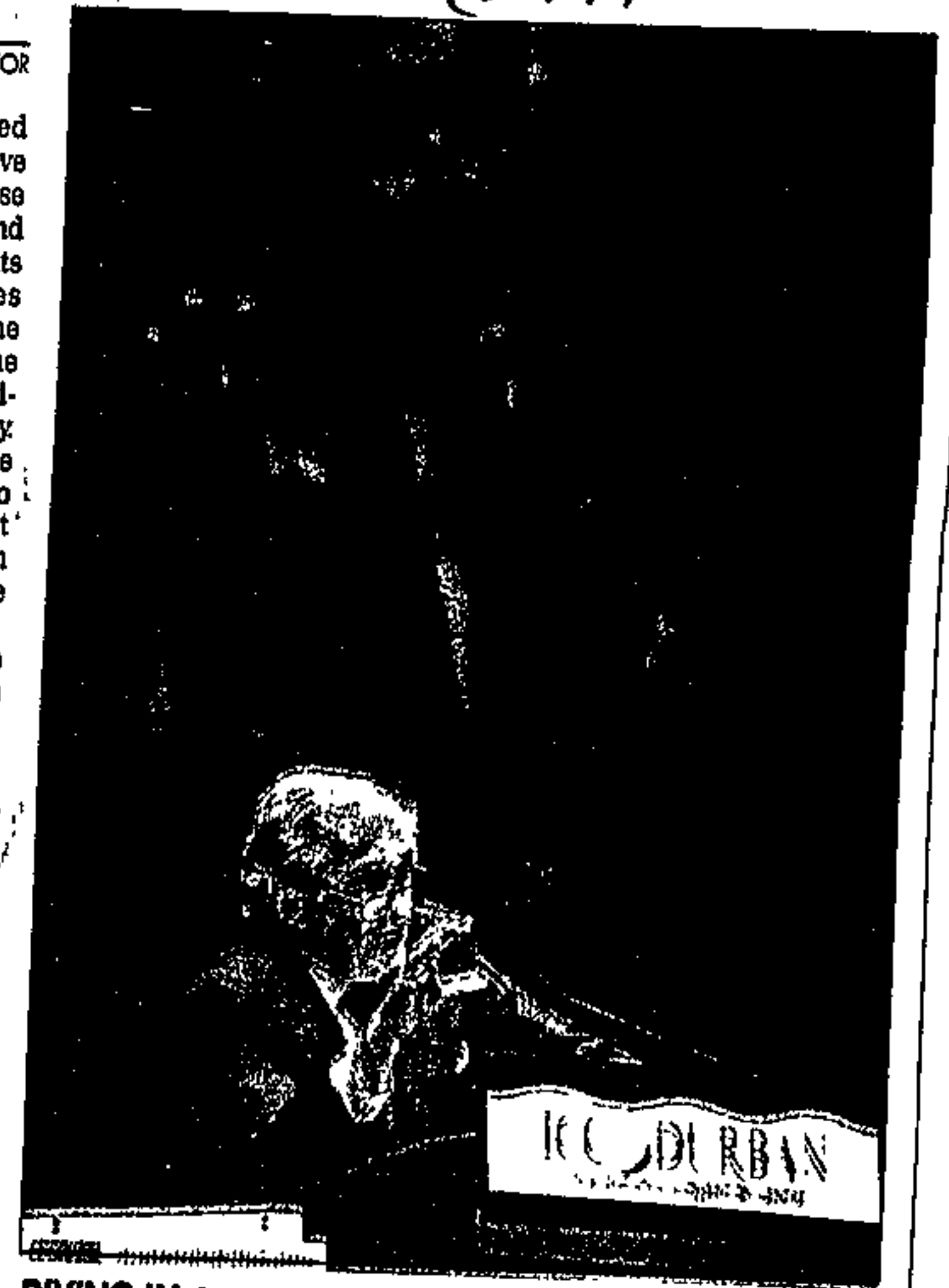
"We are very worried because poverty is not diminishing. It is increasing and at the core are the issues of equity and corruption."

Wolfensohn pointed out that of about 6 billion people worldwide, 3 billion were living in poverty and surviving on less than a dollar a day. "In the next 25 years we will have another 2 billion people on our planet and we could move ... to 4 billion people living under \$2 a day."

He said a recent World Bank study covering 60 000 people in 60 countries had showed interesting trends. "In country after country, poor women and men spoke of corruption. It took many forms."

Wolfensohn said it was often difficult to decide what an institution like the World Bank could do to make a difference. Three years ago corruption was regarded as a political issue that was out of bounds for bank officials.

The World Bank had recently come up with an initiative that



DIVING IN James Wolfensohn, the World Bank president, speaking at the Anti-Corruption conference in Durban. PHOTO BARRY TUCK

brought together teams from Benin, Ethiopia, Ghana, Kenya, Malawi, Tanzania and Uganda three months ago. He said an action plan was in place and those involved would meet during the

conference to assess progress.

He said the time had come for practical solutions. "The speeches have to end. We in the bank are a support player, but we can help and we are doing those things."

ET (PR) 12/10/99

## 'Bring double standard to an end'

SHIRLEY JONES

Durban - Several African leaders at this week's ninth International Anti-Corruption Conference in Durban issued a strong call yesterday for an end to international double standards when stamping out corruption.

Wangari Maathai, the coordinator of the Greenbelt Movement in Kenya, said: "Let the banks and governments, which keep and protect stolen wealth, open their vaults.

"This is blood money. It leaves children dying in hospitals which have no medicine, infrastructures collapsed and water unfit for human consumption."

Robert Wilson, the chairman of Rio Tinto, the international mining company, said good governance was imperative in developing countries. Wilson recalled lost business opportunities in Africa, Asia and the former

Soviet Union because his company had refused to pay bribes.

"Today about five-sixths of investment in developing countries comes from the private sector," he said.

"For too long, and in too many countries, corruption has been an accepted way of life. It has too often been part and parcel of doing business between the private and public sectors and sometimes within the private sector."

Wilson warned that would-be investors were raising their standards and there was a clear correlation between levels of corruption as perceived by investors and levels of investment.

A message from Kofi Annan, the United Nations secretary-general, via Pino Arlacchi, the deputy secretary-general, said corrupt countries with less gross domestic product going into investment registered growth rates of between 0,5 percent and

1 percent less than their more honest counterparts.

"While corruption is a serious worldwide phenomenon, it is especially destructive in developing countries," Annan said. "It has critically hobbled and skewed Africa's development."

Demanding that African governments got tough on corruption, he said the costs were high in lost resources, lost foreign investment, distorted decision making and falling public confidence.

He called on the Organisation of African Unity to devise a uniform African convention on the conduct of public officials and the transparency of public administration by next year.

Maathai, however, said there was more to corruption than dishonest African leadership. "The responsibility to end corruption should be the responsibility of those who borrow as well as those who lend," he said.



By Marietjie Myburg

**C**ORRUPTION violates social, economic and human rights. Those worst affected are usually the poorest and the most vulnerable. Yet the voice of these high-risk groups is seldom heard in the international corruption debate.

The Community Information, Empowerment and Transparency (Ciet) international delegation at the 9th International Anti-Corruption Conference in Durban this week believes its contribution to the anti-corruption battle can provide a sounding board for that voice.

Ciet is an international group of non-profit, non-governmental organisations, academic institutes and charities dedicated to building the community voice into planning.

"It is usually the business community or special interest groups who get their views heard on issues about corruption," says Professor Neil Andersson, founder and executive director of Ciet. "Social audits amplify the voice of ordinary people in ordinary households."

"In the Ciet social audits, hundreds of thousands of ordinary people have spoken up about their experiences of corruption in public services like primary education, the police, health, justice, agriculture, customs, social welfare and public administration."

Drawing on this experience, Ciet has devised a seven-component social audit to help uproot corruption:

- **Get the evidence:** Hard evidence is needed on public services from the standpoint of users. Modern survey techniques measure the real gap between the intended service delivery and the actual service received;

- **Impartiality:** The assessment must be impartial, drawing in non-partisan civil society and university-based skills.

- **Get government buy-in:** The Government can be placed in a win-win situation. Even a bad 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 witchhunt:** A social audit is intended to focus on system flaws and to build local solutions. It should also be drawing together service workers and civil society. This is one very big difference between petty corruption and grand corruption; and

- **Disseminate the results:** When the

# Protecting the poor against corruption

(34) Sowetan 12/10/99



South African President Thabo Mbeki officially opens the seventh international anti-corruption conference in Durban.

same evidence is known and held by the decision-takers, the public service workers and members of the public, it becomes that much more difficult to avoid making the obvious changes.

"With wide dissemination of social audit results, people see their opinions beginning to make a difference, they become less tolerant of corruption and a whole new dynamic begins to kick in: empowerment," says Andersson.

Corruption is not limited to the public services. But when public resources intended for services "leak" from the system through absenteeism, extortion, inefficient use or under-the-table charges, it is the poor and most vulnerable who are hit the hardest.

The good news is that this day-to-day petty corruption, which sets a favourable environment for grand 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 1998 National

Integrity Survey, conducted by Ciet in collaboration with the Ugandan inspector-general - who is also attending the Durban conference this week - found citizens were less likely to pay "extra 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 sustainable solutions," says Andersson.

Another successful example comes from Johannesburg. In collaboration with the Southern Metropolitan Local Council and the Johannesburg police, a Ciet social audit found that only one in every 272 rapists who is reported to the police ever gets convicted.

The police, the council and Ciet jointly made these findings public along with community-based strategies for reform. This, in turn, led the authorities to modify their registration and processing mechanisms. A follow-up audit in April 2000 will measure the impact of these reforms.

The Lima Anti-Corruption Declaration, currently under review by Durban delegates, states that moral leadership to counter corruption has to start at the highest levels: "You clean a staircase by starting at the top."

The Ciet social audit proposal starts at the other end of the staircase. "Our method involves a 'trickle-up' from community, to district, to national level by building on the community voice and local solutions," says Andersson.

"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," Andersson concludes.

Rather than focusing on stricter conditionality for international aid, or wagging an admonishing finger at corruption-ridden states, he sees the Durban conference as an opportunity for governments and development agencies to commit publicly to the capacity-building necessary to create such local accountability systems.

The Anti-Corruption Conference brings together more than 1 100 delegates, including heads of state and international organisations and ends on Friday.

● For more information: [www.ciet.org](http://www.ciet.org)

(The writer is information officer of Community Information, Empowerment and Transparency.)

# Corruption 'is affecting funding'

BD 12/10/99 (34)

Pule Molebeledi

DURBAN — Corruption was 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 parliaments from developed countries were saying that they did not want to give money to any form of development assistance "if it finishes 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 important initiatives with which, it was trying to help. The measures operate firstly at the structural and analytical levels, and then assist the partnerships that exist in society.

The bank plays the role of support player and countries decide which course of action they wish to bring about. Ghana, Benin, Kenya, Ethiopia, Malawi, Tanzania and Uganda started with this programme three months ago.

Wolfensohn said the bank was deeply involved at country level as 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 con-

ducted 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 and ... the centrality of corruption," he said. This study takes corruption down from the level of megacrime to that of a disease which permeates society. "It is felt by the poorest levels of society," he said.

Wolfensohn said the bank was frequently blamed for the existence of corruption. "In fact we feel deeply that corruption is the thing that could make the difference in terms of effectiveness or lack of (it) for our projects."

Wolfensohn said when he joined the bank three years ago, corruption was never mentioned for political reasons; because the bank was owned by governments. Now ministers themselves made speeches about corruption

# Annan urges tough action on corruption

(34) BD 12/10/99

Pule Molebeledi

DURBAN — United Nation Secretary-General Kofi Annan has called on the Organisation of African Unity to devise an African convention governing the conduct of public officials and transparency of public administration by the end of 2000.

Annan, who was not at the 9th international anticorruption conference held in Durban, said through the UN's undersecretary-general, Pino Arlacchi, 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 decision making and falling public confidence," he said.

Corruption, he said, was not inherent to one society, but was a global issue. Many governments, global businesses and international organisations had stopped looking 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, Wangari Maathai from the Greenbelt Movement in Kenya, got a standing ovation from delegates for a hard-hitting speech.

Maathai said corruption was thriving because it paid good dividends at "whichever level the investment" was made.

She called for the criminalisation of corruption so that corrupt leaders could not hide and would be apprehended, tried and judged in an international court.

Maathai called for the abolition of secret transactions between "stakeholders" and "finance ministers". She said the responsibility to end corruption in such deals should rest with those who borrow and lend.

"The lenders could not pretend they did not care what the borrower did with the funds," she said.



# SA is about half-way corrupt, and relatively good, say international researchers

TANIA BROUGHTON

DURBAN: SA's present position — 32nd on a list of 83 countries listed on an international corruption index — out-ranks all but two other African countries, Botswana and Namibia. This was "relatively good", the head of a global corruption watchdog body told a media brief-ing yesterday.

Peter Eigen, chairperson of German-based Transparency International, organiser of the ninth anti-corruption conference under way

here, gave high praise to some of the country's corruption-combating initiatives, including accountability provisions in the Constitution. He described the code of conduct for parliamentarians as "exemplary", saying it was being used as a model by his organisation.

At the top of the corruption index (the least is Denmark, followed by Finland, Sweden, New Zealand and Iceland. The worst score went to Cameroon, which just pipped Paraguay, Honduras, Nigeria and Tanzania to the dubious "most corrupt country" position.

Eigen explained that the index — due to be updated in two weeks — was based on perceptions of people and not fact. "Unfortunately" this can be unfair, especially to a country which is embarking on anti-corruption strategies and being transparent about them.

He said another flaw, about to be rectified, was that it measured "the hand that takes and not the one that gives", shedding negative light on developing countries while ignoring companies in the north which were paying the bribes.

In two weeks however, Transparency International would release its first "bribe payers' index". This would expose foreign companies with a propensity to pay bribes, although they would not be specifically named.

A major victory in the fight against corruption had been the Organisation of Economic Co-operation Development convention against the bribery of foreign public officials.

This radically changed the way companies from industrialised countries did business, especially in developing countries.

Countries which had signed the convention made it illegal in their own countries for companies to pay bribes.

In the past this was not a crime, and in countries such as Germany it was even tax deductible.

While South Africa is not yet a signatory to the agreement, Justice Minister Penneil Maduna has confirmed that it is under consideration.

Opening the conference, in a video message to the 1 600 delegates yesterday, US vice-president Al Gore said more nations were demanding democracy and more accountability from government.

"They now see corruption for what it is: Theft from the nation," he said.

ET 13/10/99

(34)



By David Hall

# Privatisation often leads to corruption

(232) (34) Sowetan 14/10/99

AS TRANSPARENCY International's ninth anti-corruption conference takes place in Durban this week, it is time to recognise that the mother of much recent corruption is privatisation.

It gives lucrative business to multinationals and provides great economic incentives to corruption.

Most of the multinationals involved in the recent dam scandal in Lesotho are based in Europe - a continent where corruption has become entrenched.

Politicians in Britain, France, Italy, Spain and Belgium have been convicted in scandals associated with bribery in the last decade. The entire European Commission had to resign this year over corruption.

Multinationals are so used to using bribes to obtain contracts that they do it to each other. Oil group BP started prosecuting construction multinationals for bribing their officials to obtain contracts.

It is well known that concessions are a major source of corrupt practices by groups intent on winning favourable terms. A report by the French audit commission, the Cour des Comptes, in January 1997 said that the system of privatised concessions had led to widespread corruption - both Suez-Lyonnaise and Vivendi have been convicted of this.

Even the World Bank acknowledges. "The privatisation process itself can create corrupt incentives." All around the world there are reports of allegations where multinationals are seeking such contracts.

In Indonesia, the public authorities in electricity and water are insisting that the contracts given to multinationals under the old dictatorship were corrupt, and based on extortionate profits.

Yet the multinationals, supported by their Organisation for Economic Cooperation and Development (OECD) governments and the World Bank, insist on the sanctity of these contracts.

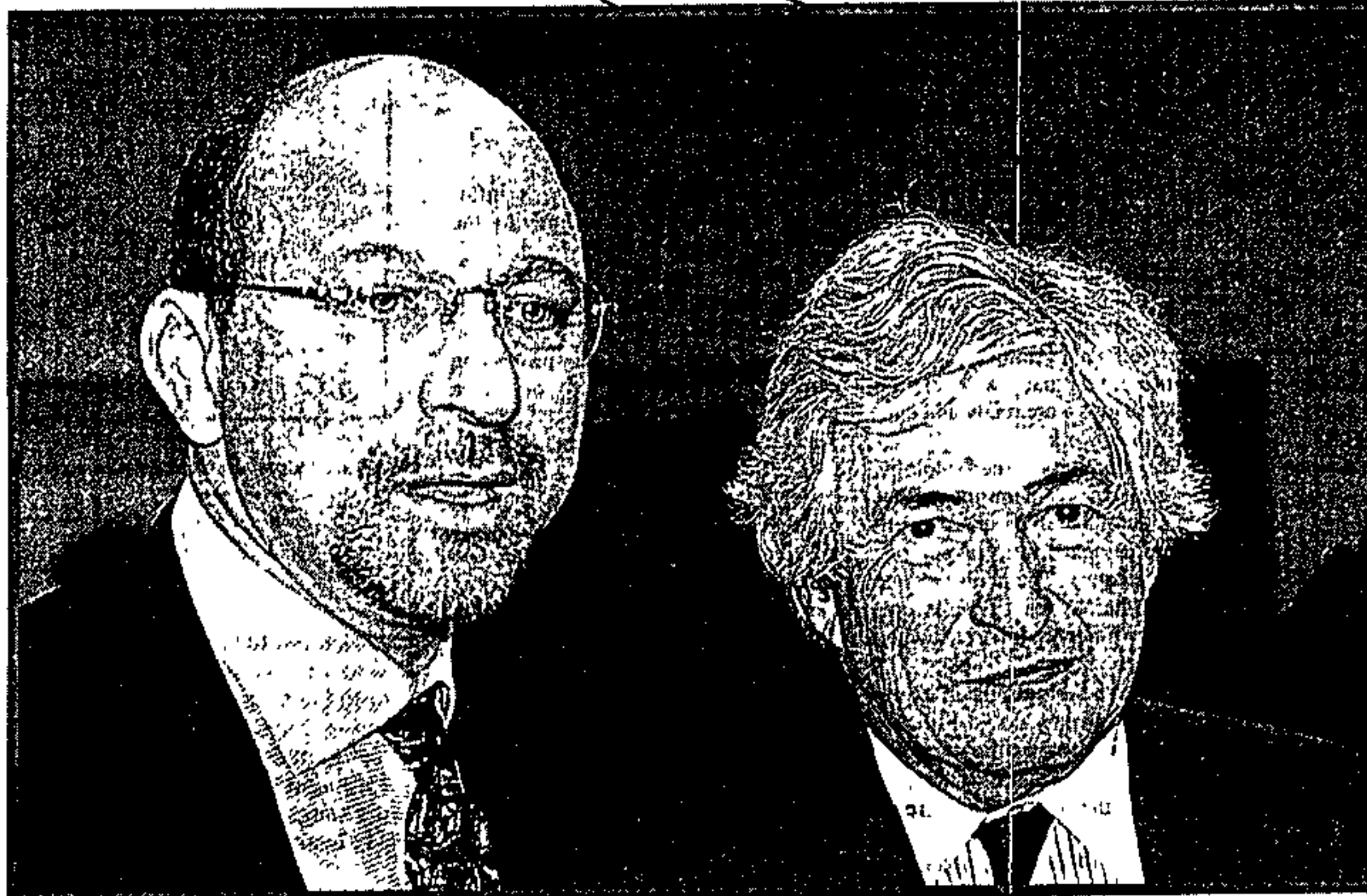
One former official of the Lesotho Highlands Water Project has been charged with taking R12 million in bribes from a dozen international companies over 10 years.

According to the charge sheet, the official "did unlawfully, intentionally and corruptly accept bribe moneys, over the period February 1988 to December 1998, from Lesotho Highlands Water Project contractors".

The charge sheets list the precise amounts 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 is being prosecuted for paying bribes. None of their OECD home countries is taking action against the companies.

Instead, many of these multina-



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

tionals are gaining new, profitable business from privatisation. One company, for example, is being given a water concession on the Dolphin Coast.

If this happened in Singapore, these multinationals would be prosecuted - and on conviction they, 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 fine 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 Aguas Argentinas, where the bank, through its International Finance Corporation (IFC), is an equity partner alongside Lyonnaise des Eaux (now Suez-Lyonnaise) and Générale des Eaux (now Vivendi), both of which have had executives convicted of

bribing French public officials to win contracts (in Grenoble, Réunion, and Angoulême).

The bank helps companies keep contracts which may have been obtained corruptly. Hubco, Pakistan's largest power company, is accused by the government of obtaining its contract corruptly.

The World Bank has insisted that Hubco'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 Hubco's contract would not be cancelled because of the corruption proceedings.

In 1996 Wolfensohn announced that he had hired an international inspection company, Société Générale de Surveillance (SGS) of Switzerland, to audit bank projects for evidence of corruption in three countries - Poland, Kenya and Pakistan.

But within months the *Financial Times* reported that "SGS 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 R72 million from SGS and banned from holding a seat in Parliament for seven years.

But SGS 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 a condition for loans - regardless of corruption allegations. In Uganda, the bank's IFC is financing 80 percent of a R4 000 million hydropower scheme involving multinational AES, 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 purchase agreement on which the scheme depends - in April the minister for energy resigned because he was accused "of bribetaking in his brokering of the power purchase agreement between the American-British AES and government".

South Africa can lead the world by using the opportunity of the Transparency International conference to announce that it will

- Prosecute all multinational bribe givers, and follow the example of Singapore in imposing five-year bans on all convicted groups and their subsidiaries and their partners;

- Place a moratorium on privatisations and a complete ban on any "negotiated" concessions; and

- Prioritise the public sector option

The conference in Durban should:

- Urge South Africa and other countries to prosecute multinational bribe-givers and ban offenders from public sector contracts;

- Urge 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 scandal of bribery and corruption.

(The writer is director of the London-based Public Services International Research Unit, which maintains a data base and publishes papers on privatisation worldwide.)



# Conference seeks global war on graft

BD 18/10/99

(34)

Delegates want regional, international co-operation against corruption, writes Pule Molebeledi

DURBAN — Secret bank accounts used by corrupt leaders to siphon off huge amounts of money from their poverty-stricken countries will become a thing of the past if resolutions adopted by the ninth international anticorruption 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 groupings, will certainly be pleased with this outcome after they put up 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 moneys 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 community and others to create responses, including enforceable international obligations, which would record transactions effectively to curb money laundering and facilitate

the return of looted money.

Festus Mogae, president of Botswana, said some multinational companies made it a norm to corrupt governments and officials in the south for them to be favoured with business. He said in their effort to justify corruption, such companies would naturally claim to be protecting their investments and security.

Mogae said governments of the north, where these companies came from, had in the past not taken stern action against them because of the weak nature of the codes of conduct.

The conference committed itself to working 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 anticorruption 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 Conference 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 redefined 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-bribery 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 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 would be reviewed in 2001 in Prague, where the next conference would be hosted.

In his closing remarks, Deputy President Jacob Zuma said he had no doubt the conference had come closer to finding strategies of 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 would in posterity be categorised as a mere talkshop".

Wangari Maathai, of the Greenbelt Movement from Kenya, said she felt good about the commitment to fight corruption.

Maathai, 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 'druglord'

Pule Molebeledi

DURBAN — An intensive four-year investigation, coupled with surveillance and communication interception devices, has resulted in the attachment of property worth R10m belonging to a man alleged to be "one of SA's biggest drug kingpins".

Ronnie Johnny Smith, a Swazi citizen owning properties in SA, has also had his bank accounts frozen by the SA Revenue Services for an investigation into alleged tax evasion.

He is out on R50 000 bail after he

was arrested in April with other accomplices in Mpumalanga and is due to appear in court in Middelburg on January 20. 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 luxurious 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 Willie Hofmeyer said Tanya Smith, Smith's daughter, had deposited R500 000 into her father's account in one month. She is a technician student with no employment record.

"She also has an account for herself," said Hofmeyer. "It has a lot of money and she also has four luxury vehicles registered in her name. Her boyfriend also has a former Ron Smith 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 Bulelani Ngcuka, who was

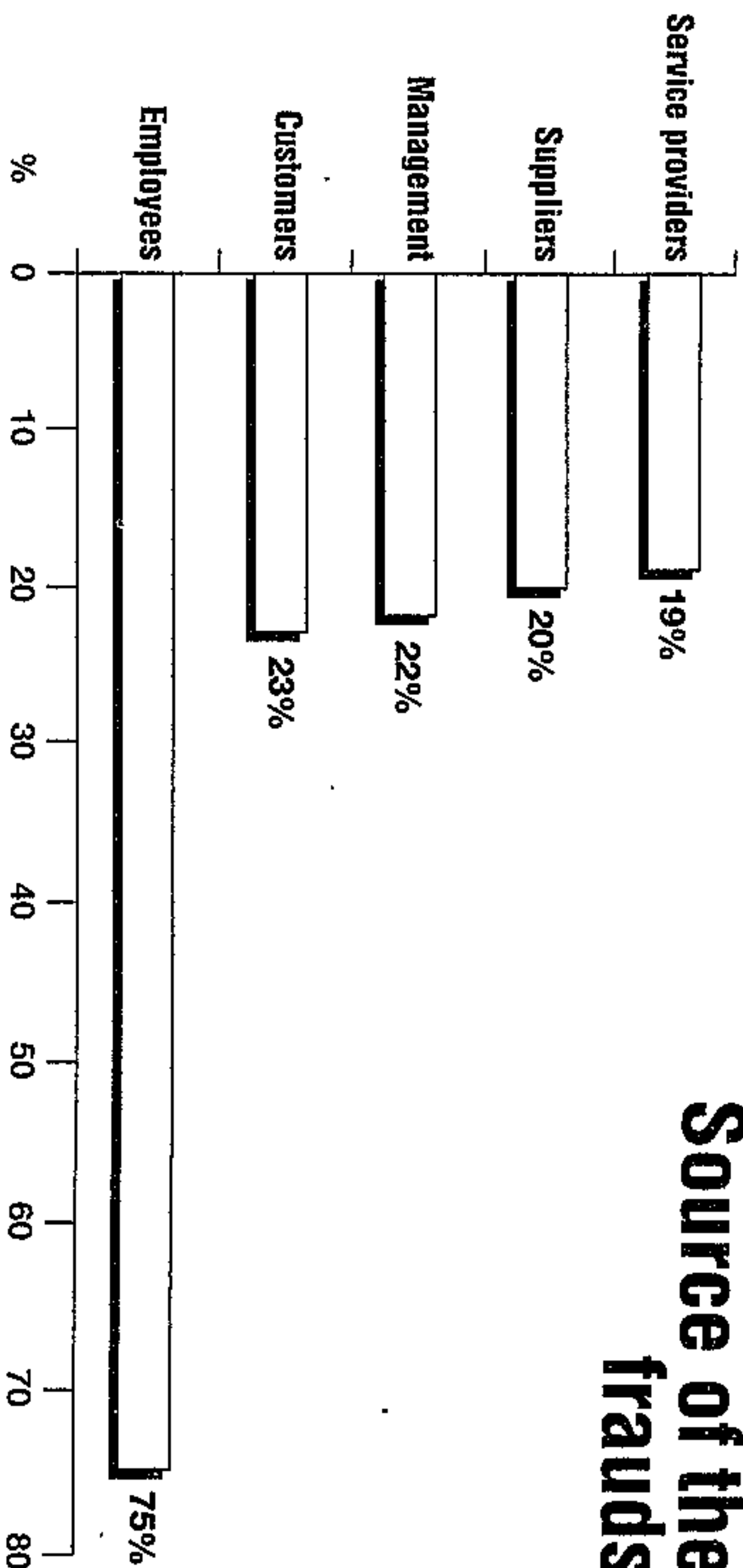
present during the search, said investigations had revealed that over the past two years, R14m in cash transactions had gone through Smith's account. He praised police for doing an "exceptional" job.

Smith is alleged to have derived his properties 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 Jamaica, Hong Kong and Jersey Island. He also has a mansion in Swaziland and several businesses, including a crocodile farm.

BD 18/10/99

## Source of the frauds



Graphic: KUBEN DAVID Source: KPMG FORENSIC AND INVESTIGATIVE ACCOUNTING GROUP

# Businesses 'expect more fraud'

Patrick Wadula

THE future outlook for business appears to be bleak as fraud is expected to continue, with company employees as the perpetrators.

A fraud survey of more than 2 000 southern African companies released by forensic and investigative accounting group KPMG yesterday showed that 86% of the respondents believed they would fall prey to fraud in the future.

Companies from SA, Botswana, Namibia, Lesotho and Malawi participated in the survey.

The reason for the expected increase cited most often was economic pressure. Others were lack of adequate penalties and enforcement, inefficient justice systems

and deteriorating values.

KPMG managing partner Petrus Marais said as it was a sometimes difficult and often sensitive subject, respondents were not asked to quantify the cost of fraud.

The report showed that companies were at risk from enemies within their own corporations.

Employee fraud had increased by almost 50% in the past four years. Respondents pointed out that 75% of frauds were committed by employees and 48% of these were the result of collusion between employees and third parties.

Marais said a company's biggest enemy was not its management, clients, service providers or suppliers, but its employees.

At the same time employees

could play a deciding role in the fight against fraud and save companies millions of rands.

"The profile of a dishonest employee is clear. It is an employee who is not considered management (material), who is feeling the brunt of economic pressure and will collude with third parties to rid a company of, primarily, money or monetary assets," said Marais.

The survey indicated that the most effective tool in fighting fraud was the implementation of stringent internal controls.

KPMG associate principal Dawie Fouche said the positive aspect of the survey was that about 60% of the respondent companies believed their governments were committed to combating fraud.

## MPs criticise home affairs anti-graft unit

Farouk Chothia (34) Bdalholoqa

CAPE TOWN — The home affairs department was criticised by MPs yesterday for allegedly failing to take sufficient steps to combat corruption within its ranks.

Rabone Moripe, head of the department's anticorruption unit, said in a briefing to the national assembly's home affairs portfolio committee that the unit investigated 43 department officials in the six months to the end of September. Forty of them were found guilty at internal disciplinary hearings, he said.

Moripe was unable to give details, including areas where corruption was most rife.

The unit is made up of 10 members — six from the department and two each from the SA Police Service and the National Intelligence Agency. It has an annual budget of more than R1m.

African National Congress MP Kgaogelo Lekgoro said he was not impressed by the presentation.

He expected to hear "something tangible", he said, and the claim of a 90% success rate was a "figment of the imagination".

"I am convinced that the department is not set to deal with the corruption hitting it."

Moripe said the unit had done well, when one took into account its limited resources. "We are having a serious problem of capacity. I am not saying we are on top of the situation," he said.

Moripe said 82 officials were guilty of misconduct during the 1998/99 financial year. Nine were acquitted. Democratic Party MP Richard Pillay said he found it worrying that only 10 people made up the unit. He was also aware of a case where people posed as unit members, gained access to the population register and produced false identity documents, Pillay said.

Moripe said rather than "scoring points", Pillay should supply the information to the authorities.

United Democratic Movement MP Annelize van Wyk said after the meeting that a judicial commission of inquiry should investigate the extent of corruption in the department.



# Shock figures on white collar crime

By Mongwadi Madiseng

**S**EVENTY 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.

*Source: 21/10/99 (34)*  
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 the 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 whom 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.



Petrus Marais, managing principal of KPMG

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.



## BY INVITATION

Charlene Smith

FMR22/10/99

# EMPLOYING THE PROFIT MOTIVE TO COMBAT RAPE

**S**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 1,6m 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 outbursts of anger do occur. A popular employee may begin arguing with her co-workers, 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

(34)  
violence may choose to become victims or perpetrators. But attitude is the father of rape and violent behaviour.

The recent furore 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 glean 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



**Businesses all have data that could help us track and manage this epidemic**

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 gang rapists forcing 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

(34) FM 22/10/99

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 30% 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%.

**»»KPMG says the primary problem is employee fraud and that customer fraud is minimal: 75% of frauds were perpetrated against the company by employees, up from 30% in 1994 ««**

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 manage-

ment 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 Hazelhurst

FM 22/10/99

# VOICING THE DREADED C-WORD

(34)

Donor agencies and ordinary people take on the vested interests

It's known as the 10% culture to those familiar with the practices of corrupt officialdom and corrupt companies. And it's a way of life in many countries, where it has a damaging cumulative effect on the economy and society.

Speaker after speaker made the point at a conference in Durban last week organised by Transparency International (TI) — an international NGO set up in 1993 to combat corruption. TI arranges anticorruption conferences every two years.

This was the first in Africa. Brakes and kickbacks that are part of day-to-day business increase the cost of transactions, cut economic growth, slow development, erode the quality of life and eventually topple governments.

Though no speaker said as much, corruption may well be the common thread running through last week's military coup in Pakistan, continuing insurrection in the Indonesian capital of Jakarta, and angry demonstrations in the streets of Serbian capital Belgrade.

TI's corruption index in 1997 placed

Vygoslavia, of which Serbia was once a part, at 61, Pakistan at 71 and Indonesia at 80. By comparison, Botswana is at number 23 and SA at 32.

Speakers quoted World Bank research that shows widespread corruption can cut 0.5%-1% off a country's growth rate, and a TI study that shows "a rise in corruption levels from that of Singapore (very low) to that of Mexico (very high) equals a 20% rise in the marginal tax rate"

The significance of this finding is that a single percentage point rise in the marginal tax rate reduces inward foreign investment by an estimated 5%. So corruption can cost a country virtually all the foreign direct investment it might otherwise have expected to receive.

Political economist and chairman of Ghana's parliamentary accounts committee J H Mensah gave delegates another perspective. "The damage is not primarily that some people get unfairly rich or that a project becomes overpriced," he said. "The worst damage is that, once the top men have breached the protective wall of fi-

nanial integrity to take even a 5% commission, everybody else in the system, down to the smallest messenger, takes a slice. And then you can drive an articulated truck through the breach."

This came as no surprise to the 1 600 delegates from 35 countries, all of whom are engaged in a campaign of some sort against corruption.

But the dangers of rampant corruption, now perceived as public enemy number one, have not always been acknowledged by the international community.

World Bank president James Wolfensohn, who described corruption as the single greatest obstacle to social equity and justice, told the conference it was only three years ago that the dreaded C-word passed the lips of World Bank officials.

For many decades, governments, donor agencies and people with power in the societies most affected played down the dimensions of the problem.

Moreover, attitudes towards corrupt practices were ambivalent. There were those who argued that anything that subverts restrictive laws and regulations stimulates growth and promotes development. It took a series of crises to bring home

the dimensions of the danger — a currency crash touched off in Thailand in July 1997, the near-collapse of many southeast Asian economies in 1997-1998, financial contagion across continents and the destabilisation of global financial markets.

Wolfensohn recently told the Bank's board of governors that countries "may come up with sound monetary and fiscal policy, but if they do not confront the issue of corruption their development is fundamentally flawed and will not last"

The damage of past practices is also now recognised in developing countries

Mensah blames the 10% culture for the fall from popularity of Kwame Nkrumah, Africa's first post-colonial leader, who came to power in Ghana in 1947. Nkrumah, Mensah said, had little interest in money himself. But he was surrounded by "clever rogues" who eventually brought the economy to its knees.

Not only does corruption make the poor poorer, but it sets off a chain reaction within the economy by increasing transaction costs for businesses.

Robert Wilson, chairman of international mining group Rio Tinto Plc, told the conference that businesses need a predictable framework of law, enforced by an impartial judiciary, a free flow of information and social relationships of mutual trust. "Corruption eats away at each of

these," he said. And he argued that corruption deters investors.

The problem is desperate enough but one of the remedies prescribed at the conference was as desperate. It came from John Makumbe, chairman of Transparency International in Zimbabwe, who advocated changing the due process of law to shift the

His suggestion drew some applause, but also encountered opposition. A Nigerian delegate, speaking from the floor, argued that reversing the onus of proof is more likely to become part of the problem than a solution. It opens the way, he explained, for corrupt and dictatorial regimes to falsely accuse their opponents.

The dangers of giving credibility to false accusations, even under legitimate governments and in countries where the judiciary follows the rule of law, was also raised by Ronald Noble, professor of law at New York University and formerly a federal agent in the US Treasury.

"Despite my background as a prosecutor of public corruption cases and as a law enforcement official, I say take care in publicising allegations of corruption against specific people. Remember, behind every allegation of wrongdoing there is a person with a reputation, family and feelings to be considered."

Also discussed was the role of whistleblowers, who play an important part in identifying wrongdoing and wrongdoers.

Researcher Estelle Feldman from the School of Law at Trinity College University of Dublin cited several examples of successful whistle-blowing, including Paul van Buitenen, a Belgian auditor who leaked documents supporting allegations of fraud and mismanagement in

## HOW COUNTRIES RATE

Corruption perceptions index (least corruption-highest ranking)

Rank	Country
20	Chile
23	Botswana
29	Namibia
32	SA
43	Zimbabwe
45	Malawi
52	Zambia
54	Ghana
55	Philippines
61	Vygoslavia
71	Pakistan
76	Russia
80	Indonesia



SOURCE: TRANSPARENCY INTERNATIONAL 1998

burden of proof, in cases of corruption, from the prosecution to the defence. In other words, people accused of corruption should be forced to prove themselves innocent to escape penalties imposed by corruption claims.



## WHY CORRUPTION MATTERS

### Direct costs are high ...

Over the past 20 years, one East Asian country is reckoned to have lost \$48bn through corruption, surpassing its debt of \$40.6bn

One Asian government found that, over the past decade, State assets have fallen by more than \$50bn, because they have been undervalued by corrupt officials

In another Asian country, recent government reports show \$50m daily is misappropriated

In several Asian countries governments have paid 20%–100% more on goods than their market value

In one North American city, businesses cut \$330m from an annual waste disposal bill of \$1.5bn by ending domination of regulatory bodies by organised crime

In one European city, anticorruption initiatives have reduced the cost of infrastructure by 35%–40%

Indirect costs are even higher ...

Slowed investment decision-making

Lower investment productivity

Quality is compromised and public safety endangered

Civil service morale is eroded

Poverty reduction is thwarted

Foreign and domestic investment is redirected

Stability is threatened

SOURCE: THE ASIAN DEVELOPMENT BANK

Joseph Rose, an in-house attorney who discovered in 1973 that his company had made illegal contributions to US President Richard Nixon's re-election campaign.

"He reported his findings internally and was rejected. He knew he could be implicated in a criminal conspiracy as the Watergate saga unfolded, but equally, disclosure could lay him open to charges of violating attorney-client privilege. Thirty-five years old, with five children and an ill wife, he was dismissed for raising his concerns. He not only lost his job, he was isolated in the community, where his former employers had enormous influence. He was shunned by other attorneys and blacklisted across the US."

But was zero tolerance in law enforcement the answer? Critics argue zero tolerance is unrealistic and wastes scarce resources. They suggest law enforcers should concentrate on grand corruption. Festus Mogae, re-elected Botswana's President this week, argued the case for zero tolerance, even if "the zero at which our campaign is aimed cannot be achieved overnight".

But finding solutions can only come from understanding the causes. Wangari Maathai, Kenyan human rights activist and founder of the Green Belt environmental group, traced the problem to the arrival of colonial powers and missionaries. "They

gave gifts, mild forms of bribes and kickbacks, to persuade the natives to bend their code of conduct." She did not play down the part played in the community by the people who accepted the bribes, however. "The natives agreed partly because they were greedy and selfish, but also because they knew they would face no risks because they had the protection of the newcomers."

The problem didn't end with colonialism, she said, because by then the targets of corruption were so successful that they had achieved the status of role models in the community. "At independence, with perhaps a few exceptions like Jomo Kenyatta, it was collaborators who inherited economic and political power." Many freedom fighters still live in poverty and obscurity. The message to the next generation is clear, she said.

She also proposed solutions. Apart from the obvious need for criminalising corruption and enforcing the laws, she argued that voters should be empowered through civic education to "demand accountable and transparent governance".

Not only is corruption now at the top of the international economic agenda, but there is a groundswell of public opinion urging an end to corrupt practices. Kamal Hossain, former Foreign Minister of Bangladesh, spoke of the need for broad coalitions of socially conscious citizens. He said only broadly based coalitions can create the strength necessary to challenge the combination of forces that sustain and benefit from corruption. *Elial Kazem*

# 'Nail the criminals, to hell with rights!'

By SEKOLIA SELLO

GOVERNMENT is set to unleash an iron-fisted campaign in the fight against crime, even if this means coming close to abandoning - albeit temporarily - some of the constitution's liberal human rights provisions.

There are fears that if the government takes this approach, it could be on a collision course with the country's vocal human rights organisations and, particularly, the statutory Human Rights Commission.

A highly placed source in government said there were plans to unleash "a swift and determined campaign" against criminals, intra-national crime syndicates and the threat posed by "counter-revolutionaries".

The source revealed that "there was a growing body of opinion within government that the current approach to dealing with crime was too soft" and had to be abandoned.

He said last week's statement by Safety and Security Minister Steve Tshwete that he was considering changing laws which enabled criminals to escape justice clearly underlined this new thinking and had the full backing of government.

Tshwete said criminals were "fearless, heartless beasts... It is a proving heat that mauls, murders, robs and rapes with impunity". If human rights were to have any relevance, they should be exercised not in the words of the constitution or statements of Parliament but "in the reality in which we live".

These sentiments are said to reflect government's new thinking on how to deal effectively with crime. Several state security organs like the National Intelligence Agency and the secret service are to form part of this anti-crime strategy.

Tshwete's statement, which came perilously close to saying that some aspects of the constitution could, for all practical purposes, be ignored in order to empower police to deal effectively with crime, is regarded as preparing the public for this eventuality.

So far public opinion seems to have been positive. The source said this is likely to be a temporary affair and that once this scourge has been brought under control, the country can revert to the liberal way of doing things.

The appointment of Jackie Selebi as police commissioner is seen as part of government's broader strategy to ensure that while police will act tougher against criminals, they will not go overboard and engage in blatant human rights abuses.

Selebi has impeccable credentials as a human rights activist and is the former chairman of the United Nations Human Rights Commission. He was also president of the Preparatory Committee of the Comprehensive Nuclear Test Ban Treaty Organisation and president of the Anti-Personnel Mine Conference in Oslo.

His role in these three bodies placed him at the rockface of human rights activism.

Government hopes that his international credentials as a human rights activist will stand him in good stead and show the outside world that South Africa is not about to abandon its commitment to the rule of law and will continue to uphold the integrity of the country's constitution and respect for human rights.

CP 24/10/99

(34)

# Chasing crooked officials is costing as much as the theft

By PHILIP NKOSI

THE Mpumalanga government has already spent more than R1 million trying to prove corrupt officials at the provincial legislature stole almost the same amount of money, yet the culprits have not been brought to book.

Mpumalanga Democratic Party leader Clive Hatch said this week it was outrageous that the provincial government had spent so much in an effort to recover almost exactly the same

amount of money.

"Taxpayer's money has been wasted unnecessarily," he said. He called on the legislature to speed up the process.

Figures released by the legislature on Friday showed that a salary bill of R951 727 had been drawn by the six suspended officials under investigation.

The six were suspended early last year after being accused of stealing R1,8 million from a secret bank account in the name of the ANC. The figures released on Friday also

showed that R123 613 had been spent on the investigation itself.

This bill included transportation and accommodation fees, as well as payment for the services of the disciplinary committee's presiding officer, Lawyer Sechaba and his deputy, Madisha Dennis Lebodi, both from Gauteng.

Their investigation has so far managed to clear one senior legislature official of any wrongdoing. Veli Gabriel Mathebula was reinstated in the legislature on Monday after he was declared

innocent.

The disciplinary committee has declared the legislature's former finance director, Jomo Sibona, and secretary Wilson Ngeywa guilty of misappropriating funds. The two have appealed this finding, which is being reviewed by the Public Service Commission.

The other three officials implicated, Matricia Mokoena, Lorraine Ntshingane and Thembani Banda, appeared before the disciplinary hearing and the legislature is still awaiting a final report from the presiding officers.

"This will be handed in at the beginning of November," said Linda Mwaale, present secretary of the legislature, this week. The scandal led to the dismissal of the former deputy speaker of the legislature, Cynthia Maropeng, last year after she was found guilty of embezzlement.

The bank account in the name of the ANC was opened with a single cheque for R1,8 million in 1997 and was closed early last year with a balance of less than R8 000. - African Eye News Service

CP 24/10/99

(34)



# SA drops two places in corruption index

(34) BD 25/10/99

Stephen Laufer

CHINA, including Hong Kong, is most likely among industrialised nations to pay bribes in an effort to secure contracts internationally, a new bribe payers' index ranking 19 leading exporters shows.

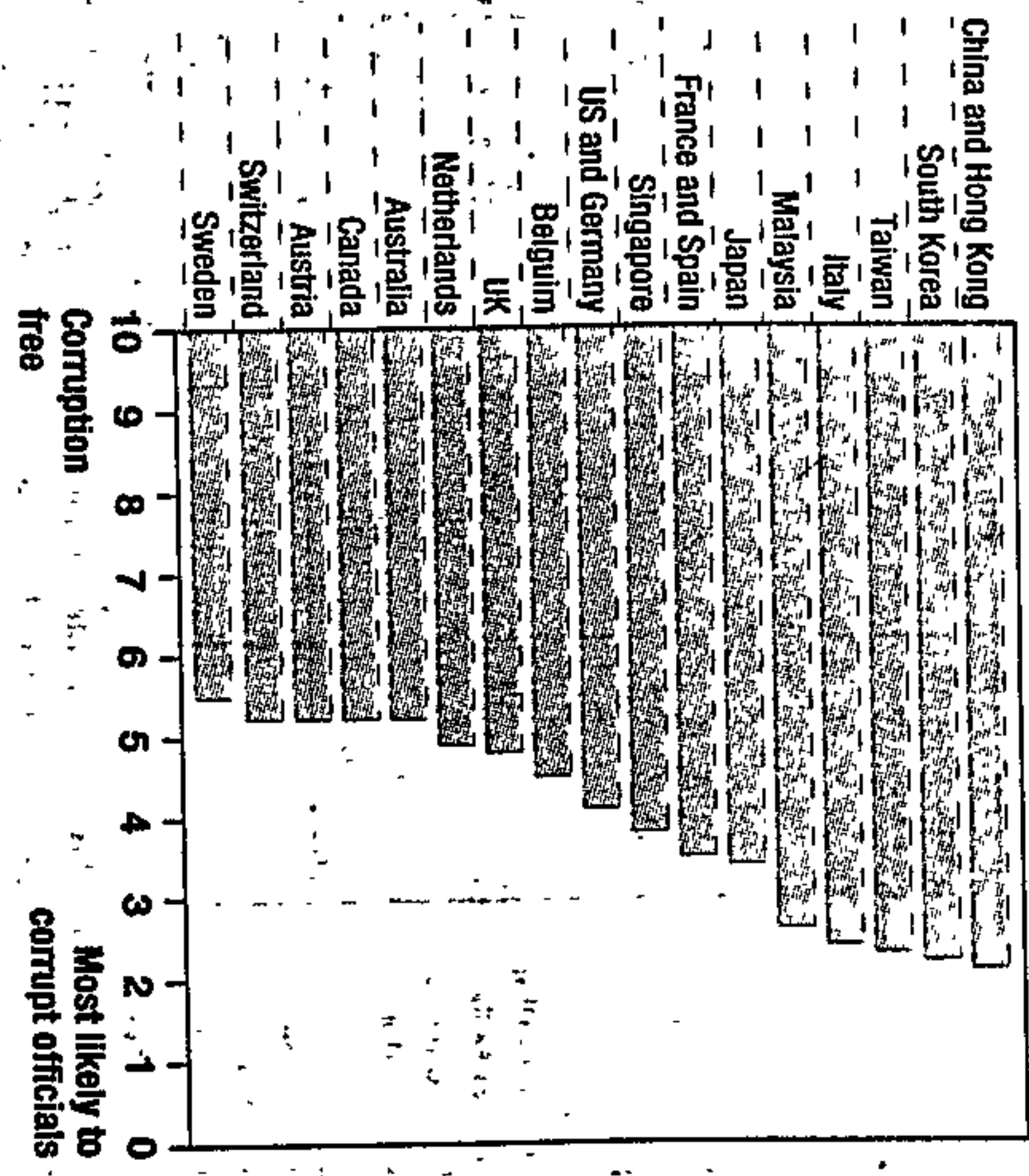
At the same time, the Transparency International study shows that SA slipped two places down an international league table measuring business perceptions of the propensity of government officials to demand bribes, kickbacks and to embezzle public funds.

SA came 34th, scoring five points on a scale that awards 10 points to an absolutely corruption-free importer.

To be published for the first time tomorrow, the bribe payers' index ranks Sweden as least likely among major exporters to grease palms in return for lucrative contracts. Swedish companies score 5.5 on a similar scale that awards 10 points to an absolutely corruption-free exporter.

Australia, Canada, Austria, and Switzerland rank among the five most corruption-free exporters on the list. China and Hong Kong jointly scored 2.1 on the 10-point scale. Ranked behind as the industrial nations most likely to try to corrupt officials internationally are South Korea at 2.2, Taiwan (2.3),

## Countries most likely to pay bribes



Graphic: KAREN MOOLMAN Source: TRANSPARENCY INTERNATIONAL STUDY

Italy (2.4), Malaysia (2.6), Japan (3.4), France and Spain (3.5), Singapore (3.8), the US and Germany (4.1), Belgium (4.5), the UK (4.8), and the Netherlands, at 4.9. The league table was compiled

by the Gallup polling organisation for Transparency International from interviews with executives at major companies, accountants, binational chambers of commerce, major banks and law firms in the 14

developing countries which receive 60% of exports to emerging markets.

Interviews for the study were conducted in SA, India, Argentina, Hungary, Morocco, Indonesia, Brazil, Poland, Nigeria, Philippines, Russia, Columbia, South Korea and Thailand.

The index is part of an attempt by Transparency International to draw the developed world's attention to its responsibility for corruption in the developing world. The Organisation for Economic Development and Co-operation this year agreed to a convention that punishes acts of bribery against officials in foreign countries.

"The donor hand is as guilty as the recipients," says the organisation's Peter Eigen. Cameroon is ranked as the country whose officials are most likely to ask for bribes. Nigeria, Indonesia, Azerbaijan, Uzbekistan, Honduras, Tanzania, Yugoslavia, Paraguay and Kenya score two points or fewer.

Eigen said that although many poor countries scored badly, it would be wrong to call them the most corrupt in the world. The index was comprehensive, but Transparency still lacked the resources to analyse a further 80 countries.



# Corruption creeps into most states

Transparency International's efforts are starting to show results, writes Bartholomaeus Grill

BD 25/10/99 (34)

**T**HE accused knew nothing of the conference, but he will not forget it in a hurry in his judgment delivered in the Durban Regional Court. Judge Mahendra Daya mentioned the international anticorruption conference down the road as he sentenced businessman Pieter Schalk van Wyk to five years in prison for not paying R175 000 in tax.

As much as he directed his remarks at the accused, the judge seemed to want the 1 600 conference delegates from 135 countries to take note of how SA is getting tough with tax evaders.

His interest mirrors growing international concern over corruption issues. It is not that long ago that the conference organisers, Transparency International, were seen as a group of Don Quixotes — well-meaning do-gooders tilting at windmills.

Now, heads of state and government, ministers, bankers, industrialists and even the head of Interpol are regular guests at the group's conferences.

Company bosses and financial strategists study the group's annual corruption index just as some governments try to ignore it because of its effect on investment flows.

This year, for the first time, Transparency International is publishing a parallel league table of the states whose companies are most involved in bribing their way into lucrative contracts. Together, the indices show that the bribery and corruption virus has attacked countries across the globe.

Even the World Bank has had to acknowledge this diagnosis, as its president James Wolfensohn said in an unusually forthright speech: "When I arrived at the bank, I was told you don't talk about the C-word." Corruption was a political issue, he was told, something bankers kept away from.

Wolfensohn was the first World Bank president to speak on the issue publicly. "So far as our institution is concerned, there is nothing more important than the issue of corruption."

A bank study summarising interviews with 60 000 people from across the world says corruption was the number one issue. To protect themselves from the "worst forms of harassment, theft and abuse", citizens are forced to pay bribes.

Corruption is one of the greatest barriers to development. It deepens the divide between poor and wealthy because greedy elites plunder public coffers.

It distorts competition because companies must spend increasingly large amounts to win tenders.

Corruption undermines democracy, trust in the state, the legitimacy of governments, and public morale.

"We started speaking of hyper-corruption long ago," said Argentina's Transparency International chief, Luis Moreno Ocampo. Such diagnoses confirm for many the belief that corruption is a developing world phenomenon.

This view sees corruption as the exception in the developed world. That was always a false assumption.

Italian prosecutors have been investigating 4 000 corruption cases against members of the establishment since 1992. People such as former prime minister Bruno Craxi or media mogul Silvio Berlusconi have been convicted.

In France, the oil multinational Elf has produced scandal after scandal. The company has installed African presidents, toppled governments, bought administrations — a state with-

in the state, with its own secret service. In the five years alone that Loik Le Floch-Prigent headed the company, almost R4,5bn in slush funds flowed.

In Spain, the former head of the Guardia Civil, Luis Rodán Ibanez, was sentenced to 28 years for embezzlement and misappropriation of funds.

China's disciplinary committee last year registered 33 000 cases of bribery, corruption, or fraud in public office.

The communist party has become so corrupt that the moment it opens its mouth, it smells of rot, said the Frankfurter Allgemeine Zeitung.

Japan's finance ministry, long praised as the home of virtue, has been shaken by scandal. In February 1997, a high ranking official implicated in a scandal hanged himself in his hotel.

In Bosnia, rough estimates show that more than R6bn in development aid has disappeared into thin air.

Senior officials in Brussels waste billions in the European Union's subsidy jungle, 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 swamp go beyond anything seen anywhere else. In the corridors of western financial institutions, a sum of almost R950bn is mentioned.

The mafia has drained funds from reconstruction projects, washed them via serious banks, and invested them offshore. "By comparison with the Russian finance Boyars, Africa's despots look like petty egg thieves," says Transparency International advisor Dieter Biallas.

But why look as far away as Russia? There is corruption in Germany too. Recently there have been scandals about airport tenders in Berlin, the mayor in Cologne, and the blood transfusion service in Munich. It is true that corruption has always existed. But never in history was it so prevalent or its consequences so threatening as today.

The geopolitical and economic changes since the end of the Cold War form the backdrop.

The fall of the Berlin wall brought the collapse of the command economies in eastern Europe. Turbulent transformation processes which stretched the state and societies beyond their limits followed.

Free markets, privatisation, deregulation — the old bureaucracy and the new carpetbaggers issued each other licences to plunder.

At the same time, an unleashed version of capitalism started its victorious march around the globe. With globalisation came the cult of quick economic successes. President Thabo Mbeki spoke of a "perverted, antisocial individualism", and quoted financier George Soros: "There is something wrong with making survival of the fittest a guiding principle of civilised society."

Corruption is a product of the new social Darwinism which makes the rich richer and the poor poorer.

In the southern hemisphere and eastern Europe millions of people are being robbed of opportunities. But in the west, dirty dealings are made light of — peanuts, not worth speaking



about. There is a belief that under-the-table dealings will not reduce general prosperity, while they are a necessary evil in the third world.

"Special payments" smooth the way for perishable goods, supplies for hospital construction, or the winning of important contracts. In any case, what is wrong with gifts to keep friendships going? Is bakshish not part of the tradition in many parts of the world?

In Africa everything grinds to a standstill if palms are not greased. Should one deny a little extra to the official who has had no income for eight months and has five mouths to feed?

Multinationals have a philosophy of their own in these matters. They differentiate between good and bad corruption, between illegal bribery and legal commissions —

which increases the company's competitiveness and leaves room for "creative" tax declarations.

In Germany, bribes abroad were tax deductible until a change in the law in April.

The Economist estimates that German companies pay R18,5bn in annual bribes.

Lawyer Seth Goldschlager estimates that worldwide, bribes worth about R335bn are paid every year.

But what can a nongovernmental organisation like Transparency International do against the combined power of multinational capital? What is the point of conferences of idealists in the face of crumbling standards?

"A great deal," says the organisation's Peter Eigen, and points to the bribery convention agreed to this year by 33 members of the Organisation for Economic Co-operation and Development (OECD) and five other countries. This first international convention punishes acts of bribery of officials in foreign countries. "The donor hand is as guilty as the recipient's," says Eigen.

Sceptics argue that the OECD convention has only made corruption more subtle. At least it does strengthen the hand of those companies who have

begun to think differently because the cost of bribery is getting too high. In Albania, 8% of turnover goes to bribes, in Mexico 20% of any investment.

Among multinationals, a number have voluntarily subscribed to a code of ethics. General Electric, Shell, and Rio Tinto are among them. Unilever refused to be put under further pressure in Bulgaria and pulled out.

Transparency International's efforts are beginning to bear fruit in Seoul, public tenders are available on the Internet. In countries like Slovakia, Chile, or Latvia, anticorruption committees have been created and ombudsmen installed, reward systems created for reliable public servants, more resources put into tracking offenders, and tax, labour, and criminal codes updated.

"Corruption is like an iceberg," says Latvia's Justice Minister Valdis Birkavs. "We are towing it into the hot water of the public eye and melting it." Birkavs took a thick bundle of paper with him from Durban calling for good, responsible governance and a strong civil society to control the powerful.

"The time has passed when presidents assume office and operate as if the country is their personal property," says the Kenyan civil rights activist Wangari Maathai.

The wind has turned. In Indonesia, the people toppled the greedy Suharto clan, and the World Bank discovered 30% of its credits had been embezzled.

In Zimbabwe, students demonstrating against the robber regime wrote on their placards: "We can do what the Indonesians did."

This is a warning sign for neighbouring SA, where the gravy train rolls. On the other hand, SA is one of those states which has given itself sharper weapons against corruption — so sharp, that the government is beginning to worry about them. Justice Minister Penuell Maduna has been thinking aloud about clipping Judge Willem Heath's wings.

Yet Maduna was the patron of the Durban conference.

□ This is an edited version of an article for the German weekly, Die Zeit, by the paper's Africa correspondent, Grill. Translated by Stephen Laufer.

**Corruption undermines democracy and trust in the state**



# Multiskilled

## Strike at crime

By A. J. [unclear] (34)

SA adopts US strategy to curb vehicle crime, writes Taryn Lamberti

**M**AFIA boss Al Capone held Chicago in a grip of terror in the 1920s while evading prosecution for crimes of gross violence, including murder.

But in the end, the long arm of the law reached him. Not via the criminal law, because the FBI could never amass sufficient credible evidence to prosecute him.

Instead, the US authorities took the 1. . . route and put the man responsible for the St Valentines Day massacre behind bars for years for tax evasion.

SA is learning from the US, adopting the Capone strategy in its quest to hit at the heart of vehicle crime. With related hijackings, it is among SA's biggest scourges, costing R7.4bn and many lives.

The National Crime Prevention Strategy, a cross-departmental anti-crime group, has started multidisciplinary raids to hit big-time criminals chop-shop owners, for example. The SA Revenue Services (SARS), the police, health and other government departments, and even the Society for the Prevention of Cruelty to Animals, participate in the raids.

Together, they swoop on an identified target, combining resources to put criminals behind bars. During a raid, the labour department might check safety standards. The town council might investigate compliance with municipal bylaws. Home affairs might check the residence status of workers on the property.

While the police are responsible for finding evidence in support of criminal charges, they are not always able to enter a suspect's premises without showing "probable cause".

But the SARS can obtain easier access to business premises to search and seize documents, so they may get the first court order opening the doors.

In a recent raid on a Diamani, Soweto, chop shop, a multidisciplinary raid co-ordinated by the National Crime Prevention Strategy saw officials seize 600 truckloads of suspected stolen cars weighing about 1 000 tons.

Chop shops are scrapyards where stolen cars are stripped and sold as parts on the black market, or rebuilt and exported illegally. Officials say the owner of the raided facility, Don Koena, was one of the big-time bosses behind vehicle theft in Gauteng.

They have had difficulty proving it in a criminal case, but they believe their intelligence is so good that they decided to get him via another route.

As a pilot project conducted in August, the police, the defence force, the SARS, the National Intelligence Agency (NIA), the labour department and Johannesburg's metropolitan council descended on his chopshop, Soweto's largest. The basis for the removal of the tons of scrap was a council eviction order because Koena was using the property illegally.

The buildings on the property were demolished immediately because they had been built without permission. The SPCA is investigating charges of cruelty to animals after inspectors found a dying calf and signs of ill-treatment to other animals on the property.

have been "tampered with", said Soweto police spokesman Senior Superintendent Govindasamy Marimuthoo.

The operation was "highly successful" and led to a drop in the number of car hijackings in Soweto in the weeks following the raid, said SA National Defence Force Colonel David Peddle, who headed the operation.

The team gained access to the property with an eviction order obtained by the metropolitan council after it alleged that Koena had occupied the property illegally since 1987. The council hired 300 private security guards to help the sheriff evict him. They were supported by 250 police and defence force members because Koena was expected to resist.

The aim of this type of operation is to involve as many facets of law enforcement as possible in the drive to stamp out illegal behaviour. Peddle said the public, too, had a vital role to play by tipping off police.

He said Don's Scrapyard had been operating for more than 10 years before it was shut down. There are houses on the opposite side of the road from the scrapyard, but residents never complained about the goings-on in their neighbourhood. The business card of Don's Scrapyard boasts that it is "around the corner from the Moroka police station".

Peddle says police are often unable to conduct raids on their own because they are understaffed and overworked. It becomes easier when resources are pooled.

A 1997 National Crime Prevention Strategy study found that of the 6-million registered vehicles in SA, 107 000 were stolen, 14 000 had been the subject of insurance or

bank fraud, 18 000 were exported, and 10 000 were chopped up.

The National Crime Prevention Strategy suggested three ways to combat vehicle crime:

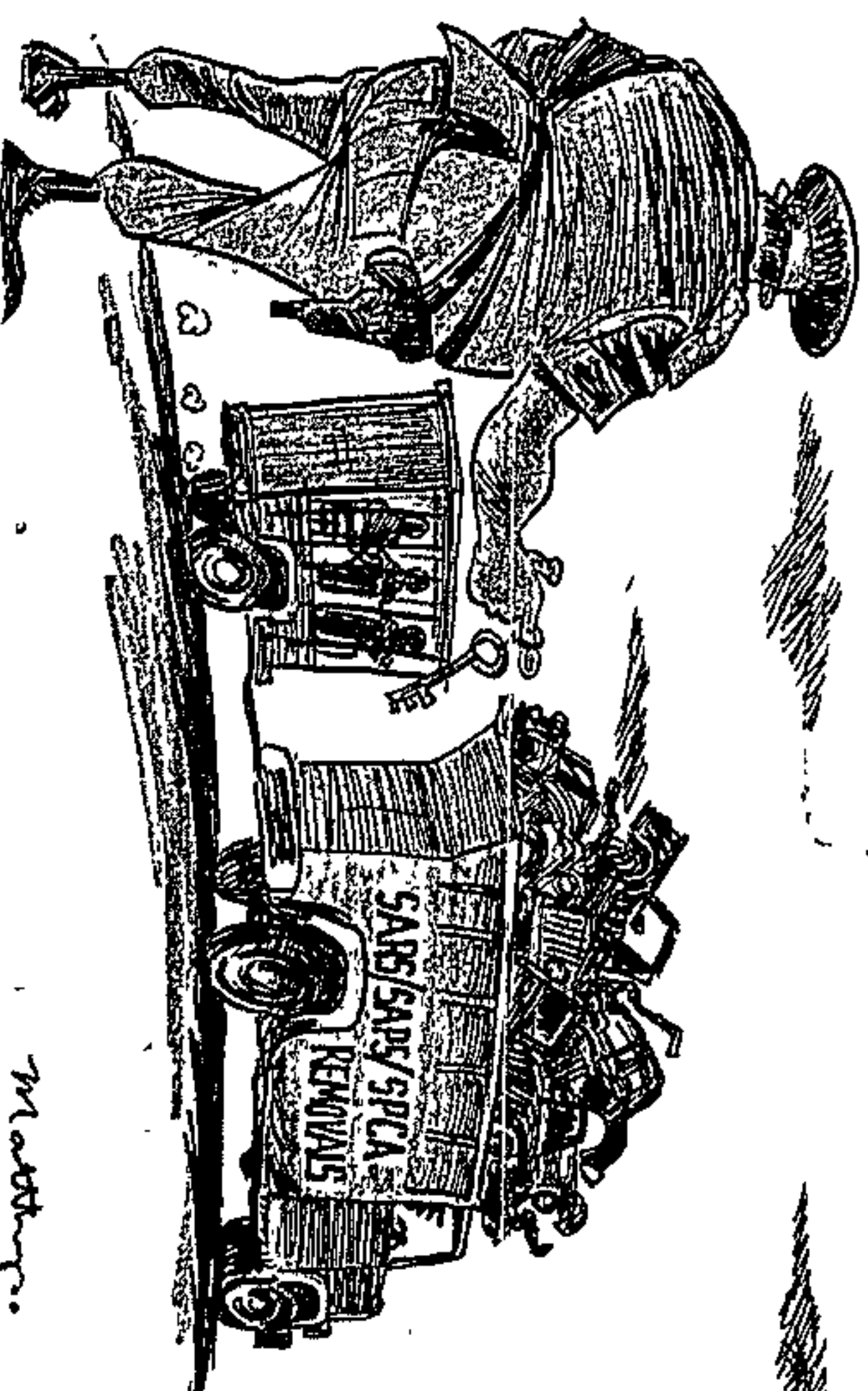
- Amending legislation so that second-hand car part dealers would have to keep a register of who supplies them;
- Introduction of a system to mark car parts so that the vehicle can be identified;
- Attacking the profitability of the stolen car business via multidisciplinary raids.

Because the police have a poor record of investigating chop shops, the National Crime Prevention Strategy decided to turn to other departments for help. They can now pool resources and make use of a range of laws to hit the commercial base of businesses.

The SARS effectively provides the police with a short cut for gaining access to a suspect's premises because its preliminary investigations into tax evasion are not as legally demanding or complex as a

full criminal investigation.

The deputy director general in charge of the National Crime Prevention Strategy, Bernie Fanaroff, says people involved in illegal businesses are not in the habit of paying taxes or complying with labour laws. This makes them vulnerable to the multidisciplinary approach.



In the pilot project raid on Don's Scrapyard, the labour department investigated compliance with the Factories Act and regulations affecting workers' safety.

The SA Banking Council has thrown its weight behind the project and can assist the SARS to locate money belonging to suspects.

Peddle said the aim of the project was to reduce the effectiveness of chop-shop operations by striking at their financial viability and curbing their ability to operate. Multidisciplinary raids can be a highly effective way of putting key criminals in key areas of crime out of business.

Following the success of Operation Sekwanele, the National Crime Prevention Strategy is planning similar raids in the near future. Gauteng is the priority area. Other raids will follow nationally.

But the continuation of the project is under threat because the raids are costly. Operation Sekwanele cost over R1m and there is no provision yet for the National Crime Prevention Strategy to benefit financially from the proceeds of the raids.

It is estimated that Koena lost R4m worth of stock and other assets in the operation and could lose as much in fines if found guilty. He is being investigated by the SARS, the police and the SPCA.

Shortly after taking office, President Thabo Mbeki announced that there would be an integrated approach to crime fighting. National police commissioner-designate Jackie Selebi has also come out in favour of building synergy with other departments to tackle "all levels of crime". To succeed, Selebi and Fanaroff will need funding for their multidisciplinary raids.

**NATIONAL****A tougher code of  
conduct called for**

BD 28/10/99 (34)

**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".



# Crime sucking country's coffers dry - by the billion

## It's time to focus on what's important, says researcher

JAMI MEYER  
STAFF REPORTER

**Durban - Spending on the criminal justice system has increased by 450% in the past decade and awaiting trial prisoners now cost more than R1,5-billion a year.**

At the end of June there were 54 107 awaiting trial prisoners. It costs R80 a day to keep each of them behind bars - a total of about R1,58-billion a year.

Martin Schönnteich, senior researcher at the Institute for Safety and Security, says state spending on the criminal justice system has outpaced inflation for several years and now made up more than 10% of the budget.

In the latest edition of the Nedcor ISS Crime Index, Mr Schönnteich says spending increased from R4,27-billion in 1990/91 to R23,48-billion in the current budget year - a rise of more than 450%.

The consumer price index increased by 159% in the same period, he says.

Although the police received the major portion of the budget, correctional services won the largest budget increase since 1994, growing from 18% to almost 23%.

The department of safety and security's criminal justice budget dropped from about 70% to 65%.

The increase in the correctional services budget was due to the expansion in the prison population from 21 527 awaiting-trial prisoners in June 1995 to 54 107 in June this year.

The number of sentenced prisoners grew by more than 17 800 to more than 100 000.

Mr Schönnteich says the department of safety and security spent almost 80% of its budget on personnel, with very little left to replace equipment like vehicles and police radios.

Last year R129,5-million was allocated for upgrading and building police stations - less than one 1% of the police budget.

To achieve a better balance, the police had cut costs by axing 10 000 staff.

Mr Schönnteich says South Africa is a developing country with numerous socio-economic

(34)

ARG 29/10/99

problems and can ill-afford to spend increasing portions of its budget on the criminal justice system when schools, hospitals and roads are urgently needed.

"Innovative cost-cutting measures are required whereby the state can effectively fight crime at less expense," he says.

His suggestions for cutting costs include the decriminalisation of some "victimless crimes" like the possession of small amounts of dagga and prostitution involving consenting adults.

Another way of dealing with the problem was to focus on core functions.

Mr Schönnteich points out that the department of justice has spent more than R100-million on various commissions, including the Truth and Reconciliation Commission and the Commission on Gender Equality.

"Moreover, the police band costs R15-million a year. Spending on these activities undermines the criminal justice system's ability to effectively perform its core service," he says.

# Thousands missing from environment organisation

MTG 29/10-4/11/99 (56)

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** (34)

**E**coLink, 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 rands had gone missing.

She immediately called for a forensic audit, which provided evidence of misappropriation of funds by the former administrator.

A Nelspruit-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 in 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 1978 she was asked to launch a completely new type of environmental awareness programme for trainee teachers at Ngwenya College in the former KaNgwane homeland.

David Mabunda, the current director of the Kruger National Park, was one of her students, and he still refers to Hart as one

of his most important mentors.

She launched EcoLink in 1985, 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 food gardens without using harmful fertilisers 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, sewing 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 Natal mahogany which would have germinated long before white settlement and environmental destruction took place.

**A**n example of EcoLink's work is the construction of 5 000 litre ferro-cement watertanks that are provided to store water for communities, vegetable gardens and rural schools.

Minister of Education Kader Asmal recently visited the centre with a view to incorporating some of its community empowerment projects and environmental training programmes in national policy recommendations.

Says Hart, who suffered a stroke two years ago: "You can tell 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."



# Budget bonanza brings millions for new blitz on crime

CAROL PATON

THE government has allocated an extra R1,3-billion in the fight against crime as part of a R22-billion package of new funds for spending over the next three years.

The Minister of Finance, Trevor Manuel, said the R1,3-billion would be used for:

- The new special investigating unit, the Scorpions;
- Improving the running of the magistrate's courts;
- A computerised docket-management system, which will minimise the loss and theft of court dockets; and
- An automated fingerprint identification system.

The measures are aimed at helping the overburdened lower courts process more cases and

dispose of them more quickly.

A Department of Finance official said further moves in this regard could be expected and that a review team was looking at the entire criminal justice system and how funds could be used to make it function more effectively. This could include an examination of the conditions of service of the police — a move promised by President Thabo Mbeki in June.

Manuel, who was delivering a policy statement in Parliament on Friday ahead of next year's Budget, said justice, police and prisons were regarded as "a priority". "Our goal of creating a safer South Africa calls for significant improvements in the work of the departments of Safety and Security, Justice and Correctional Services . . . .

"We will spend more on direct law-enforcement initiatives."

Manuel had more good news for the public, promising income tax cuts, lower and stable inflation, probable lower interest rates and the prospect of a growing economy. The tax cuts, likely to benefit low- and middle-income earners, could be announced in February.

Consumers can also expect low inflation over the next three years, Manuel said he expected inflation for this year to be 5.5

percent — and that it would be even lower in the future.

But despite these positive indications, he admitted that job creation remained elusive.

While the job losses that have hit most sectors of the economy in recent years were not expected to continue on the same scale, finance officials said no solutions to the problem were evident — despite the projected economic growth.

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# Heath denies pressure over claim (34)

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.

BD. 1/11/99

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# Smuggling prevention measures still a problem for SAA and Sars

CT (RR) 3/11/99 (34)

AUDREY D'ANGELO

Cape Town - South African Airways (SAA) and the South African Revenue Service had been unable to agree on ways to prevent smuggling if domestic passengers were allowed to join returning international flights on the Johannesburg to Cape Town leg, Pravin Gordhan, the service's acting commissioner, said yesterday.

This was in reply to a complaint by Coleman Andrews, the chief executive of SAA, who said it was not cost effective to extend flights by large aircraft from Johannesburg to Cape Town with more than half the seats empty. Andrews said SAA was losing R140 million a year because these seats could not be sold to domestic passengers.

The prohibition on carrying domestic passengers on returning international flights, imposed in 1996 as a measure

against drug smuggling, extends to airline staff other than flight crew.

Gordhan said domestic passengers on these flights could not be prevented from mingling with international passengers. Customs legislation did not provide for customs controls to be applied to domestic passengers.

Gordhan said the issue came to the fore again in August when the demise of Sun Air caused a shortage of seats on local flights. An ad hoc committee was formed to consider minimum requirements for domestic passengers to be accommodated on international flights as a temporary measure.

"These requirements were considered by SAA but Andrews personally decided and advised the committee that SAA would not be utilising the concession," Gordhan said.

Andrews was not available yesterday to comment.

# Money-laundering laws 'will empower bankers'

(34) (252) B05/11/99  
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 infor-

mation 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 in-

ternet, 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.



# Call for exposure of corporate corruption

Nomavenda Mathlana

(914) 9111199

ANY inkling of corruption, be it the suspicion of nepotism or the misuse of government resources, must be exposed, and corporations must be subjected to the same scrutiny as government, Johnnie executive director Irene Charney told local and international business executives yesterday.

Speaking at the International Corporate Governance Symposium in Johannesburg, Charney said the foundation of good corporate governance was honesty, honour, fairness and trust.

However, she said SA companies had eliminated the words *share and dismember* from their vocabularies.

She urged directors of companies not to pay lip service to corporate governance but to live it by asking themselves questions such as: "Is this what I would do if I was using my money? Would I travel business class if it was my money?"

Sharing the platform with Charney was Nigerian deputy MD for Shell Egbert Imomoh.

He said the two issues being debated in Nigeria around the oil crisis were the question of the ownership of the resources, and

land use. He said Shell had only begun working with communities on development projects in the past 10 years.

Richard O'Brien, from the Richards Bay Minerals division of Rio Tinto, stressed the need for partnerships.

O'Brien manages an educational corporate community project in Richards Bay which has received both national and international awards.

He said companies could either be eggplants that take out from the soil and do not plough back, or they could be earthworms who not only take from the soil but also plough back.

Former British MP Lynda Charles, now-executive director for Unilever, said corporate governance was not only a matter for the company and its staff but for community and nongovernmental organisations.

Chalker said social responsibility issues were social investments and it was fashionable for customers to ask about company policy on such matters.

President of the Commonwealth Association of Corporate Governance Mervyn King said corruption had been identified as a major impediment to good corporate governance.

# Stiffer penalties in gun bill

David Greybe

CAPE TOWN — Government has rejected psychometric tests for gun owners in the final draft of its gun control legislation.

The draft firearms control bill sets strict requirements for licensing and registration of firearms, introduces checks on prospective gun owners and gun dealers and stiffens penalties.

Anyone caught with an illegal firearm faces a maximum 25 years in prison, Alice Pienaar, a manager of government's firearms programme and assistant director in the national crime prevention centre, said yesterday.

Gun dealers could lose their licences if, for a third time, they cannot account for their stock, Pienaar said. The first time they face a R5 000 fine, the second time a R10 000 fine. "Government intends to crack down hard on any illegal trade in firearms," she said.

## Government rejects the call for psychometric tests for firearm owners

(2572) (34) Bd 9/11/99

The draft legislation limits gun owners to one hand-gun for "self-defence" purposes, while "hunters, sports shooters and collectors of firearms" will be permitted to apply for an exemption to the number of firearms they can own.

There was an outcry by the pro-gun lobby a few months ago when the drafter's proposed psychometric testing of applicants for gun licences. Pienaar said government had rejected the proposal because psychometric testing was internationally "very unreliable".

Applicants will have to conform to a "layered licensing system", she said. Arguably the biggest difference between the draft bill and the 1969 Arms and Ammunition Act it will replace is that now both gun owners and firearms will be licensed and registered.

Applicants for gun licences will have

to pass a verbal competency test, produce a certificate that they have undergone training for the relevant firearm, and "sign an affidavit that they are not an alcoholic or dependent on drugs or have a history of violence", she said.

Anyone who has had a final court order under the Domestic Violence Act issued against them will be denied a licence to own a firearm.

Applicants will also have to agree to checks by a "designated firearm officer" (a policeman) and their employers and neighbours can be questioned. Pienaar said the 140-page draft bill will be presented for cabinet approval on December 1, if approved, Parliament is expected to deal with the bill in the first session next year, which will include public hearings.

Pienaar said earlier reports, which

caused an outcry among the pro-gun lobby, that government intended to charge R500 (presently R50) for each firearm licence were "totally incorrect".

"Government does not know what it will cost. We will first undertake a business evaluation to establish the actual cost involved in issuing a firearm licence," she said. "The fee, to be reviewed annually, will be based on the Masakhane principle: we will charge applicants what it costs us to administer the legislation."

New gun licence applications will be dealt with under the new legislation once it is enacted. However, SA's estimated four-and-a-half-million current licence owners will have to register under the new system only as part of a government firearm audit.

Pienaar said such an audit was likely

to commence only in 2001 and "take three to four years to complete".

Under the new legislation licences for hand guns will have to be renewed every five years and licences for rifles once every 10 years, Pienaar said.

Owners of "self-defence" hand guns will be permitted a maximum of 200 rounds "at any one time in their possession", or 2 400 rounds a calendar year. In a working document in July it was proposed to limit the number to a maximum 100 rounds. Bona fide hunters, sports shooters and collectors will not be limited to this restriction, she said.

An earlier proposal to limit hand gun magazines to 10 bullets has been scrapped, as well as a proposal to limit the length of the barrel to six inches. The draft bill allows a maximum of four firearms for a third category of gun owners — anyone who classifies as "an occasional hunter or sports shooter".

# ly Draft gun law kept under wraps

Gun Free SA says the central firearms registry must be overhauled, writes **Stephané Bothma**

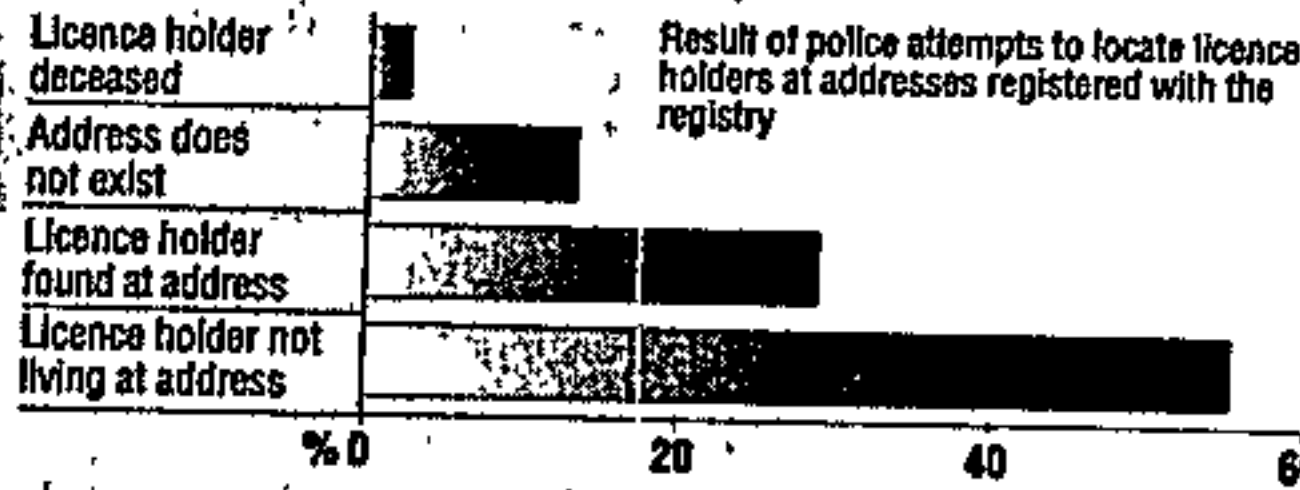
(34) (252)

BD 10/11/99

## THE CENTRAL FIREARMS REGISTRY

Number of firearm licences approved by the registry

	1994	1995	1996	1997	1998
KwaZulu-Natal	30 746	18 018	24 016	24 982	24 351
Gauteng	83 363	63 502	62 291	70 228	61 263
Northern Cape	6 040	4 058	4 407	4 749	4 455
North West	14 646	9 931	13 010	13 398	12 871
Western Cape	30 854	21 406	22 743	19 717	18 254
Eastern Cape	12 588	8 381	28 017	15 580	13 874
Northern Province	8 890	7 033	8 682	9 643	10 152
Mpumalanga	15 442	10 635	12 676	13 699	14 663
Free State	15 887	9 747	11 533	12 194	13 861
<b>Total</b>	<b>220 450</b>	<b>141 686</b>	<b>167 371</b>	<b>166 187</b>	<b>175 742</b>



Graphic: MUTHYS MOSS Source: CENTRAL FIREARMS REGISTRY

THE deadly use of firearms in crimes is increasing more rapidly than crime in general, but new draft gun control 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.

Their opposition believes restricting gun ownership will — not immediately, but in the long run — instill a gun-free culture in South Africans who saw 12 267 of their fellow countrymen killed with guns last year.

Fears are also being expressed that limiting and prohibiting lawful gun ownership will, as was the case with the Prohibition in the US, create an active and lucrative black market in firearms.

Last year 49,3% of all murders in the country were committed with firearms — up from 41,5% in 1994 and 1995.

"It is a case of what came first, the chicken or the egg," says SA Gun Owners' Association chairman Chris Evans. "People living in a relatively crime-free country do not feel the necessity to own a gun," he says.

The latest draft firearms control bill, which according to industry interest groups has been kept "top secret", will set strict requirements for licensing and registration of firearms and will introduce stringent checks on prospective gun owners and dealers. It will also limit the number of firearms and rounds of ammunition allowed.

"But it does not address the problem of firearms in the hands of criminals," says SA Arms and Ammunition Dealers' Association chairman Alex Holmes.

Holmes, who also chairs the National Firearms Forum, an umbrella organisation representing 32 interest groups, said it was extremely difficult to adequately comment on the contents of the draft legislation as it was being treated by government as "top secret".

"Despite the fact that the forum was started three years ago with the specific



aim of combining expertise in the field and to assist government in its drafting of new legislation, we were not once consulted," he says.

Referring to the approximately 15% of SA's adult population owning a firearm, Holmes said it was unacceptable that the planned legislation was being kept from them.

The firearm industry in the country totals about R1bn each year while the hunting industry turns over even more.

Evans also expressed concern about the lack of interest group participation in drafting the new law.

"From what I have read about the final draft legislation in the newspapers, it does not seem to differ too much from the first draft bill," he said.

"The underlying policy is still the same — that of limiting private ownership of firearms."

Evans stressed that unless the criminal justice system started taking strong measures in the country's courts against the criminal use of weapons, very little would change.

Adele Kirsten of Gun Free SA welcomed the draft legislation, but stressed it was critical that the SA Police Service's central firearms registry be completely overhauled.

Referring to a study by the Institute for Security Studies which showed that the registry was less than 30% accurate, Kirsten said the country needed an independent firearms authority.

"This confirms for us that the so-

called 'responsible' registered gun owners are not so responsible. They do not even inform the authorities of an address change," she said.

"The two-tier licensing system proposed will not only licence and register the firearm, but also the owner. That is a very positive step," she said. "The onus will be on the owner to prove that he is fit to own a gun."

Kirsten believes that the issuing of service weapons to policemen should also be revisited.

Talking about the high number of off-duty policemen being killed, many in shebeens or in brawls in other places, with their service pistols, Kirsten asked: "Do police really need their guns when they are not on duty?"

## Illegal arms 'are not addressed'

Stephané Bothma (252) (34)

PRETORIA — New draft legislation on gun control was placing the focus on legal firearm owners while the issue of illegal weapons was insufficiently addressed in the proposed bill, the Democratic Party (DP) says.

"When one considers that illegal firearms are used to deadly effect in the vast majority of gun-related crimes in SA, the bill must prioritise and lead the fight against illegal firearm ownership," said DP safety and security spokesman Graham McIntosh. He expressed concern about the "insufficient attention" given to unlawful gun ownership and said government should get tough on illegal firearm owners.

Gun Free SA spokesman Adele Kirsten said the proposed "layered licensing system" was welcomed.

Alex Holmes, chairman of the National Firearms Forum, which represents interest groups including organised agriculture, gun owners and dealers, and hunters, said: "Our biggest concern is that the draft Bill will be presented to Cabinet in early December, be approved and published in the Government Gazette for comment over the holiday season," he said. "This would result in a large number of people not being granted the opportunity to respond."

Holmes, who had to rely on media reports about the contents of the bill, also expressed concern that emphasis was being placed on lawful gun owners.

Meanwhile, New National Party leader Marthinus van Schalkwyk accused Safety and Security Minister Steve Tshwete of not divulging the full facts surrounding the funding for preparing the draft legislation.

Van Schalkwyk said he was not accusing the minister of deliberately misleading parliament, but that there had been a clear attempt on "someone's" part to obscure the true facts.

Tshwete claims that the safety and security secretariat obtained a commitment from the United Nations office for drug control and crime prevention and also from the UN development programme.

Van Schalkwyk, however, said he had obtained information that the British government had received a request for funds from the "government of SA (office for the national crime prevention strategy/department of safety and security)". Following the request, the UK's department for international development had approved funding of R631 000.

BD 10/11/99

### GETTING IT RIGHT

FAIR Lady predicts it will increase its circulation from 105 000 to 115 000 within a year, and not to 155 000 as reported in Business Day yesterday.

SHARES of Thebe Financial Holdings were suspended by the Johannesburg Stock Exchange and not those of Thebe Investments



# Use of legal guns in crime must be examined

In line with global trends on arms control, gov't aims to inculcate SA firearm owners with a greater sense of responsibility, writes Guy Lamb

**O**F 46 nations surveyed by the United Nations (UN) in 1997, SA has the second-highest homicide rate involving firearms (26.63 per 100 000 persons) following on the heels of Colombia.

The majority of these incidents have been attributed to illegal weapons, which are believed to come from outside the country. Unfortunately, except for the odd anecdotal reference and speculation, there is little hard evidence to support this view.

There is no doubt that assault rifles and handguns from Mozambique, Angola and elsewhere in Africa — the residue of liberation struggles and Cold War proxy conflicts — have infiltrated SA and had a destabilising effect.

The killing fields of KwaZulu-Natal's midlands bear witness to this, but illegal flows of weapons

from outside SA are only a part of the story. One has to look at the role of legally held firearms in gun-related crime and violence as well.

A paradox of gun violence exists in SA. Ordinary citizens concerned about the safety and security of their families and property buy firearms for protection. However, in so doing they become vulnerable to attacks by criminals who are looking for guns.

Current evidence indicates an alarming increase in the theft of licensed firearms. The past few years have shown dramatic figures. In 1994, 7 285 firearms were reported lost or stolen. This increased, on average, by 45% between 1995 and 1998. Last year, 29 694 firearms were reported stolen or lost, with only 1 764 (less than 6%) recovered by police.

The UN Commission on Crime Prevention and Criminal Justice conducted a survey in 1997 on measures to regulate firearms. This survey showed that SA gun owners are among the most targeted by criminals for their firearms and/or the most negligent in the world.

Compare these figures from SA with Sweden, where only 1 500 firearms were stolen or lost per year, or with Slovakia, where an average of 500 firearms are reported missing each year.

It is suspected that legally owned guns in SA are being stolen at an increasing rate because of two factors beyond our borders. First, the success of Operation Rachel, which involves joint efforts between the SA and Mozambican police forces to unearth and destroy weapons caches in Mozambique. Between 1996 and this year, this police co-operation resulted in

the recovery of nearly 12 000 firearms and more than 3-million rounds of ammunition.

Second, continuing or new conflicts in other parts of southern Africa (for example, Angola and the Democratic Republic of Congo) have provided lucrative markets for the sale of illegal weapons, other than SA's rural and urban areas.

Therefore simply targeting illegal sources of weapons by state security forces does not make sense. Licensed firearms also have to be subject to some form of regulation and control.

Government's attempt to overhaul our domestic gun control legislation, which is long overdue, has the sum of reducing gun crime and violence by promoting more responsible gun ownership.

This is in line with international trends, as many governments throughout the world have recent-

ly tightened up their gun control laws, or else are in the process of doing so.

For instance, Brazil, which also has an extremely high level of firearm-related crime and violence, has in the past year prohibited gun shops from selling firearms and ammunition to anyone but the police, the military and private security firms.

The Brazilian parliament is amending this law which will compel legal gun owners to turn in their firearms to the security forces in exchange for money.

This is much more radical than SA's current gun control policy document, which merely seeks to restrict the number of firearms in private hands, rather than institute a total ban.

*Guy Lamb is a researcher at the Centre for Conflict Resolution, Cape Town.*



## Justin Palmer

ANY country which acts to prevent capital outflows also acts to prevent capital inflows, Lord Renwick of Clifton said at the forum yesterday.

During a session dealing with mobilising investment in the Commonwealth, Renwick said investors should be able to invest in a country but they should also be able to repatriate their capital.

"There are ways of discouraging highly volatile short-term capital

## SA crime is still investors' top deterrent

movements. Beyond that it is best to let the market do its work," he said, adding that most portfolio investments were not short-term and should therefore be facilitated.

Renwick, formerly the British ambassador to SA and now deputy chairman of investment bank Robert Fleming Holdings, offered insights into what overseas investment insti-

tutions looked for when deciding which countries to invest in.

He listed five requirements: political stability, rule of law, sound macroeconomic policies, sensible monetary policies and effective, transparent, predictable regulations.

He said Africa had been less successful than Asia or Latin America in attracting large-scale investment

flows because its nations did not score particularly highly in terms of the above requirements.

He added that African economies continued to be buffeted by factors outside government control. In SA's case, he gave the examples of the Bank of England's decision to sell off part of its gold reserves and the protectionist restrictions on the coun-

try's agricultural exports under the European Union-SA trade agreement.

Commenting more broadly on SA, he said the single largest impediment to investment in the country was violent crime. "It is a matter of life and death, not only for those affected but for the economy as well," he said.

Renwick said SA had one of the strongest economic policy teams of any developing country and that, despite challenges, government had also pursued policies that were deserving of international support.

BD 11/11/99

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Shoot 'em up:  
Since 1994,  
one million  
applications  
for firearm  
licences  
have been  
approved.  
PHOTOGRAPH:  
SIDDIQUE DAVIDS



## One million gun licences

*MTG 12-18/11/99 (252) (34)*  
**Barry Streek**  
highest number in 1994, when 236 033 applications were approved.

**D**espite pending gun control legislation, more than one million applications for firearm licences have been approved in the democratic South Africa, "but the rate of stolen" firearms is lower this year than the previous two years.

This was revealed by Minister of Safety and Security Steve Tshwete when he replied to a question tabled in the National Assembly by the United Democratic Movement's Annelize van Wyk.

Between January 1994 and September 1999, 1 04 081 applications for firearm licences were approved, with the

highest number in 1994, when 236 033 applications were approved.

By September this year, 18 717 firearms had been "stolen", an average of 2 080 a month or 70 a day.

In 1998, 30 158 firearms were stolen. This is an average of 2 516 a month or 84 a day, while in 1997, 29 292 firearms were stolen, averaging 2 450 a month or 82 a day.

Tshwete explained that the term "stolen" included firearms reported as lost, stolen or missing.

He told Parliament that in the first nine months of this year, 154 043 applications for firearm licences were received and 142 670 had been approved by the end of September.

CAPE ARGUS, FRIDAY, NOVEMBER 12, 1999

# Spy cameras to keep tabs in Manenberg

*ARL 12/11/99*

*(34)*

## Pilot project aims to halt escalating violence

**NORMAN JOSEPH**  
Staff reporter



Cape Town's Business Against Crime is preparing to introduce eight closed circuit television surveillance cameras in strife-torn Manenberg, where three people were killed and 13 injured in gang warfare in the past three weeks.

The organisation is to spend about R8-million installing the cameras in towns across the Cape Flats.

Business Against Crime managing director John Penberthy said some Manenberg cameras would function for a test period initially, before others were set up.

Manenberg police and the organisation are holding talks on the move and meetings are also planned between Mr Penberthy and the Manenberg Community Police Forum.

Mr Penberthy said Manenberg communities would be fully involved.

Provincial community safety minister Mark Willey, who is working closely with Mr Penberthy, held a meeting this week with various government departments, non-governmental organisations, Manenberg police and other role-players to discuss the introduction of the cameras.

Mr Willey, who referred to the meeting as a "multi-disciplinary and co-ordinating meeting", said the surveil-

lance system was a pilot project until it became fully fledged once the technical aspects were up and running.

He said: "I am fully behind the installation of cameras to help curb crime. Violence in Manenberg can't be allowed to continue like this."

Manenberg, hit by a tornado on August 29, is now reeling from gang violence which has claimed the lives of three people and caused serious injuries to 13, including a school pupil.

In the past three weeks, police have arrested 27 people and recovered 32 firearms in the area, but gang fights continue between the Hard Livings and Americans gangs over control of turf.

Manenberg police, headed by Senior Superintendent Dirk Mentoor, established a joint operation centre this week, allowing the town's communities to phone in with information about

gangsterism so arrests could be made. Rewards are available for information which leads to arrests and convictions.

Operation Good Hope spokesman Neville Matlis said the police were acting successfully against the gangsters. There had been daily visible policing, including roadblocks this week.

He said the police had received a lot of complaints from Manenberg school teachers, who said that they could not prepare adequately for the year-end exams because of gang violence.

Captain Matlis said pupils living in the Hard Livings territory were scared to cross the border into the Americans area on their way to school.

The Hard Livings control the area from Thames Avenue to Stormsriver and the Americans have their strongholds in Schablt, Sonderend and Seine roads.

Meanwhile, Edendale Primary School principal Melvin Fourie is heading attempts to form a new crime prevention organisation known as the Manenberg Anti-Crime Forum. The new forum would also deal with the lack of municipal service delivery and would focus on upliftment projects such as cutting grass, collecting refuse and planting trees.



EXPOSÉ

ANDRE JURGENS

DEEP in the bowels of a fortress-like building full of cash in downtown Johannesburg, a tiny video camera zooms in on a council employee attempting to execute a bizarre crime.

With a cool-drink bottle filled with what is believed to be chloroform he prepares to drug the cashiers who will count the millions paid into the coffers of the Greater Johannesburg Metropolitan Council by pouring his mixture into an urn just before tea-time.

But he was caught in the act. He had hoped that a cup of his "muff" would put the counters to sleep so he could escape with his haul at leisure.

The operations manager for revenue collection, Herman Kruger, said he was astonished when he was tipped off about the planned heist in May this year by an unnamed informant.

The cash the man was after is collected from various payments throughout Gauteng and brought by armed guards to the municipal Central Pay and Collection building.

Behind its thick grey vault doors, the money is counted, sorted, packed into trunks and then taken in armoured vehicles to be deposited in banks.

Security in the building, on Main Reef Road, is tight but this did not stop the man who was employed as a "money packer" from brewing up his plot.

"When we were told about his plan we hid video cameras in the roof of the kitchen area," said Kruger.

The video footage, watched by the Sunday Times, shows the alleged would-be criminal strolling down a corridor holding a coffee mug and a cool-drink bottle.

It shows him entering the kitchen and lifting the yellow urn lid, sending a lunchbox crashing onto a table below. Quickly he pours the pungent liquid into the urn and leaves the kitchen. A minute later, apparently to check if the "muff" has mixed with the water, he returns. His face registers disgust



GOTCHA: The man heads for the kitchen with a coffee cup in one hand (raised) and a cool-drink bottle filled with "muff", believed to be chloroform, in the other



INSIDE: He makes a bee-line for the yellow urn while nobody is looking. His plan is allegedly to drug the staff who will later count the millions paid into the coffers of the Greater Johannesburg Metropolitan Council



THE DROP: He pours the "muff" from the cool-drink bottle into his empty coffee cup. A split second later he pours it into the urn

# Bizarre plot to drug office staff

## Council employee's plan to seize millions foiled by hidden camera

### Worrying problem

THE chairman of the Greater Johannesburg Lekgotla Transformation Committee, Kenny Fihla, admitted this week that the metropolitan council faced a "worrying problem" of corruption and theft.

"We have been receiving reports of widespread theft, of fuel and cash disappearing from municipal payment offices," he said.

"Broadly speaking we are well aware there has been a high degree of inefficiency, weak management and weak financial controls. As a result, it became easy to defraud the council."

In the past three years, he said, many officials had been investigated for corruption and disciplinary action had been taken against more than 100 bus drivers for "misappropriation of funds".

The council was now taking serious steps and spending a considerable amount of money to "plug these holes".

These included beefing up the internal audit department and using sophisticated computer software to catch the culprits.



WORRIED: Council executive Kenny Fihla

as steaming water and fumes engulf his head. "The second camera clearly shows him staggering away, intoxicated by the fumes," said Kruger.

The man was immediately arrested for attempted murder connected to the "muff".

Police investigations are continuing, but the man has not yet been charged.

Kruger said there were "numerous" municipal employees in the city who were suspected of theft or corruption.

Although this was one of the most unusual cases that the Greater Johannesburg Metropolitan Council has had to deal with, it is losing about R1-

million a month in various departments to light-fingered staff.

Between November last year and April this year, about R2.5 million worth of council property was stolen. Although the council is insured and steps are being taken to stop theft, the battle continues.

Another incident under investigation is an alleged R512 000 robbery by a driver hired by the municipality to deliver bulk cash payments.

The driver claimed to have been hijacked and robbed. But it has since emerged, said Kruger, that he allegedly had an accomplice and the duo went on

a shopping spree, buying a 4x4 vehicle and building materials for a house with the loot.

Other scams under investigation include cheque fraud committed by cashiers at municipal paypoints. People paying electricity accounts in cash are taken for a ride when corrupt officials pocket the money and substitute stolen cheques as payment. In one such case, a stolen cheque book was used to steal R387 000 in a single day.

Some people pay their accounts at post offices with fraudulent cheques — the post office's receipts do not indicate whether the amount was paid by cheque. It reflects all payments as cash.

ONE council official could have lost his life because he was trying to root out corruption.

Basile Lombard, 48, the city's acting strategic executive for finance, was shot three times in the neck and body while reversing out of his driveway at his home in Germiston on October 20 this year.

His wife, Judy, was also injured when the occupants of a red Toyota Corolla sprayed the couple's car with bullets.

East Rand police spokesman Inspector Joep Joubert said that although the shooting initially looked like a hijacking, the investigating team were "not ruling out" other motives for the killing.

Lombard's cellphone, vehicle and other belongings were not taken after the shooting.

Council staff do not believe he was hijacked and claim he died because he was trying to root out corruption.

THE Greater Johannesburg Metropolitan Council has lost items worth R2.5-million to thieving employees in six months.

These include gravestones, cellphones, cars, batteries, radios, tool boxes, copper bars, cables, windows, doors, tyres, computers, first-aid kits, electric gate motors, kettles, microwaves, wheelbarrows, lawnmowers, a kitchen sink, a diesel engine, gearbox parts, ladders and even plastic teaspoons.

Councillor Claire Quail said this week that she has been forced to keep plastic teaspoons in her office because the council's had all been stolen.

"This illustrates the kind of attitude we are dealing with: a total lack of regard for council property. There is major plundering of the council's assets," she said.

### SUNDAY TIMES INVESTIGATION

# PLUNDER

PEOPLE are hiding their meters and turning meters to reconnect their electricity supplies. Council employees are accepting bribes to lose accounts and illegally switch meters back on. Electricity theft has become a national scandal, costing South Africa billions of rands.

For six weeks, the Sunday Times tracked the corruption inside city councils and on the streets of South Africa.

ST 14 11199



## The church lends a hand to pro-gun lobby

BD 17/11/99 (34)  
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 Mzilikazi 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

(34) (252)

## Tshwete unveils tough firearm bill

FRG 18/11/99

Spouse bashers 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 believed the seriousness of the need to combat crime could justify limitation of some rights.

The bill introduces a system of regular re-licensing of owners and their firearms.

A period of grace will be given, until about 2004, 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 five years.

Businesses requiring guns, such as security firms, will have to re-licence every two years.

Owners of restricted firearms, for example, semi-automatic weapons, will have to re-licence every two years.

A person or "class of persons" will be

**CLIVE SAWYER**  
Political Correspondent



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 200 rounds per calibre in the holder's possession, with a total of 2 400 rounds per gun a year.

An innovation is that state-owned firearms will also be subjected to new controls.

State departments will have to upgrade their databases and inspections, and

introduce permit systems. This means even a defence force soldier will have to have a permit for a weapon.

Control measures include creation of "firearm-free zones", which could include churches, schools, gambling premises and pubs.

Punishment for criminal offences will become much heavier.

Illegal dealing in firearms will carry a maximum jail sentence of 25 years and illegal possession up to 15 years.

At present illegal possession carries a term of up to two years.

A controversial provision in the bill is for an administrative fine of up to R5 000 for a first offence and R15 000 or forfeiture for further offences.

The measure, intended to prevent worsening the workload of ordinary courts, could be subject to a constitutional challenge.

A person will be declared unfit to possess a firearm if convicted under the new Domestic Violence Act scheduled to come into effect next month, or if convicted of a crime of violence or dishonesty and jailed for more than 12 months.

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**

(34) BD 18/11/99

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 Mzilikazi 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 there. 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 pas-

sage 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 Rifles 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 naïve 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

*Bowletan 18/11/99*  
By Waghied Misbach (34)(252)

THE 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

(34)(252)

## Opposition 'reservations' on bill remain

ARG 19/11/99

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Watering-down of the proposals on gun control has slightly cooled opposition to the bill.

The Firearms Control Bill, approved by the Cabinet on Wednesday and to be tabled in Parliament next year, provides for stricter control over the issuing and renewal of firearm licences to individuals, and stricter control of state-owned firearms.

New limitations on gun ownership include a maximum of either one handgun or shotgun per owner for self-defence, with licences renewable every five years.

"Occasional" hunters and sport shooters will be limited to three of four firearms, depending on whether they own a gun for self-defence.

The bill places no limit on "dedicated" hunters, sports shooters and collectors, but licences will be renewable every 10 years.

Owners of restricted firearms, such as semi-automatic weapons, will have to renew licences 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.

Spouse-bashers 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.

The section on criminal offences provides that illegal dealers in firearms could be jailed for up to 25 years, while those in possession of illegal firearms would get 15 to 25 years.

The official opposition Democratic Party labelled the bill as "more sensible" than earlier versions but said it had concerns about some aspects.

The DP demanded Safety and Security Minister Steve Tshwete launch a campaign to clean out illegal firearms.

"This should include harsh sentences, amnesty, rewards and compensation, where necessary."

Boy Geldenhuys, New National Party spokesman on safety and security, said the draft was a "huge improvement". But the party had reservations about the limitations on the number of firearms that could be held.

# Bid to halt nepotism in government

CLIVE SAWYER  
POLITICAL CORRESPONDENT

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 Selby 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 councillors.

The committee endorsed Mr Baqwa's report, including his finding 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 as important to avoid the perception of nepotism as it was to avoid nepotism.

"Direct superior or subordinate rela-

tionships between relatives and control over fiscal and personnel status 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

BT 2111199 (34)

MICHAEL SCHMIDT

THE police raid on a maverick mining and transport magnate this week is the beginning of a crackdown on previously 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 police 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, Bulelani Ngcuka, the 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 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 spotless 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 serious light.

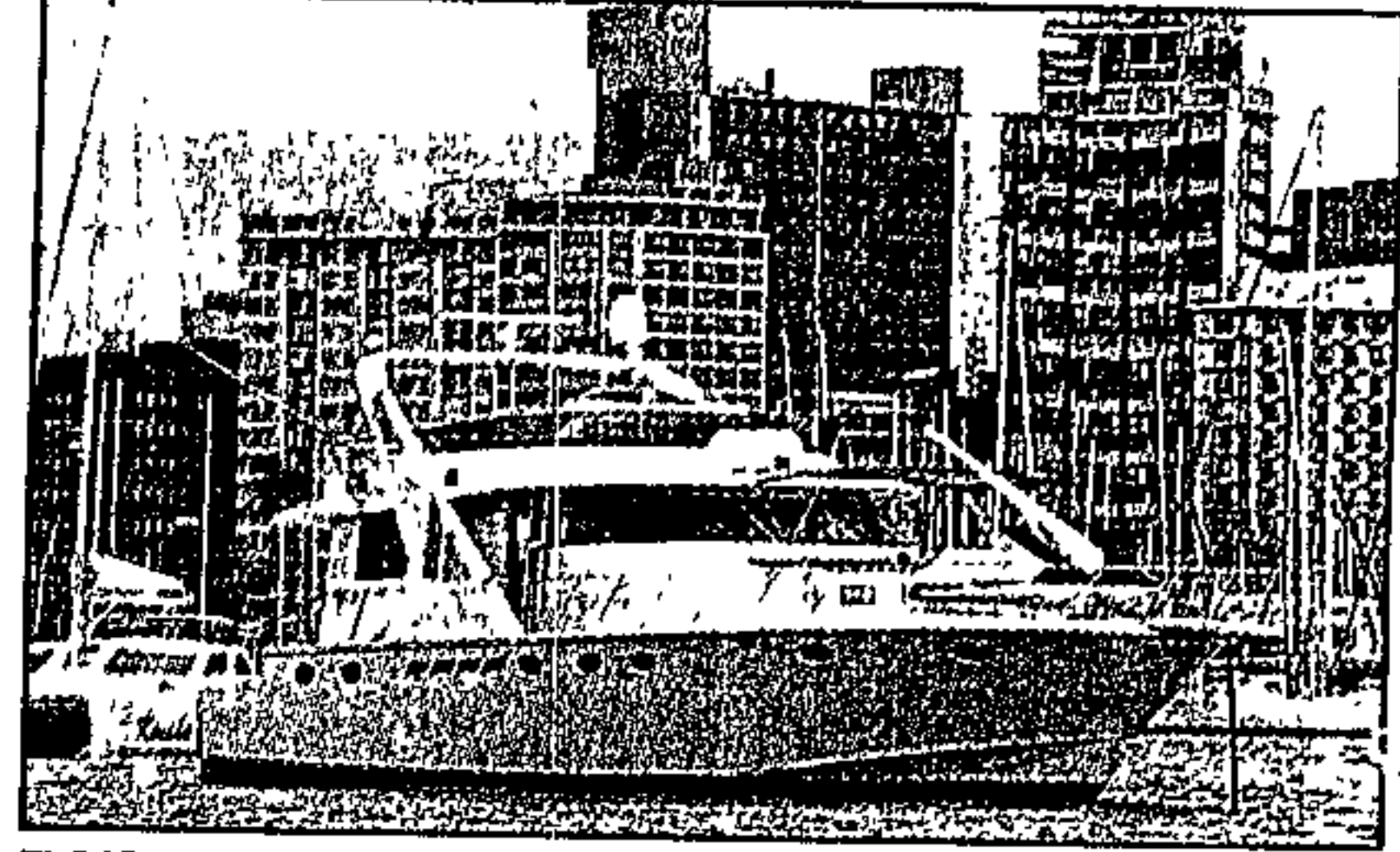
He said the allegations were different to the ones presented to him by the investigators.

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, Parks Mankahlana, confirmed that the raid was a "major development which will affect the security situation in the region".

After the raid, Rauten-



FLOATING ASSET: Billy Rautenbach's 'million-dollar' yacht, Water Wheels, which is berthed in Durban. Picture: RICHARD SHOREY

bach slipped out of the country to attend a board meeting in the Democratic Republic of Congo, where he has extensive mining interests.

He is also regarded as a personal friend of Zimbabwe's President Robert Mugabe and is reported to have helped pave the way for Zimbabwean military involvement in the civil war in the Congo war by giving it access to the Congo's mineral wealth.

Rautenbach, a Zimbabwean, has built a diverse empire throughout Africa on the back of his Wheels of Africa haulage company.

Last November, the leader of the Congo, Laurent Kabila, controversially signed over chairmanship of the bankrupt mining parastatal Gecamines to 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,

a luxury home in Sandhurst, Johannesburg, a farm in Paarl, in the Western Cape, five aircraft and a "million-dollar" yacht berthed in Durban. He has also bought a house in Florida, in the US.

The raid this week was part of an investigation

relating to allegations of the theft of R15-million from Hyundai and Swedish Truck Distributors, and other allegations involving breaches of the Companies Act and fraud. A secret container packed with documents was found during the operation.

# Bill to create gun-free zones

(252)  
(34)

M+G 19-25/11/99

*Among other things, the new Firearms Control Bill will deny people guilty of crimes of violence the right to own a firearm. Barry Streek reports*

**G**un-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-basher, will be prevented from acquiring a firearm licence, Minister of Safety and Security Steve Tshwete said this week.

Tough 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 adviser Louis Koch says a calculated risk has been taken with some of the provisions of the Bill, but he and the legal experts they had consulted, including Paul Pretorius, SC, Matthew Chaskalson and Jan d'Oliveira, 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. Tshwete 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 unacceptably high levels of firearm-related crimes and violence in our society," Tshwete said.

He added that the Cabinet was sending a loud and clear message that the government had dealt a decisive blow to violent criminals, given that guns are the common denominator in crimes ranging from rape to domestic violence, hijacking and robbery.

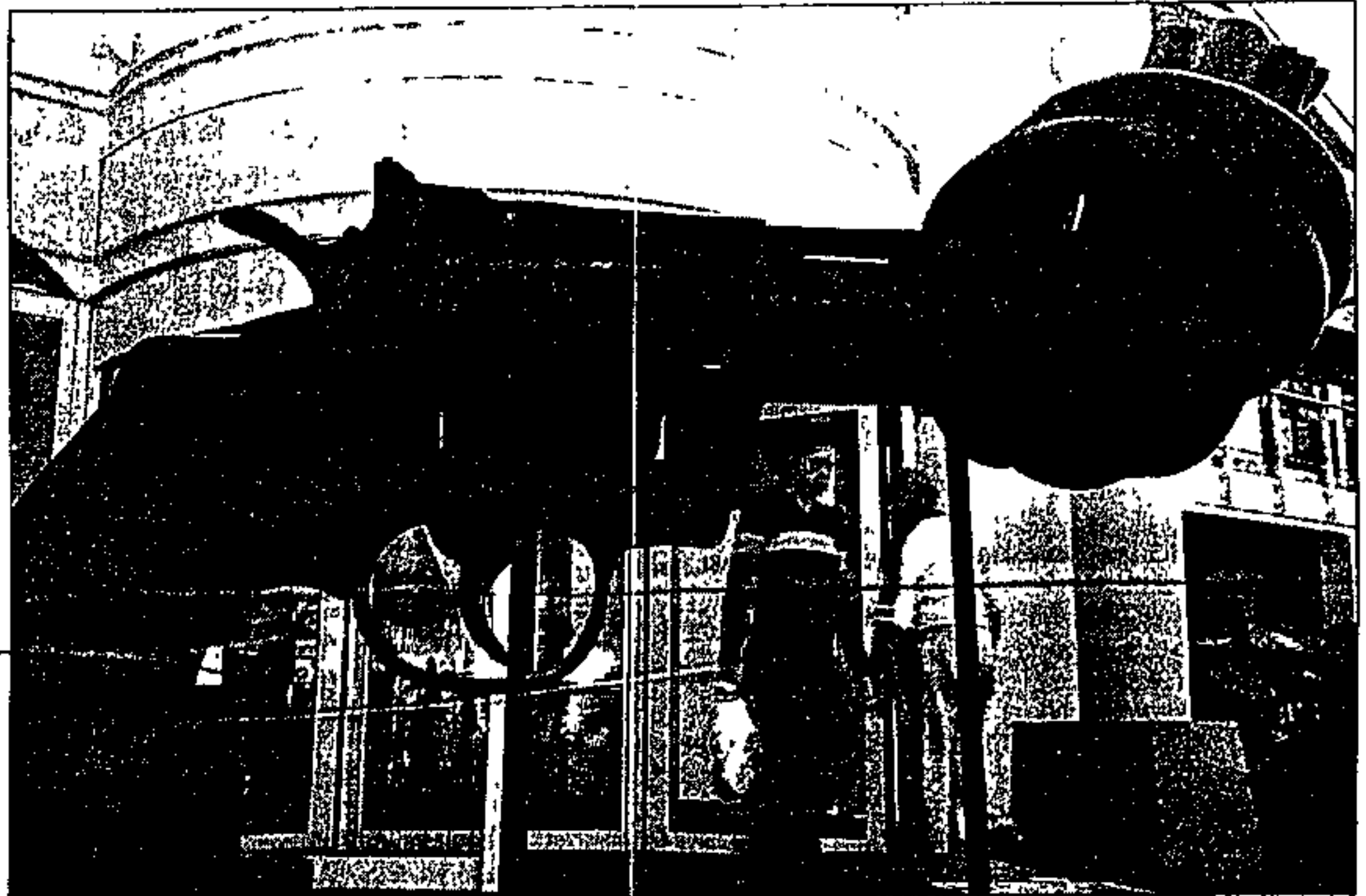
"The focus of the Bill is the criminal element that has terrorised law-abiding citizens for too long," Tshwete said.

Koch said the Bill is only the start of the process in the development of policy in regard to firearms, but emphasised 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 12 298 in 1998 — 49% of murders. Robberies where firearms were used increased from 51 004 to 74 854 over the same period — and firearms were used in 85% of robberies.

South Africa has approximately 1.9-million licensed firearm owners who hold licences for about 3.5-million firearms.

The provision for gun-free zones would apply to places such as bars and gambling premises, where it



No guns, please: Ordinary people will no longer be able to carry firearms in places such as bars and casinos. PHOTOGRAPH: AP

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 sports shooter could possess up to four firearms, which could include a handgun.

It had been shown that weapons belonging to dedicated hunters and sports 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.

**O**rdinary licence holders would be limited to be in possession of 200 rounds of ammunition and to the purchase of 2 400 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 arms dealers, so that up-to-date information, including current addresses of licence-holders, is readily available.

Tshwete 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 modernisation 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 soldiers 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, sharpshooters 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.

Tshwete said 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 complex and extensive understanding and balancing of often-conflicting needs and requirements of a variety of interest groups. It will be central to our campaign to create a new and responsible culture of firearms ownership, and will be supported by ongoing education and awareness initiatives," the minister emphasised.



# Heath unit blocked

m+G 26/11-2/12/99 (34)

*While the government wrangles over the status of the Heath unit and fails to authorise its investigations, billions of rands are being lost, reports Ivor Powell*

**P**an Africanist Congress parliamentarian Patricia de Lille revealed this week there are 91 investigations initiated by the Heath special investigating unit but still not authorised by the government in terms of the Special Investigating Units and Special Tribunals Act

The government has been sitting on some of these investigations since 1997 — when the unit put through the paperwork to request authorisation of these investigations.

The *Mail & Guardian* understands that suggested amendments prepared by the Heath unit in April 1998 to facilitate the process of proclaiming investigations have yet to be considered by the Cabinet. Offers by the unit to do the legwork for preparing proclamations have not been answered, sources close to the unit said.

There continues to be uncertainty about the future of the unit after a controversial statement was attributed to Minister of Justice Penuell Maduna — then subsequently denied — that the Heath unit would be confined to the Eastern Cape and that units would be set up in other areas.

The national mandate of the Heath unit was reconfirmed after a meeting between Judge Willem Heath and former president Nelson Mandela last week.

Ministry of Justice representative Paul Tsetsetse said: "A need does exist for additional units to be set up in the other provinces."

While denying there was any hold-up in proclaiming the Heath investigations, he said the ministry was waiting for Judge Heath to come up with proposals about the future of the unit, as was agreed after the meeting with Mandela. The unit is understood to be resisting moves to curtail its mandate.

Included in this list of investigations that have long passed their sell-by date is a probe into the contents of the Semenya report regarding maladministration in the Northern Province government.

Among other things, the Semenya report establishes *prima facie* evidence of the provincial Department of Public Works having paid R18,6-million for a building worth only R8-million; the unauthorised expenditure of R97-million for a government complex; the purchase of 19 luxury vehicles for government officials without proper authorisation; and a housing scam where officials would occupy government-owned properties rent-free while receiving housing subsidies.

The Semenya 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 scandals are many serving members of the African National Congress-led provincial government of Premier Ngoako Ramathlodi.

Another seemingly inexplicable in-



**Lacking authority:** The government has been sitting on Heath unit investigations while billions of rands are being misappropriated

stance of government heel-dragging is found in the proposed Heath unit investigation into irregularities uncovered by the auditor general in the former government of Lebewa.

The request — after the matter had been officially referred by the government to the unit for investigation — for a proclamation was made on March 4 1998. The auditor general's report uncovered evidence of hundreds of millions of rands misappropriated, misused or stolen, as well as of state assets in private hands under the territory's homeland government.

**O**ther cases are less well known. A September 1998 request for the government to proclaim an investigation concerns the issuing of a promissory note of R600-million by a Tribal Trust in KwaZulu-Natal to a company identified as Polokwane Trust — with state assets illegally put up as security against which the trust could raise money.

The proposed investigation has apparently been stalled by the failure of the KwaZulu-Natal premier to consent to the investigation and recovery of state funds.

On August 21 1998, the Heath unit, at the instigation of the Eastern Cape Department of Transport, made a request for an investigation into the Umanyano Transport Services, operating out of Umtata and Mount Frere.

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 Umanyano Transport Services was formed — from the ranks of Transkei Transport Services — and allegedly it simply moved into its old premises in Umtata and Mount Frere.

Also outstanding is a request by the Heath unit for the president to proclaim an investigation into irregularities in the running of the Reconstruction and Development Programme (RDP) in KwaZulu-Natal in 1995 and 1996, where more than R50-million 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 paying out of excessive sums of mon-

ey for services rendered. At the centre of the allegations is a consortium of officials from the KwaZulu-Natal government set up to administer RDP funds.

Among the 91 outstanding proclamations, 47 relate to alleged irregularities or corruption in Transitional Local Councils.

Other investigations still pending relate to housing schemes in various parts of the country — with developers accused of failing to provide houses they were paid to build, or of 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 handing over of R60-million of the government's funds to a developer in the Free State — supposedly to allow him to raise additional funds in the overseas market. No security was provided by the developer to secure the loan, and no houses have been built. Nor is there a record of additional funding obtained on the back of the R60-million seed money.

In terms of procedures established in the Act, the Heath unit collects *prima facie* evidence in respect of investigations, then passes it on to the Ministry of Justice. Finally 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 reclaim state finances and property irregularly or fraudulently appropriated.

But Department of Justice sources said the processes have not been followed through in recent months as tensions built up between the Heath unit and the government.

Sources inside the Heath unit said since the beginning of September no cases have been processed for proclamation by the department.

Deon Rudman, deputy director general in the Department of Justice, confirmed that there were outstanding matters, but could not say how many.

"We try to process Heath unit requests as soon as possible, but there is a lot of work entailed. We have to obtain the consent of premiers, we have to translate the proclamation into English, Afrikaans and sometimes one of the indigenous languages as well," Rudman said. "There might be a few that are old, but there are a variety of factors at work."



# More anti-corruption units in the pipeline

Additional units will save time and money  Not an attempt to clip Judge Heath's wings

BY CHIARA CARTER

GOVERNMENT is set to announce the appointment of at least one more anti-corruption unit along the lines of the Health special investigation unit (SIU) and proclaim 19 cases for it to investigate.

Presidential spokesperson Parks Mankahlana confirmed that government intended setting up "at least one more unit in the next week to fortnight".

This decision comes in the wake of a row which was triggered by PAC MP Patricia de Lille, who last

week went public with a list of 91 cases that she accused government of failing to proclaim.

A subsequent letter from Judge Willem Heath to Frank Chikane, director-general in the office of the presidency, said his unit did not agree with De Lille that the delay in proclamations was the fault of the president's office - in fact, Heath knew this was not the case.

This weekend Mankahlana said government had not been "roared into action" by De Lille's accusations. He added the decision to give cases to new units should not be

seen as an attempt to undermine Heath, who is often portrayed in the media as the country's anti-corruption crusader.

Any suggestion that we are going out of our way to marginalise Judge Heath would be unfounded," Mankahlana said.

He said since 1997 government had issued about 60 proclamations empowering the Health SIU to investigate alleged corruption and about 60 000 cases had ensued from these proclamations. Recently there had been top-level talks with Heath about the use of

other anti-corruption agencies as well as the establishment of new units. These discussions had delayed further proclamations.

Some of the 88 cases had meanwhile been referred to other agencies such as the office for serious economic offences and the directorate of public prosecutions.

Others - including a R60 million case in the Free State - had been resolved in that the money had been recovered but communication problems resulted in this not being reflected on the Health SIU list. There were also cases where in-

formation and evidence was too flimsy to justify an investigation. About 19 cases relating to local authorities will be proclaimed within the next few days.

Proclamations are being finalised in three cases relating to allegations of maladministration and corruption in the affairs of provincial government departments in Kwa-Zulu-Natal.

Two further requests, also relating to provincial departments in KZN, are to be submitted to the minister of justice, Penuell Maduna.

Mankahlana said government was concerned that anti-corruption agencies like the Health SIU should not be used as "political footballs".

Despite occasional disagreements, government's relationship with Heath was good and the decision to set up other units was not motivated by any desire to clip Heath's wings.

New units headed by acting judges would make the fight against corruption even more efficient, since the Health unit would not be overstretched. Although new units would not

necessarily be bound to specific regions in their investigations, their formation would represent a saving of time and money, since Heath and his investigators would not have to travel from their Eastern Cape base to various parts of the country.

Communication with the Health SIU about the progress of investigations had been somewhat deficient because of "capacity problems".

The department of justice intended establishing a special desk to ensure requests for proclamations were speedily handled.

## Another unit to probe graft

RAY HARTLEY ST 5/12/99 (34)

THE government's inquiry into corruption is to be broadened by the appointment of a second judge to investigate graft in the Free State and KwaZulu-Natal alongside the Health Special Investigating Unit.

President Thabo Mbeki's spokesman, Parks Mankahlana, said the decision had been discussed with Judge Willem Heath, who had given it his full support.

The appointment follows an outcry over the backlog of 88 requests made by Heath to investigate corruption which have been held up at the Department of Justice. Mankahlana said the new investigative unit, to be headed

by an as-yet-unnamed retired judge or acting judge, would immediately take on 19 of the cases, mostly involving local government corruption in the two provinces.

"You have to find methods of speeding up the work," said Mankahlana. The Justice Department would establish a new section to process requests for investigation proclamations more rapidly, he said.

Mankahlana dismissed reports that there was tension between Mbeki's office and the Health unit, releasing a letter from Heath to Frank Chikane, director-general of the President's office, in which he stated:

"At no stage did the unit intimate that the delay in proclamations was in the President's office - I know as a matter of fact that it is not so."



# Crime, drug link established

**GASANT ABARDER**  
CRIME WRITER

ET 6/12/99 (34)

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, opiates 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 60% 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.

SAUCIONLINE FARM AUCTION SALES

# 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, 31 officials

(34) (250) ART 8/12/99  
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 Mangosuthu 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.





# Drugs fuel runaway SA crime

(34) ARC 21/12/99

## 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: 53%.
- 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

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# SA signs anti-terrorism pact

ARG 22/12/99

## Warnings and arrests as America calls for increased vigilance

ADRIAN HADLAND AND SAPA, REUTERS

Amid growing concerns that acts of terrorism could spoil millennium and religious celebrations around the world, South Africa signed a key international anti-terrorism convention in New York yesterday.

The signing of the convention, which is aimed at "strengthening the international legal framework for combating and eliminating international terrorism in all its forms and manifestations", follows this week's second global terrorism warning issued by the United States.

The warning reiterates Washington's concerns that Christmas and millennium celebrations are vulnerable to terrorism and calls for vigilance among American citizens abroad.

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 allegedly found with explosives in his car on the Canadian border last week; and the arrest of an Algerian and Canadian woman in Vermont on Sunday.

The US government says it has linked the arrests in Jordan to Saudi-born Osama bin Laden, who is wanted in the United States on charges he planned deadly explosions 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, emphasising violence could occur at large gatherings

for millennium or religious festivities.

The warning was similar to one issued on December 11 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 that attacks still may be planned for this and other parts of the world."

Meanwhile, South Africa's permanent representative to the United Nations, Ambassador Dumisani Kumalo, signed the International Convention for the Suppression of Terrorist Bombings in New York yesterday, the Foreign Affairs Department said.

Mr Kumalo said "South Africa's signature of this important convention further emphasises our willingness to

co-operate with the international community in eliminating the scourge of international terrorism."

Libyan leader Muammar Gaddafi yesterday said the United States was right to expect hostile actions against it because of its own "terrorist policy in the world".

Mr Gaddafi, whose country has been accused of supporting terrorism, said he had no knowledge of a threat against the United States, but understood why US interests might be targeted.

"America knows very well it is hated everywhere in the world because of its hostile policy, its sanctions ... the threat is everywhere. America is conducting terrorist policy in the world

"For this America knows that all the people of the world are against it. Therefore America is afraid," he said.

# Death penalty gets strong support in poll

ARG 23/12/99

(34)

## 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 that:

- 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 the 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 a week ago of Bagad 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 were 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 Schönreich 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.