



RECOVERING PROCEEDS OF CRIME



CASE STUDY



**APA – 2018 - MAURITIUS
DAWOOD ADAM**

RSA MOTIVATOR



“THERE IS NO PAST OR FUTURE, ONLY THE PRESENT”.

**“IT IS WHAT WE DO IN THE PRESENT THAT WILL WRITE
THE PAST AND MAKE THE FUTURE”.**

CASE STUDY



- **HOUT BAY FISHING COMPANY
CAPE TOWN.**
- **MAIN DIRECTORS –
ARNOLD BENGIS AND FAMILY.**
- **OPERATED FROM CAPE TOWN
RELOCATED TO NEW YORK.**
- **GREEN CARDS.**

STRATEGY



- **IT IS NOT WHAT WE DO !**
- **IT IS HOW WE DO IT !**
- **AND WHY WE DO IT !**



- **POLITICAL WILL – POLITICAL WILL.**
- **BUY IN – BUY IN.**
- **USE ALL LEGAL TOOLS TO RECOVER PROCEEDS OF CRIME.**
- **WHAT ARE WE GOING TO TELL OUR GRAND CHILDREN ??**



• OPPORTUNITY

- **Opportunity** to Make and Keep all our Resources Safe and Secure.
- **Opportunity** to Recover our Resources **or to Ensure CORPORATE LIABILITY.**
- **Opportunity to Contribute to Development.**

NEGATIVE IMPACT



- **THREAT** of Organized Crime, Environmental Crime, Economic Crime, Corruption and Terrorism to Government's **Economic Stability and Development.**
- **International Trend** Organized Crime Syndicates, **Targeting** African Countries, Robbing / Stealing our resources.

DEVELOP NEW TOOLS



- RSA Developed New Laws.
- Amended Existing Laws with the View to Deal with Serious Crime and Organised Crime:
- POCA, AFU, FIC,
- WP ACT, SIU, SCCU,
- SOCA, PCLU AND HAWKS.

CORRUPTION



- ORGANISED CRIME **MODUS OPERANDI** – **CORRUPT** GOVERNMENT OFFICIALS.
- SEA FISHERIES INSPECTORS **CORRUPTED** BY HOUT BAY FISHING.
- RESULTING IN OVER HARVESTING OF OCEAN RESOURCES.

ENVIRONMENTAL CRIME



- **Environmental Crime is a Destabilising Force in Africa and the World.**
- **The UN declared Environmental Crime a Multi-Billion Dollar Organised Crime Activity – 2013 - INTERPOL.**
- **We Must Protect our Heritage and Resources and Recover.**

AFRICA UNION



- **AU Model National Law on Universal Jurisdiction 2014:**
 - **Encourages** AU Member States to Expediently **Strengthen** their National Legislation. **Explore** Ways and Means to **Build Capacity** of AU Member States.
 - Develop Visionary – Smart Laws.

AFRICAN RENAISSANCE



- **BUILDING CAPACITY** in Africa and To Fight Crime and Recover Proceeds of Crime.
- **2003 Africa Prosecutors Association (APA) Established.**
- **APA** to Fight against Serious Crime in Africa and the World through **Training and Formal and Informal Co-operation.**

AFRICAN ELDERS



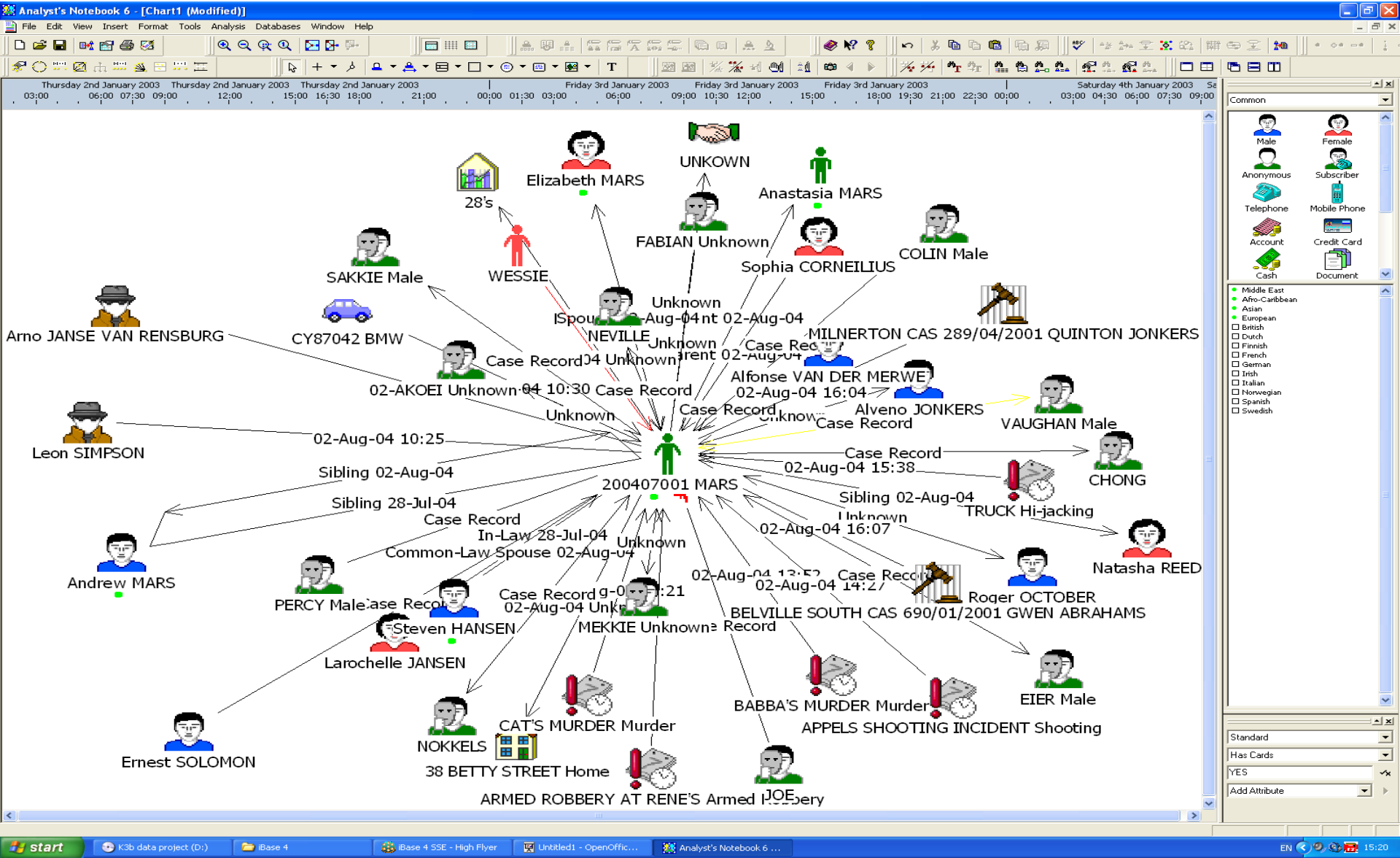
- **BILLIONS** IS LEAVING **AFRICA** THROUGH ILLEGAL ORGANISED CRIME METHODS.
- **RECOVER** THE PROCEEDS THROUGH ALL LEGAL MEANS.
- HOLD **CORPORATE COMPANIES** LIABLE FOR LOSSES SUFFERED.
- **DEVELOP** AFRICAN SOLUTIONS FOR AFRICA CHALLENGES.

CASE STUDY HOUT BAY FISHING



- **INTELLIGENTLY DEAL WITH INTELLIGENCE.**
- **CONVERT INTELLIGENCE INTO EVIDENCE.**
- **INFORMAL AND FORMAL INTERNATIONAL CO- ORPERATION IS EXTREMELY CRITICAL.**

INTELLIGENCE DRIVEN, PROSECUTOR GUIDED INVESTIGATIONS !! TROIKA, USE TOOLS



HOUT BAY FISHING



- **Intelligence** received of **Unlawful OVER Harvesting** by South Africans, white Collar Sophisticated Syndicate Based in South Africa and USA.
- **Intelligence** converted into evidence by co-ordinated Searches and Seizures to charge **Criminally and** Apply for Civil **Asset Forfeiture** and Restitutions.

HOUT BAY FISHING



- **Syndicate Corrupted Sea Fisheries Inspectors to Over Harvest the West Coast and South Coast Lobster in RSA Waters.**
- **Patagonian Tooth Fish (Endangered Species) in International Waters (Cities).**
- **Elaborate Scheme by Main BOSSES.**

HOUT BAY FISHING



- Container of **Illegal Harvested – Rock Lobster and Patagonian Tooth Fish** had been shipped from RSA to New York. (Admissible Evidence from Searches and Seizures) to Support Criminal and Civil Proceedings.

INTERNATIONAL CO-OPERATION



- International Informal and Formal Co-operation with American Authorities to intercept the container **24/7 !**
- Americans conducted their own criminal investigations after intercept.
- In Terms of **USA Laws and UN Conventions.**

RSA INVESTIGATION



- Revealed Syndicate Operated for a Number of Years.
- RSA used the **Prevention of the Organised Crime Act. Asset Recovery !!**
- To charge Syndicate Members and others in RSA and Fisheries Inspectors Corruption.
- **Company Director** in RSA Court pleaded guilty to 301 charges.

RSA INVESTIGATION



- Hout Bay Fishing Company found guilty of illegal over harvesting Plea Bargain **FINED R40 million rand.**
- Companies Chairman, Bengis pleads guilty to 28 charges of contravening the RSA Marine Living Resource Act.
- **THEY PLANDERED RSA's Resources.**

CIVIL ASSET FORFEITURE



- **ENABLED THE STATE TO RECOVER THE ASSETS OF THE SYNDICATE AND TO HURT THEM AND THEIR FAMILIES FINANCIALLY.**
- **BY TAKING THEIR PROFITS OUT OF THEIR CRIMES.**

ASSET FORFEITURE STRATEGY



- **Asset Forfeiture Unit** Seized 21 Fishing Boats used to Poach more than 10 times the Quotas allocated to them.
- They Over Harvested **732 Tons** of Rock Lobster.
- Only legally **Entitled to Harvest 72 Tons.**

ASSET FORFEITURE STRATEGY



- Seized a 50 meter Fishing Boat **EAGLE STAR** donated it to RSA Marine and Coastal Management to Protect RSA Marine Resources.
- **Use Boat Training** of Fisheries Control Officers and **Training** of Southern African Developing Countries Fisheries Officers.
- **USED** their own tools **FISHING BOAT** to **Fight Them !!**

USA INVESTIGATIONS



- **Bengis and 2 Syndicate Company Directors** Criminally Charged in the USA for Contravening USA Legislation.
- **3 Directors Sentence: Fined 13,3 Million Dollars** and plus 4 years **Direct Imprisonment.**

USA AND RSA STRATEGY



- Seek **Damages – Restitution** from Directors in USA Court.
- June 2013, 12 years after arrest in RSA, USA Court Ordered 3 Company Directors to **Pay R 294 million** to The South African Government following the Extensive **Unlawful OVER Harvesting** of Rock Lobster (Damages).
- **CORPORATE LIABILITY.**

USA AND RSA STRATEGY



- **THE USA COURT ORDER:**

**RESTITUTION SET AN IMPORTANT
INTERNATIONAL PRESEDENT THAT
OVER HARVESTING OF NATURAL
RESOURCES WILL NOT BE
TOLERATED.**

COMPANY DIRECTORS WERE CAUGHT BETWEEN ROCK LOBSTERS AND A HARD PLACE = PRISON



- Directors Proceeds of Crime were Forfeited - **Luxury Lives Ended.**
- Directors found themselves in **Hard Place In Prison (No Rock Lobster) LOL**
- Directors were **Forced to Leave USA** after serving sentences – **MOVED TO U.K.**

SOUTH COAST ROCK LOBSTER



- **WHY – SQ – ON MENU IN ONES OWN COUNTRY**



WEST COAST ROCK LOBSTER



- **WHY – SQ – ON MENU IN ONES OWN COUNTRY**



PATAGONIAN TOOTH FISH



- **ENDANGERED SPECIES**



200 GRAMS



- In **5 Star Restaurants** the cost for **200g P-Tooth Fish** without extras **200 US DOLLARS.**



HURTFULL AND SAD



- The **Syndicate Boss** – Company Director received Honorary Degree from University in Israel.
- **Why!! ??** He donated Proceeds of Crime 500,000.00 USA Dollars to a University.
- Why not donate to R.S.A. University or the **Nelson Mandela Children Fund** for schools in Rural Areas ??

2000 TO 2018 = 18 YEARS



- HOUT BAY FISHING **PROCEEDS OF CRIME** HIDDEN IN A NUMBER OF **SAFE HAVENS**, BRITISH VIRGIN ISLANDS. LIECHTENSTEIN.
- RESTITUTION SETTLEMENT REACHED IN 2018 = R294 MILLION.
- **SAFE HAVENS** AGREED TO CO-OPERATE. **RELEASE MONEY** TO RSA.

WE GOT THEM - RECOVERED THE PROCEEDS



Swoop: Environmental Affairs and Tourism Minister Valli Moosa, left, with Scorpions head Dawood Adam at the Waterfront where Hout Bay Fishing Industries was raided today.

ROY WILEY

U CAN ALSO DO IT !!!!!

GO TOGETHER SO THAT WE CAN RECOVER OUR ASSETS TOGETHER FROM THE CROOKS



Cui Ning

“ If you want to go quickly, go alone.
If you want to go far, go together.

如果你想走快，就独自上路，如果你想走远，请结伴而行

African Proverb