ORGANISED CRIME IN SOUTH AFRICA

An Assessment of its Nature and Origins

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Introduction

During the 1980s, the world experienced a rapid expansion of organised crime and of transnational criminal activities. These activities were planned and executed by sophisticated criminal networks that considered the world as their global village and that therefore increasingly operated across international borders in the slipstream of globalisation. Their activities spread at
a pace which outstripped the law enforcement agencies’ ability to contain them.

Technological developments, among them the information and communication revolution, facilitated this expansion. Political changes provided openings for criminals which had not existed previously. The collapse of the Soviet Union in the late 1980s, for example, led to a mushrooming of organised crime in Russia and Central Europe towards the end of the decade. The end of the Cold War, and the transformation of states from authoritarian systems towards democracy in different parts of the world, signalled a new era of open borders, massive migration, and the weakening of state structures which had previously maintained a semblance of law and order. Weakened states, whether in Central Europe, South America or in Southern Africa, provided ideal conditions in which organised crime could flourish. During that decade, organised crime was transformed from a domestic to an international phenomenon, and from a law and order problem to a national and international security threat.

Economic factors also played a role. The emergence of Nigerian criminal organisations, for example, is often traced to the collapse of oil prices in the early 1980s, forcing many educated and entrepreneurial Nigerians to find alternative sources of income.

While international developments were facilitating the expansion and growing sophistication of an international network of criminal organisations, the South Africa of the 1980s was epitomised by international isolation, political turmoil and by an inward-looking, authoritarian apartheid government. Borders were relatively well-controlled in order to prevent the insurgence of guerrillas. Tourists or foreign business people arrived in insignificant numbers as a result of the international trade sanctions and due to the country’s poor image. The various states of emergency and the widespread reliance on the military and specialised police task forces to clamp down on opposition political activities and political violence, had the effect of relegating the detective service of the police, as well as ordinary crime prevention, to the background. Under those circumstances, in which the government saw itself as facing a ‘total onslaught’, state resources were used to bolster the military and the security branch of the police rather than the ordinary uniformed police officers or detectives who were expected to fight the battle against crime. During the 1980s, therefore, organised crime was not a policing priority for the state. In fact, the concept of ‘organised crime’ as it is now understood, was unfamiliar to the police during the 1980s and formed no part of their plans or strategies. The words ‘organised crime’ did not become part of policing vocabulary in South Africa until 1991.

And yet, organised criminal groups were very active in the country during that period, and organised crime expanded significantly. The foundation for the rapid growth of organised crime in the 1990s was clearly laid during the 1980s. Not only did organised crime manifest itself within South Africa during the 1980s, a phenomenal expansion of cross-border crime between South African and its neighbouring states occurred. National and regional criminal networks were therefore in place, ready to capitalise on the conducive environment for criminal organisations which the political transition of the early 1990s produced.

Unlike the perceptions originating from popularised American models of the ‘Italian mafia’ groups, which presuppose a tightly knit, well-structured and disciplined criminal organisation headed by ‘Mr Big’, South Africa’s organised criminal organisations were generally characterised by the absence of rigid structures and by their reliance on networks of criminals to assist in achieving their objectives. South African crime syndicates appear to opt for loose and shifting alliances or associations with other criminal groups or individuals, rather than for tightly knit organisations, which rely solely on their own resources, to achieve their objectives. However, these were not matters with which the police or criminologists occupied themselves in
Towards the end of the 1980s, detectives were sounding warning signals about organised criminal groups and about the growing impact which syndicates were having on crime. Only in April 1991, were specific strategies formulated for the first time to counter the activities of organised criminal groups and did the words ‘organised crime’ become part of official police parlance. Until then, the impact of organised criminal groups, and their involvement in cross-border crime, had not been considered as a significant contributory factor to the rising crime rates in the country. No serious attention had been given to this issue until then, mainly because policing priorities related to matters of national security as identified by the securocrats of the government.

This, perhaps, partly explains why very little research has been conducted in South Africa into organised crime. Our understanding of the nature of organised crime, how its structures have developed during the past two decades and how the state responded, remains very limited. Initial research has focused on the present realities of organised crime and on the extent to which the state has the capacity to counter it. Factors which contributed to its rapid growth need to be identified and examined. This monograph will briefly refer to some of the earlier manifestations of criminal groupings in South Africa. It will assess the development and impact of organised criminal groups since 1980 and examine the state’s responses. By way of case studies, the structures of typical syndicates involved in organised crime will be examined. An attempt will therefore be made to develop a greater understanding of how organised criminal groups in South Africa are structured, how they operate and how they have changed or adapted in the new environment, if at all.

This monograph will be based mainly on primary research, with most of the information emanating from police sources and official documents. The fact that the names of the many police officers, who readily provided the information, are not mentioned, may place a question mark over the veracity of their version of developments for some readers. Most of the police officers prefer not to have their names mentioned and their preference has been respected. It needs to be stated, however, that from the National Commissioner of the South African Police Service (SAPS)and the Head of the Detective Service downwards, doors were opened and full co-operation was readily provided.

This will be the first in a series of monographs on organised crime in South Africa which the Institute for Security Studies intends to publish during the next three years. This first, more general volume, will hopefully provide a basis for a better understanding of South African organised criminal groups. No attempt will be made to examine the nature and impact of internationally linked criminal groups active in South Africa, such as the Nigerian drug syndicates, the Russian mafia, South American drug cartels or Chinese triads. Future research will focus on more specific aspects of organised crime, including its international dimensions, perhaps culminating in proposals on how to counter the activities of organised criminal groups more effectively.

The Problem of Definitions

A generally accepted comprehensive definition of organised crime, or of organised crime structures, has yet to emerge both in South Africa and internationally. No unanimity therefore exists on questions such as:

- What is a criminal organisation or a syndicate?
When do the criminal activities of street gangs or syndicates amount to organised crime?

What is the difference between a gang and a syndicate?

South African attempts at defining organised crime have sometimes moved into unrealistic directions because of a determination to try and capture specific structural aspects with which a criminal organisation would have to comply if its activities are to fall within the definition of organised crime. The focus should rather fall on the nature of the activities of a criminal organisation. The SAPS has tended to rely on the definition presently in use at Interpol’s Organised Crime unit, namely:

"Any group of criminals that have a corporate structure, whose primary objective is to obtain money and power through illegal activities, often surviving on fear and corruption." \(^4\)

The reference to ‘corporate structure’ has proved to confuse and side-track many a South African police detective dealing with organised crime. This is understandable, considering that not many South African criminal groups have clearly definable or ‘corporate’ structures. The Interpol definition does not take account of the fact that organised crime in South Africa is more often than not associated with loose, shifting coalitions of groups and individuals who rely on networks and who constantly enter into new associations, partnerships or coalitions for the different criminal objectives which they pursue. The majority of organised crime structures in South Africa are informal associations which change daily. \(^5\) However, there are areas in the country, such as the Western Cape, in which the influence of the well-structured prison gangs is very pronounced. This has led to a situation where more developed gangs and crime syndicates in that province tend to be more structured than is the case in other provinces. The Interpol definition therefore continues to be a subject for debate within the police.

International debates around definitions of organised crime have moved away from a focus on structures to the conduct and the nature of such criminal organisations. The growing international realisation that co-operation between countries is essential in countering organised crime, has led to serious attempts at moving towards one internationally accepted definition. The reasoning is logical: if there is to be increased international co-operation in dealing with organised crime, there needs to be clarity on precisely what type of criminal conduct international efforts are called upon to counter.

Two significant international attempts have been made to find acceptable international definitions of organised crime. One is the United Nations Draft Convention for the Suppression of Transnational Organised Crime which was discussed at a UN-sponsored meeting of a group of experts early in 1998. At this meeting, which was attended by representatives of about fifty five countries including South Africa, an attempt was made to start with the process of drafting a comprehensive international convention against organised transnational crime. \(^6\) No agreement was reached with regard to a definition of organised crime, but the various options available were recorded. An example of one of the more than six options is the following:

“1. For the purpose of this Convention, ‘organized crime’ means group activities of three or more persons, with hierarchical links or personal relationships, which permit their leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in the furtherance of criminal activity and to infiltrate the legitimate economy, in particular by:

file:///Users/mbadenhorst/Documents/websites/iss/pubs/Monographs/No28/Mono28Full.html
(a) Illicit traffic in narcotic drugs or psychotropic substances, money-laundering ...;
(b) Traffic in persons ...;
(c) Counterfeiting of currency ...;
(d) Illicit traffic in or stealing of cultural objects ...;
(e) Stealing of nuclear material, its misuse or threat of misuse to harm the public ...;
(f) Terrorist acts;
(g) Illicit traffic in or stealing of arms and explosive materials or devices;
(h) Illicit traffic in or stealing of motor vehicles;
(i) Corruption of public officials.

2. For the purpose of the present Convention, ‘organized crime’ includes commission of an act by a member of a group as part of the criminal activity of such group.”

The second attempt to find an internationally acceptable definition relates to the endeavours of the member states of the European Union. These attempts at formulating internationally acceptable definitions have focused more on the criminal organisations which are responsible for organised crime. During March 1998, the Council of the European Union reached agreement on a definition of a criminal organisation. It agreed on a Joint Action to make it a criminal offence to participate in a criminal organisation in the member states of the European Union. Article 1 of this Joint Action defines the notion of criminal organisation as follows:

"Article 1:

Within the meaning of this Joint Action, a criminal organisation shall mean a lasting, structured association of more than two persons, acting in concert with a view to committing crimes or other offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such crimes or offences are an end in themselves or a means of obtaining material benefits and, if necessary, of improperly influencing the operation of public authorities.

The crimes or other offences referred to in the first paragraph include those mentioned in art. 2 of the Europol Convention and in the Annex thereto and carry a sentence at least equivalent to that provided for in the first paragraph."

Article 2 of the Europol Convention describes which conduct by members of a criminal organisation should be defined as criminal offences in the national legislation of member states of the European Union.

"To assist in the fight against criminal organisations, each Member State shall undertake ... to ensure that one or both of the types of conduct described in paragraph 1 or paragraph 2 are punishable by effective, proportionate and dissuasive criminal penalties.

1. Conduct by any person who, with the intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organised group to commit the offence in question, actively takes part in:

- the criminal organisation’s activities referred to in art. 1, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences are not actually committed
- the organisation’s other activities in the further knowledge that his participation will contribute to the achievement of the organisation’s criminal activities as referred to in art. 1.

2. Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of such crimes or offences as referred to in art. 1, even if that person does not take part in the actual execution of the activity.”

The definition contained in the above Article 1 of the draft Joint Action, read with Article 2 of Europol Convention, constitutes an attempt to accommodate two different approaches in one definition. These two approaches have to do with different criteria for extradition purposes with that member states of the European Community have to comply with. The first paragraph of Article 1 above designates the offences which are to fall within the definition by referring to a general threshold sentence, namely four years imprisonment or more. The second paragraph, which refers to the Europol Convention, relies on the ‘list approach’, that is a list of specific crimes referred to in the Convention. In addition to reflecting these two different options, that is the ‘list approach’ and the ‘no list approach’, the content of Article 2 of the Europol Convention also accommodates two approaches in defining criminal conduct: the “participation in a criminal organisation” approach, and the "conspiracy" approach.9

Of interest to the South African debate around the definition of organised crime is the fact that the European Union approach focuses more on the nature of the conduct of members of a criminal organisation than on the structure of the criminal organisation itself. Its reference to the structure of a criminal organisation is a very general one, presumably intended to cover the widest possible range of structures on which such organisations could be based: "... a criminal organisation shall mean a lasting, structured association of more than two persons, acting in concert with a view to committing (certain) crimes..."

For the present, however, and in order to spell out an understanding of these concepts, the following definition of ‘organised crime’ will be used: 10

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

The majority of crime syndicates are involved in some form of organised crime. In line with the above definition of organised crime, ‘crime syndicates’ can be defined as follows:

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

This definition accommodates the generally fluid nature of the way in which crime syndicates are structured in South Africa and in which they often associate with others in pursuit of specific criminal objectives for profit.

The requirements in the above definitions of "serious criminal offences" and "acting in concert over a prolonged period of time in pursuit of both their criminal objectives and profits", are important when considering whether or not the activities of a group of criminals constitute organised crime. The lack of clarity about what is meant by "serious criminal offences", however, does remain a valid point of criticism.
In general, gangs tend to be less formally structured than syndicates. They are often territorially based, their criminal activities involve less sophistication than those of syndicates, their members tend to be youths and they tend to identify themselves by a gang name. The many different manifestations of criminal gangs makes it highly unlikely that one single definition will ever be adequate or comprehensive enough to cover all the shades and variations. As a guide, and to indicate a general understanding of the nature of a gang, the following definition is provided:

"A criminal gang consists of an organised group of members which has a sense of cohesion, is generally territorially bound, which creates an atmosphere of fear and intimidation in the community and whose members engage in gang-focused criminal activity either individually or collectively."

It becomes more problematic to describe a criminal group as a gang when some of its members are adult and the gang, as a result, is better organised and therefore better equipped to engage in more serious crimes for profit — as is the case with a growing number of gangs. Under certain circumstances, therefore, the criminal activities of gangs do amount to organised crime.

Earlier Manifestations of Organised Criminal Groups

Notorious and often colourful gangs and criminal groups have formed part of the South African landscape throughout recorded history. They may not have matched the profiles of those real or imagined rogues who featured in the ‘Wild West’ of North America and who were often romanticised by the movie industry, but they operated in South Africa under similar circumstances. The discovery of diamonds and gold in the previous century created new opportunities to make a quick fortune. Renegades and adventurers from many parts of the world linked up with local ones to exploit the many possibilities which presented themselves.

In the late nineteenth century, Australian-born Scotty Smith, a notorious freebooter and highwayman, frequently held up stage coaches and performed large scale stock thefts with his band of criminals in the Northern Cape and Orange Free State. He and his men probably engaged in one of the first transnational criminal operations in South Africa when they smuggled large numbers of horses from the Northern Cape across the border to German cavalry regiments then stationed in German South West Africa. Another group of criminals well-known in the annals of South Africa’s crime history was the more violent ‘Foster Gang’. Its members committed suicide in a cave on a Johannesburg mine dump in 1914 when they were cornered by the police after yet another of their many ruthless robberies of banks and post offices.

The rapid industrial development and urbanisation process which occurred after the Second World War produced an environment in which urban criminality and the number of street gangs increased. In the Johannesburg and Pretoria areas, groups of youths known as ‘tsotsis’ were often the forerunners of more hardened organised criminal structures. In Durban, increased smuggling of dagga and contraband through the harbour led to criminal groups becoming more sophisticated and, in Cape Town, street gangs developed rapidly after the Second World War.

Many members of the coloured Cape Corps who returned from active duty after the Second World War sought refuge in areas such District Six because they could not find work in their home areas. They formed gangs such as the Goofies and the Red Cats together with local skollies and elements from the growing number of squatters in the area. The forced removals from District Six and the massive relocation of coloureds from many parts of Cape Town during
the 1960s to townships in the Cape Flats created an environment in which the collapse of social structures and many other factors were bound to lead to an increase in criminal activities.

Criminal groups have therefore operated for many decades mainly from the three largest metropolitan areas of South Africa: the greater Johannesburg area, the industrial hub of the country; the harbour city of Durban; and the greater Cape Town area.

**Johannesburg**

In many poor areas in and around Johannesburg, such as Alexandra township, youths formed gangs which engaged mainly in petty crimes. These gangs were often named after American movies or actors while gang members were sometimes loosely referred to by outsiders as *tsotsis*. They lived in communities in which there were high unemployment rates and which had been through many recent dislocations. They often emulated criminal groups which consisted of older members, but they were generally not well-organised and followed no particular structures. As individual gang members grew older, some linked up with more hardened criminal groups that engaged in criminal activities in an organised way.

One of the more notorious of these earlier organised criminal groups was the Msomi gang which operated from Alexandra. In the mid-1950s, it was responsible for an organised reign of terror involving numerous armed robberies, scores of murders, protection rackets and the fleecing of ordinary township residents. A senior crime reporter at the time compared the Msomi gang with some of the American gangs:

> "The Msomi gang introduced a new era in our crime. Here were the first signs of organised gang activities, based on lessons from the American gang world. All the indications were there. Wealthy gang leaders — here we think of Shadrack Matthews who left an estate worth #23 000??? after the hangman’s rope had tightened around his neck — extorted huge amounts of money, often thousands of pounds, from poor defenceless residents every month and drove around in large twin-coloured American motor cars. They even had their own chauffeurs and bodyguards. Special sittings of their own underworld court were held weekly — usually on Sundays — where persons, particularly members of the Spoiler Gang, were summarily sentenced to death and later executed in a gruesome manner."

This gang was properly structured with a strong leader (Shadrack Matthews), or ‘prime minister’ as he was called, which operated from their own gang headquarters and maintained very strict internal discipline. Their local rivals, the Spoiler Gang, which consisted of about 250 members, became the target of merciless killings and assassinations.

Another feared Johannesburg criminal mob of the early 1950s was the gang known as the Sheriff Khan Organisation. It was led by Sheriff Khan who was destined to become king of the South African underworld and who owned or controlled many illegal gambling establishments in and around Johannesburg. His organisation established its powerful presence in Johannesburg when the majority of the twelve members of the 'Durban’ gang, together with some survivors of the ‘Y’ gang, linked up with him. These former two gangs had been involved in open gang warfare in the streets of Johannesburg. In addition to drug pushing and extortion, the gang excelled at shop and warehouse breaking which was performed after meticulous planning, masterminded by Sheriff Khan himself. They had their own vans to transport stolen goods to their own warehouse.

A feature common to both the ‘Msomi’ gang and the ‘Sheriff Khan Organisation’ was the close
contact which they both appeared to have had with the police. Most of the members of the Msomi gang had acted as informers for the police prior to their arrests. After committing their crimes in Alexandra, one or more of them invariably approached detectives with information which tended to lead to an address of a member of the rival ‘Spoiler’ gang. When Sheriff Khan was caught by the Pretoria police in Fordsburg while robbing a warehouse, there was a flying squad car in attendance to ensure that no one disturbed him during the robbery. Throughout his reign of more than three decades as an organised crime leader, Sheriff Khan frequently appeared in court on charges such as extortion, bribery and murder, but he and his gang were usually acquitted. The unexpected lapse of memory of state witnesses or the lack of evidence was the cause of this.

**Durban**

Durban, the largest harbour city in South Africa, was also a haven for organised criminal groups, but there were not as many, nor were they as influential, as the gangs and criminal groups on the Cape Flats.

As was the case in most metropolitan areas, gangs in Durban started off as part of the street culture in some of the townships, particularly coloured areas such as Newlands East and Wentworth. These gangs also operated in their own defined territories, but in comparison to the Western Cape, they were far fewer in number in any given area. Only in certain parts of these townships did street gangs operate, and then not with the same degree of violence as on the Cape Flats. The sprawling black townships and squatter areas did not have street gang problems. While smaller gangs of black youths were involved in criminal activities, they operated on an ad hoc basis, were not territorially bound and generally did not exhibit the same structures or cohesion as gangs in other areas. Dagga was being sold and distributed on a large scale, mainly through shebeens. Supplies were easily obtainable from the Transkei and the KwaZulu-Natal hinterland, but no sophisticated criminal networks were necessary to obtain these supplies or to market the dagga in black townships.

However, Dagga did play an important role in the development of organised crime structures in the Durban area. Detectives maintain that the smuggling of ‘hard’ drugs such as LSD into the country, only commenced in the late 1960s. Even then, the export of compacted dagga and the smuggling of LSD, limited as it was, were mainly arranged by individuals who had established the necessary contacts abroad. The international demand for ‘Durban Poison’, the brand name given to top quality dagga which originated from Lusikisiki in the Transkei, was such that its export became a highly lucrative business. Small dagga syndicates were formed in order deal with such transactions in a more co-ordinated and sophisticated manner. By the early 1970s, these dagga distributors had become regular narcotics syndicates. In exchange for exporting compacted dagga to Europe and Australia, they also obtained LSD and other drugs, initially from France and Britain, which were then smuggled into the country through Durban.

Some of the avenues used to smuggle narcotics into Durban were yachts that arrived to moor in the harbour and crew members of large passenger liners. A well-known but small Durban-based syndicate, that specialised in these types of activities in the early 1970s, was headed by one Brasco. His syndicate consisted of himself and three or four assistants who master-minded the export and import of these articles. It had a wide network of contacts throughout the country that assisted with the distribution of the drugs. The police were aware of approximately seventeen small syndicates country-wide which operated as distribution channels for Brasco.

Unlike the Western Cape, Durban and its surrounding areas did not constitute a major market
for imported ‘hard’ drugs. The city’s drug syndicates therefore used Durban as a transit point for further distribution mainly to Johannesburg and Cape Town.

Not all organised criminal groups focused on drug smuggling. Some, such as the gang known as the Young Americans, specialised in breaking into business premises. The gang, which consisted mainly of Asian and coloured youths, operated under the instructions of a well-known syndicate leader in Johannesburg.

Cape Town

The havoc wreaked in the late 1960s and early 1970s by the mass relocation of a large part of the coloured community from many parts of Cape Town, including District Six, to townships on the Cape Flats, had a direct influence on how criminal groups developed. Not only were communities and families torn apart by these moves, but many gangs and criminal groups found their members now living in different geographical areas. Some established gangs disintegrated, with members joining or establishing new ones. Some remained intact to re-establish their authority in the new areas.

These gangs in the Western Cape, the majority of which were operating on the Cape Flats by the 1970s, had varying characteristics and structures. Pinnock identifies four distinct, although sometimes overlapping, types of criminal groups operating on the Cape Flats. The first and most widespread type of gang was formed to defend itself and its turf from other gangs. The expansion of reformatory and prison-based gangs in the 1970s, which went on to muscle their way onto the turf of existing street gangs, as well as being responsible for the increasing violence in the area, called for the physical defence of terrain. Described by Pinnock as ‘defence gangs’, these groups also ran rackets, became involved in pay-packet robbery, housebreaking and theft of radios and firearms from motor vehicles. They tended to stick to their territory and would defend it with stolen firearms against incursion by other gangs, if necessary. These territorial skirmishes had the result of clearly delineated gang territories being established in every township on the Cape Flats.

A second category of gangs that was expanding on the Cape Flats during the 1970s was what Pinnock calls the ‘reform gangs’. These gangs shared many of the characteristics of the defence gangs. However, they were not formed on the streets, but in the reformatories and schools of industry. Although their ages varied from twelve to twenty years, they were more hardened and better disciplined because they shared the ‘brotherhood’ of some form of detention. Their gang leader was often an older man with prison experience. They became part of the ‘super gangs’ of the time, such as the Cape Town Scorpions and the Born Free Kids. Robbery and housebreaking were the main focus of these reform gangs and they often operated from a shebeen or illicit drinking house.

The ‘mafias’ were what Pinnock refers to as the third, and most interesting group of ghetto racketeers at the time. This category of gangs was much more complex organisationally than defence gangs or reform gangs and stemmed from large extended families which had been dislocated through forced removals and relocation to the Cape Flats. The resultant breakdown of social relationships caused some of these families to look for alternative forms of occupation including those that involved illegal methods. As a result, some of them transformed themselves into the ‘mafias’ of the Cape Flats. Well-known gangs such as the Mongrels and Cisko Yakis trace their origin back to former family networks. They were more close-knit and better able to organise than defence gangs or reform gangs. They specialised in bigger undertakings than other gangs, such as large payroll jobs rather than simple armed robbery, large-scale
warehouse or shop thefts rather than housebreaking. They had greater access to capital and could finance the acquisition of drugs in bulk before reselling it to other gangs. These ‘mafia’ gangs were not territorially bound. They had cells in different areas and were therefore able to dispose of their illegally obtained goods in a wide area.

Many of the crime syndicates operating in Cape Town before the 1980s cannot be categorised as gangs. They consisted mainly of merchants who organised themselves for the purpose of securing the supply or monopoly of some illegal commodity. These merchant syndicates, the fourth form of criminal groups, were the most professional and profitable organisations on the Cape Flats. The acquisition and distribution of Mandrax developed into a major part of the activities of many of these merchant syndicates. Mandrax (methaqualone) had become an integral part of Cape Town’s gang culture. The Mandrax syndicates of the 1970s were mainly run by Asians. They accessed the supply routes from India and Pakistan for their supplies but never handled the drug themselves. The mafia or reformatory gangs acted as the middlemen, in turn redistributing to street merchants. Their transnational criminal activities yielded healthy profits for all those who were involved in the distribution network.

The dagga market was dominated by African syndicates. They linked up with rural growers in the Transkei and elsewhere and made vast profits — up to 3 000 per cent on the farm price of dagga — by reselling it to various distribution networks on the Cape Flats. They often supplied the ‘mafia’ gangs who, in turn, would act as retailers for members of defence gangs or reform gangs.

The 1980s: Organised Crime Comes of Age

Street gangs and the more sophisticated crime syndicates, irrespective of whether they were based in Cape Town, Johannesburg or Durban, had developed many common characteristics by 1980. The different social, political and economic factors which influenced their coming into existence meant that some regional characteristics were maintained, but their core business was similar, as was their modus operandi. The increasing role of narcotics as a commodity in which syndicates and gangs traded, worked against any regional isolation. There was a growing dependence by crime syndicates on country-wide networks of criminal organisations which assisted in obtaining and distributing drugs. Profits resulting from illegal drug operations had increased dramatically since the 1970s. Before Mandrax was banned in the mid-seventies, a Mandrax tablet could be purchased over the counter at a chemist for 5 cents. By the early 1980s, it was selling on street corners and in shebeens for about R15 per tablet or ‘button’. Organised criminal activities were therefore becoming more lucrative which was one of the reasons why the sophistication gap between ordinary street gangs and better organised crime syndicates was widening. The degree of sophistication required to import Mandrax from India or from Zambia, and then to distribute it through a network of syndicates throughout the country, by far exceeded the degree of organisation which street gangs had to display in order to defend their territory, engage in local crimes and sell drugs on street corners or shebeens.

Gangs did, and still do provide a natural first phase in the careers of many criminals before they move on to more sophisticated criminal organisations. An understanding of street gang dynamics and how they function will therefore assist in a better understanding of the more sophisticated criminal groups.

Detectives stationed in Cape Town during the early 1980s confirmed the distinction between the territorially-based street gangs and the syndicates which focused on dagga or Mandrax. No clear definitions existed to enable the police on the ground to distinguish between gangs and
syndicates. They generally referred to the more sophisticated and better organised criminal groups as syndicates.

On the Cape Flats, each police station had the responsibility of policing those gangs operating within its area. This was regarded as a routine policing job. The gang leaders and many of their members were generally known to local police officers. The fact that they were territorially based, enabled the local station commander to keep a semblance of control over gang activities in the station area, but it became more difficult due to the growing number of gangs. In 1982, a count in thirty areas of the Cape Flats established that 280 groups identified themselves as gangs. Nearly eighty per cent of the gang members interviewed, said their group was more than 100 strong, half put the figure at 200, and several as high as 2 000. A rough estimate of 80 000 youths identified themselves as gang members.

No central database existed to keep track of gang members and their activities. Only in the mid-1980s were the first steps taken by the police to collect information about gangs when instructions were given to police stations to keep files on specific gangs. The result was that station commanders developed an elementary database on gang activities and gang members in their station area. This information, however, was not necessarily shared with other station commanders in the area because it did not become part of a central database. The police were still looking at incidents of gangsterism and not at the phenomenon itself. Incidents normally occur within a certain policing area while the phenomenon cuts across such boundaries. Syndicates that did not confine their activities to certain territories were therefore only marginally affected by these new instructions.

From the perspective of the detectives involved in the Western Cape, the membership of gangs varied, but generally consisted of between twenty to forty members. The discrepancy between their estimate and the findings by Pinnock that the street gangs were much larger, probably arises from the fact that the detectives would mainly focus on those members who had had a brush with the law and not on those who remained in the background.

What Pinnock describes as the family ‘mafias’ and the merchant syndicates were more difficult to police. They were not tied to a specific geographic terrain and were more sophisticated than the street gangs. The close family or ‘brotherhood’ relations made it difficult for the police to obtain information about the activities of individuals within these organisations. They had links with criminal organisations in other parts of South Africa and abroad which enabled them to have a regular supply of narcotics, mainly in the form of dagga and Mandrax. The national borders and international airports were relatively well-controlled, making it very risky to use these ports of entry to bring in narcotics. Although drugs were successfully smuggled through these entry points, and dagga exported through harbours, more ingenious avenues were sometimes adopted to ensure the necessary supplies. Some Cape Town syndicates were known to make use of the Hadj, the Muslim pilgrimage to Mecca, to smuggle Mandrax back into the country. Syndicate members would leave the country with other pilgrims, change flights in Saudi Arabia and travel to India to collect the Mandrax, before returning to Nairobi from where they would link up again with returning pilgrims. During 1981, Cape Town newspapers reported the seizure 370 000 tablets worth R2,2 million at street prices. Kruger gold coins were a popular form of payment for Mandrax in India and the Far East.

Flights to India and elsewhere to acquire drugs represented the more advanced and sophisticated side of South African criminal organisations. The more immediate horizons of the most indigenous crime syndicates lay no further than South Africa’s neighbouring states. There appeared to be more than enough potential for exchange and growth and the terrain was more
familiar to those South Africans criminals who were not necessarily worldwise. Connections could easily be established as a result of the fact that thousands of migrant mine workers had travelled to South Africa from Southern African countries to work in gold mines over many decades. In addition, the impact of the Portuguese revolution in 1974 and the subsequent move of many Portuguese nationals from Mozambique and Angola to South Africa, established language, family and many other links which criminal organisations benefited from. Not only did these links benefit South African criminal groups, the same happened to criminal groups in neighbouring states.

Organised Crime Groups in South Africa’s Neighbouring States

Zambia, Mozambique and Swaziland provided the most popular transit routes for the smuggling of Mandrax into South Africa. During the early 1980s, individuals and small criminal groups directed these operations from cities such as Lusaka, Maputo and Mbabane in Swaziland. In addition to the expansion of links and criminal activities from South Africa into neighbouring states, developments in the Southern African region appear to have led to similar and simultaneous expansions from within the region into South Africa.

According to a police undercover agent with wide experience in Southern African states, organised criminal groups to the north of South Africa were in their infancy at the beginning of the 1980s. In the mid-1980s increasing numbers of ‘fortune hunters’ arrived in Southern African states such as Zaire, Zambia and Zimbabwe. They came from countries such as France, Portugal and Britain, but also from Greece, Lebanon, India, Israel and some Central European states. Many of them set up small import/export businesses to use as a guise for legal or illegal business opportunities which they were seeking to establish. They mostly arrived as individuals not involved with existing criminal groups. Once established, they soon made contact with local African entrepreneurs, smugglers and criminals to explore business opportunities. The locals had contacts through which they could obtain goods such as cobalt and other metals, ivory, diamonds, or drugs such as Mandrax by illegal means.

A marriage of convenience was often forged between the foreign fortune hunters and local operators which worked out to their mutual benefit. Local Africans could supply the goods while the foreigners were in a position to buy and smuggle these to the ‘rich’ markets of South Africa. The relatively tightly controlled borders and airports and the harsh discriminatory laws in place in South Africa at the time, made it very risky for Africans from states to the north to enter the country in order to dispose of their goods or to make contact with local criminal groups.

For the white foreigners living in Zaire or Zambia this was less problematic. They could visit South Africa and establish contact with existing syndicates. It was only in the early 1990s, when political changes were apparent and when discriminatory laws were relaxed, that increasing numbers of Africans and Asians from neighbouring states could enter South Africa legally in order to further their illegal objectives.

According to the undercover agent, the joint operations of the mid-1980s between African smugglers who supplied the illegally obtained goods, and the foreigners who acted as buyers and sellers, represented the infancy of what later became far more sophisticated organised criminal groups in South Africa’s neighbouring states. According to police sources, these syndicates, which engaged in cross-border crimes with South Africans, had no particular structures or hierarchies. They varied in size but tended to be small. Criminal groups were often made up of friends and acquaintances, family bonds sometimes formed the basis or they constituted themselves in a manner similar to partnerships where different members came from
different parts of the country to co-operate on specific ventures. Networks were established through which illegally obtained goods could be obtained and marketed. Hierarchical structures with one boss in charge were not common.

The most popular route used to smuggle illegal goods into South Africa was the heavy transport road from Zambia to South Africa used by large trucks and trailers. Ivory, copper, cobalt and large quantities of Mandrax were transported in this way by the newly formed syndicates. Occasional cash flow problems and the frequent inability by South African purchasers to pay in hard currency, led to barter transactions becoming common. Motor vehicles stolen in South Africa soon became key items in the barter trade. They were driven across the borders in payment for illegal goods supplied from the north and sometimes shipped by way of containers to countries along the African coast and beyond. Police who followed these developments, are of the view that the rapid expansion of cross-border criminal transactions in the second half of the 1980s, led to an ever growing demand for stolen cars to enable South African criminal groups to pay for the goods received. As a result, car hijackings dramatically increased in South Africa and became a common way of speeding up payment. Towards the late-1980s, transnational crime in the Southern African region was becoming a lucrative enterprise, only marginally hampered by policing activities on both sides of the borders.

Crime statistics as published in the annual reports of the Commissioner of the former South African Police (SAP), and subsequently by the SAPS, showed a sharp increase in crimes in which organised criminal groups were likely to engage. Theft of motor vehicles is an example. While the statistics were causing alarm and while the police were aware that stolen vehicles were smuggled across borders in exchange for drugs, the strategy to counter this development continued to be based on the conventional approach of investigating the growing number of individual incidents of vehicle theft, albeit with the assistance of more detectives. Criminal organisations were expanding, adapting themselves and engaging in new criminal activities. To counter these developments effectively, a police response was necessary which took the underlying dynamics which were shaping organised crime in the country into account.

**The Police Response to Organised Crime in the 1980s**

Most syndicates that were involved in these transnational criminal operations, were known to the police. But the focus of police investigations was more on the individual operatives than on the criminal conspiracies or the networks which were behind the organised criminal conduct. The notion of targeting the proceeds of crime did not exist. To police management throughout the country, the phenomenon of organised crime was not yet a form of criminal conduct which required a specialised investigative approach in order to effectively counter its growing influence on crime. In 1982, the Commissioner of the SAP, in his annual report to parliament, reported that "the smuggling networks and smuggling methods with regard to mandrax (metaxalone) remained unchanged."

Although specialised police units to investigate organised crime were not yet in existence, the regular detectives in the early 1980s did co-operate with members of the South African Narcotics Bureau (SANAB) when investigating cases relating to narcotics. SANAB consisted of special police units, operating country-wide, with the task of investigating offences relating to immorality and prostitution, unlawful dealings in liquor, and narcotics-related crimes.

For those SAP detectives who were investigating cases involving transnational crimes, an additional problem often presented itself. Requests by the SAP for assistance from foreign police agencies, such as the Indian police, were often ignored. South Africa was isolated
internationally and police investigators had to rely on personal contacts for assistance from police in other countries. South Africa was at that stage not a member of Interpol. The need for international police co-operation increased significantly during the 1980s. The drug smuggling routes were expanding rapidly, not only from Southern Africa, but also from the Far East, Europe and the United States of America. Increased illegal traffic occurred between South Africa and Southern African states in goods such as endangered species, metals, motor vehicles, as well as narcotics.

South African crime statistics relating to the theft of motor vehicles, and statements made by the police management at the time, confirm the tendency of stolen vehicles increasingly being taken across South Africa borders. The number of reported thefts of motor vehicles had risen from 36 762 in 1980 to 59 936 in 1987, a 63 per cent increase. In response, the police took the first steps to form special police units for the exclusive purpose of investigating motor vehicle theft cases in 1984. These units became part of the formal structures of the police in 1986 when the Vehicle Theft Units were constituted country-wide. Cases of vehicle hijacking were recorded as motor vehicle theft as the police at that stage did not have a separate crime code for the recording of vehicle hijackings.

During 1986, the reported theft of motor vehicles had shown a steep rise compared to the previous year. In this year, 59 436 cars were reported stolen compared to 48 584 during 1985 — a 22 per cent increase. No explanation was offered in the annual police report for this phenomenon other than a reference to the security situation in the country. In his report to Parliament for 1987, the Commissioner of Police specifically referred to the increasing occurrence of the theft of motor vehicles. The explanation which he offered, was that "[t]he increase in the number of motor vehicles on South Africa’s roads has emerged as a contributing factor to the prodigious increase in the number of vehicles that are reported stolen annually." From the same Annual Report, however, it is apparent that the police management was not only fully appraised of the steep rise in motor vehicle theft, it was also aware that criminals with cross-border links were involved.

"Vehicle thieves make use of extremely sophisticated methods of changing a vehicle drastically, which makes the identification thereof, after it has been found, an almost impossible task. Stolen motor vehicles have been found, inter alia, in Zambia, Malawi, Zimbabwe, Swaziland, Botswana, Lesotho, Transkei and Ciskei ... Technological progress (especially in the field of computers) has created many opportunities for the vehicle thief. Computer fraud, especially of registration documents, makes it possible to register the same vehicle up to thirteen times." The reference by the police commissioner to the ‘vehicle thieves’ who were involved, rather than to the sophisticated organised criminal groups who were responsible for this form of transnational crime, leads to the inference that the police management was still approaching this phenomenon as consisting of individual incidents of theft instead of dealing with these cases of motor vehicle theft as merely one element in a far wider range of criminal activities engaged in by organised criminal groups. The focus seems to have been on theft cases and not on the broader conspiracies of organised criminal groups which would require special skills to investigate. A detective who investigated vehicle theft cases in Johannesburg in the early 1980s, put it as follows: "Between 1980 and 1985 no one focused on busting these people because it required special skills."

By 1986, the Detective Branch of the SAP consisted of five separate units: Vehicle Theft Units, the South African Narcotics Bureau (SANAB), the Murder and Robbery Squad, the Stock Theft
Units and the Gold and Diamond Units. The policing response to the rise in motor vehicle theft, and to the cross-border smuggling of stolen vehicles, was to increase the number of Motor Vehicle Theft Units. By 1987, 25 such units were in existence throughout the country. Intelligence-driven operations targeting those criminal organisations which were involved with car theft on an organised basis were not a priority. In fact, according to senior police officers, members of the detective service, at that stage, had not received any intelligence training courses. Courses offering training in the handling of human and technical intelligence assets were available for members of the Security Branch and not for detectives.

While some South African detectives were concerned about the growth of cross-border crime and its impact on crime levels within South Africa, police management at the time was focusing its attention and resources more on countering the growing political opposition and revolt against the apartheid government. Members of the Special Branch of the security police were the ‘blue-eyed boys’ and not the detectives. They received better training and more resources. The strategic focus of police training in the 1980s was on equipping the force to deal with the growing unrest situation in the country.

At a time when the detectives, who were investigating activities of organised criminal groups, were still focusing on individual crimes more than on the criminal conspiracies which underlie the activities of such criminal groups, the security police were concentrating their efforts on investigating conspiracies, real or imagined, among government opponents. Substantial resources were made available for this purpose in order to neutralise political opposition. Methods adopted by the security police included the infiltration of opposition groups, the use of undercover agents, wire-tapping, the compiling of proper data bases and the establishment of detailed files on thousands of individuals. The protection of the political status quo was clearly a higher priority for the government than crime prevention. Systematic investigations into the networks and the nature of the criminal groups which were contributing to rising crime were not deemed necessary.

Detectives active in the mid-1980s did suggest to management that detective units with special skills should be used to investigate the activities of crime syndicates. They suggested that such specialised units, for example, could be attached to units of SANAB which were responsible for investigating offences relating to narcotics. However, these suggestions were ignored by management.

What aggravated the difficult position in which detectives found themselves was that, in the 1980s, skilled detectives were frequently instructed to report for border duty at very short notice. They had to report to posts in Namibia, Northern Transvaal, Pongola in KwaZulu-Natal or to locations along the Swaziland border in order to fulfil patrol duties for up to six months. "We had to walk patrols and were not allowed to focus on people who were smuggling drugs, cars and guns through border posts. We suggested this, but it was rejected." In addition, the growing need for investigative skills within the security police often resulted in overnight transfers of experienced detectives from the detective branch to the Special Branch of the security police. When popular detective commanders took such transfers to the Special Branch, it sometimes happened that a number of the detectives who had worked under him would apply to move with him. In the words of a senior detective: "This affected our work negatively. Organised crime took the gap and expanded."

During the two years between 1983 and 1985, the number of persons arrested in South Africa for possession of or dealing in Mandrax rose from 601 in 1983 to 2 658 in 1985, an increase of 342 per cent. Even though the number of persons arrested, or the quantities of narcotics seized
by the police, do not necessarily constitute an accurate reflection of the real extent of the problem, it should have been clear that organised forms of crime were in fact having an impact. Police management, however, did not appear to take this growing trend seriously. When assessing the factors which were contributing to the rising crime levels, the activities of crime syndicates were not regarded as noteworthy. In 1985, the Commissioner of Police reported to Parliament that "Factors which contributed to the increase in crimes in which dishonesty is an element, for example housebreaking, car theft, robbery, shoplifting, fraud ... are still, as in the previous year, the protracted drought, a continued deterioration in the economic situation and large scale unemployment. Add to this the unrest situation, which has been dragging on since September 1984 and which has resulted in a serious drain of manpower to the riot-torn areas and which can be blamed for the tremendous increase in offences such as public violence, arson ..."26

A year later, in 1986, the Commissioner of Police reported that "[t]he year under review was once again marked by an unstable security situation in which the revolutionary onslaught intensified and violent unrest was rife. This seriously hampered the performance of normal police duties... A large part of the South African Police was used on a full-time basis to combat unrest and this placed an added responsibility on the already overburdened force."27

In 1989, the year in which F W de Klerk replaced P W Botha as President, the general increase in reported crimes continued to be explained without any reference to the contributory role of crime syndicates or organised crime structures. The Commissioner of Police reported as follows: "It is enlightening to note that crimes such as robbery, housebreaking, fraud, forgery and theft show an increase. One of the main reasons for this is the weakening economy, while strikes and unemployment can be seen as contributory factors."28

From the same report, it is apparent that there had been a growing sophistication and an expansion in the activities of organised criminal groups. The Commissioner reported that members of SANAB had found four factories producing methaqualone during that year and that several arrests had been made. The report further laments that "[a]n overall shortage of sufficient funds, however, prevents the successful penetration of drug networks ..."

Detectives confirm that, during the second half of the 1980s, Nigerian criminals were already involved in drug trafficking in Hillbrow, Johannesburg. They kept a low profile and would generally not become involved in crimes such as motor vehicle theft or housebreaking. Detectives are of the view that the Nigerians were the first of the foreign criminals to become active in South Africa on a noticeable scale. They tended to operate as individuals and relied on a network of fellow Nigerians within and outside the country. Because of legal restrictions, and because many of them were in the country illegally, they found travelling within the country or across the borders too risky and therefore confined their activities to the greater Johannesburg area. A soft foundation was being put into place on which large scale expansion could rapidly take place once circumstances were more favourable.

During 1990, the increasing role played by organised criminal groups seems to have become more apparent to police management, judging from comments made in the annual police report. It is ironic that the growing involvement in organised crime by elements within the security forces and other state structures must have contributed to this realisation. By 1990, these elements had integrated themselves into the criminal world. There was still no direct reference by the Commissioner of Police to crime syndicates or organised crime structures, but the nature of the crimes to which he referred in his report to Parliament, was such that they could only have been committed by organised groups. For example, "[c]onfiscation of astronomic quantities of heroin,
cocaine and methaqualone suggests that international drug cartels have identified South Africa as an important market; and "[t]hirty nine Vehicle Theft Units are in operation (in 1987 there were 25). About 45% of vehicles stolen are taken to neighbouring countries."29

These are alarming statistics. They suggest that, at least as far as the crime of motor vehicle theft was concerned, criminal groups had managed to gain a firm grip on crime and were responsible for a substantial portion of car thefts in South Africa. Between 1982 and 1990, reported vehicle theft had increased by 54 per cent from 44 483 to 68 649. Based on the statement of the Commissioner of Police, about 30 890 motor vehicles must have been smuggled across South African borders to neighbouring countries in 1990. Even though the Transkei, Bophuthatswana, Venda and the Ciskei (TBVC) were regarded by the government of the time as neighbouring countries, police officers involved with Vehicle Theft Units maintained that only a very small proportion of stolen vehicles were taken into the Transkei and other TBVC countries. The figure of about 30 890 stolen vehicles being smuggled across South Africa’s borders in 1990 is therefore astounding. What is also clear from the above statement is that a close and lucrative co-operation between criminal groups in South Africa and criminals in neighbouring countries had been established.

1991: Organised Crime under the Spotlight

In 1988, the government appointed a commission under Police Commissioner, General Hennie de Witt, to look into the restructuring of the SAP. The result was a restructuring in 1990-91 of the SAP into five divisions. One of the new divisions was the Crime Combating and Investigation Division (CCI). It was the result of a merger which occurred on 1 April 1991 of the Criminal Investigation Division (CID), also known as the Detective Branch, and the former Security Branch. The newly constituted Crime Combating and Investigation Division (CCI) now consisted of individuals who pursued one of two broad approaches towards policing. The detectives who were formerly part of the CID, in general, focused on investigative methods of operating with a view to produce evidence for prosecution purposes. The former members of the Security Branch, on the other hand, were more used to intelligence-driven operations not necessarily aimed at producing court-related evidence. In 1990-1, individual supporters of these two different approaches were involved in attempts to shape the new CCI in such a way that their emphasis would carry the day. Senior members from the former Detective Service wanted to ensure that members of the former Security Branch did not gain control of the new division, and members of the former Security Branch were attempting to achieve the opposite.

The interplay of these different forces came to the fore in a crucial police conference which was organised by the CCI and held in April 1991. It was a conference at which the management of the CCI wanted to make a serious attempt to assess national crime patterns and to develop strategies to combat crime more effectively. Detectives and former members of the Security Branch from all parts of the country participated.

For the first time in South Africa’s policing history, the police officially identified organised crime as a key contributing factor to the high levels of some of the crime categories and decided that a new approach was necessary to combat it. In the words of a police participant in the conference: "We decided that organised crime was running amok and that it had to be addressed in an organised way." Recognition was given to the fact that combating organised crime would require specialised investigation methods and techniques, some of them unconventional. Those supporting the investigative approach towards dealing with crime managed to steer the conference towards a decision that an Organised Crime Unit should be established. The thinking was that this Unit would be aimed specifically at prosecuting those ‘planners’ and
‘organisers’ of crime who, until then, could not be successfully investigated through conventional methods and techniques.

A new approach in crime investigation was to be followed. For the purpose of investigating crimes emanating from the conduct of organised criminal groups, the focus would be on the gathering of intelligence on the syndicates concerned and then making the collated intelligence available on an ongoing basis to the investigating officer for follow-up investigation. This was a different approach from the standard technique of only using informers to supply information. That was, and still is an important part of many criminal investigations. In future, a clear distinction would be made between, on the one hand, information which the detective obtains from an informer, and on the other, crime intelligence which is received from various quarters, including undercover agents, and is then properly collated, evaluated and interpreted for use by detectives in project-oriented investigations. Crime intelligence was therefore to become central in such investigations.

The decision to focus on the ‘planners’ and ‘organisers’ of crime amounted to a fundamental departure from the conventional approach of relying on the investigator and his police docket to investigate the activities of the individual suspect who had committed the crime. There was an attempt to move from a reactive incident-driven approach towards a more proactive and holistic approach. Crime intelligence was to become a key factor in the investigations of not only the individual suspect, but the entire criminal conspiracy responsible for the crime. No police structures were in place to specifically gather, collate and interpret crime intelligence for the purpose of combating organised crime. Arising from a decision taken at the conference, consideration was given to the establishment of Organised Crime Intelligence Units (OCIU) to meet this need.

The OCIUs were to be based on the following principles:

- The OCIU is an intelligence unit which gathers intelligence/evidence against organised crime groups which affect the national interest.

- In order to succeed with the gathering of intelligence, the OCIU operates in a covert and semi-covert manner.

- The OCIU meets the intelligence needs of the investigating officers and is therefore a tool for the investigating officers of the Crime Prevention and Investigation division of the police.

- The OCIU gathers intelligence relating to crime and is not involved with any politics or ideology.

- The OCIU specialises in targeted intelligence gathering in respect of previously identified crime syndicates.

The identification of those crime syndicates that warranted special attention from the OCIUs was largely in the hands of detectives. Those who were investigating cases of serious crimes in which more and more suspects appeared to have links with each other, would report their observations to their superiors with a view to obtain the assistance of an OCIU.

OCIUs, therefore, were to make crime intelligence available to the various specialised units of the police, including detectives dealing with organised crime cases. It was decided that, as a start, the four largest provinces in the country, namely the Witwatersrand, Eastern Cape, Western Cape and KwaZulu-Natal, would each get an OCIU.
In December 1991, the four units as well as a Head Office component, became operational. The recruitment of the necessary skilled staff had been completed and the incumbents had attended the first course ever offered to detectives in the handling of undercover agents. The use of such undercover agents, their funding, as well as the funding of ‘safe houses’, motor vehicles and electronic equipment, were all matters with which the security police had been very familiar. However, the circumstances prevailing in the country towards the end of 1991 were such that it had become preferable for detectives to perform these tasks legally and in an accountable manner.30 "Before 1990 any phone tapping could take place. Now we have to get the permission of a judge", was the comment of a senior officer. Steps were therefore taken to regularise such activities and expenditures. In October 1991, the Minister of Law and Order authorised as a temporary measure, that the Organised Crime Project was to be funded out of the Special Account of the SAP. In October 1993, authority for the ongoing use of the Special Account was granted and in April 1993, the provisions of Section 3A(6) of the Secret Services Account Amendment Act, No 142 of 1992 was relied on to obtain the necessary approval.

Key to the Organised Crime Project was that each of the selected crime syndicates would be targeted for investigation by way of a specific project which was tied to a budget, time-frame and performance evaluation. The objective was to ensure, as far as possible, that the leaders of the targeted syndicates were prosecuted. The assumption was that, with the leaders behind bars, the criminal activities of the members of the syndicate would be curtailed significantly.

The first projects for the targeted investigation of organised criminal groups were registered in 1992 and some significant successes were achieved as will be seen from the first case study discussed below. The two or three years that followed — 1993, 1994 and 1995 — however, were also the years that witnessed a major expansion of organised crime. These were also the years during which the political and social transformation made a deep impact on South African society. Crime thrived during this period. Not only did the number of indigenous criminal groups expand significantly, the number of foreigners involved in organised crime activities mushroomed. Indigenous and transnational organised crime experienced a major expansion without the police being able stem this development.

The Impact of Transition

Although different views exist on when this transition commenced in earnest, there can be little doubt that, although the former government and its structures were still firmly in place, its political authority waned significantly from the mid-1980s onwards. The pace of change accelerated after the demise of P W Botha in 1989 when F W de Klerk became President. The weakening of many state structures, including the police force, became apparent as the government relaxed its hard stance on public marches and demonstrations in 1989 and 1990. The release of Nelson Mandela and the unbanning of political organisations in 1990 accelerated the process. The pace of transition became more pronounced during the constitutional negotiations of the early 1990s at a time when political violence reached unprecedented heights. Approximately 10 000 people were killed as a result of political violence during the three years from 1990 until the end of 1993. South Africa was experiencing tumultuous times.

Among many members of the SAP there was a sense of anxiety about what was to come. Many policing resources were directed to the policing of election campaign rallies and the April 1994 election itself. Crime prevention, in general, or organised crime specifically, were not high on the agenda despite the establishment of an Organised Crime Unit.
According to a number of police officers, some projects aimed at investigating crime syndicates were registered or pursued after the election in 1994 and 1995 but, in general, police officers were waiting in anticipation of fundamental changes within the police structures which could affect their future careers. Morale was detrimentally affected. A lethargy set in which could partly be explained by the many uncertainties which police officers were experiencing, but also by the reluctance or refusal by some to accept the inevitable changes.

South Africa was not the only country which was experiencing a political and social transformation at that time. The fundamental changes which were brought about following the collapse of the communist regimes in the Soviet Union, resulted in a similar weakening in state structures in the new Russia and Central European states. Criminal groups exploited this on a massive scale.\footnote{31} In a comparative study which also considered Russia, Williams notes that \"[t]he political transition in South Africa, for example, has been accompanied by an upsurge of indigenous criminal organisations and the influx of groups from outside the country, as well as an increase in the problems of drug abuse and drug trafficking and associated violence. Part of the reason is that transitions are characterised by one or more of the following features: the collapse and re-establishment of state structures; major shifts in the principles underlying economic management; a redefinition of the principles and values on which society operates (e.g., who is eligible for participation in political affairs); and a re-orientation of relationships with the outside world usually involving an opening of the economy and the society.\"\footnote{32}

The newly elected government in South Africa concentrated on consolidating its political authority, on transforming state structures and on formulating new policies rather than on the effective running of the existing state structures which it had inherited. As far as the police service was concerned, the immediate focus was on transforming and legitimising the visible police service rather than enhancing its effectiveness. The transformation and enhancement of the specialised units of the police did not receive focused attention. The difficult process of amalgamating eleven existing police forces into one new South African Police Service had to be undertaken.

The political transition in South Africa therefore brought with it similar consequences as those experienced by other countries that were undergoing fundamental transitions from an authoritarian regime towards democracy. Crime, particularly indigenous and transnational organised crime, flourished. Shaw, in describing the post-election realities of organised crime in South Africa, notes that the weakening of border controls in South Africa \"occurred at a time when transnational criminal operations were expanding; just like \'legitimate\' multinational businesses, East Asian, Nigerian and East European groups bought into local South African criminal operations and expanded them, or contracted subsidiary organisations to conduct their work for them.\"\footnote{33}

Despite the increase of foreign criminal elements, South African criminal organisations have retained many distinctly South African features and characteristics. This relates to aspects such as their method of operating, their composition and the manner in which they link up with existing networks to further their goals. The case studies below illustrate the diversity of South African organised crime structures but also the common features which exist. Many are far less defined and far more dependent on intricate links with others than expected.

The Nature of Criminal Organisations in South Africa:

Case studies provide a rare insight into the nature of criminal organisations. The six case studies which follow each illustrate a different composition, structure, method of operating and stage of development of
the syndicates. Names of suspects or syndicate members are fictitious in order to prevent any ongoing police investigations from being compromised. However, an attempt has been made to use these fictitious names in such a way that they reflect the race and gender of the real persons as accurately as possible. The information relating to the case studies was obtained either from police dockets or from detectives who had personal knowledge about the specific syndicates involved.

While the police investigations relating to Case Study 1 commenced in 1992 and have since been closed, there are still cases emanating from this investigation which have not been finalised. The other case studies emanate from more recent police investigations. The case study relating to The Firm refers to a matter in respect of which no effective prosecution has taken place to date. Most of the investigations relating to Operation Mynah were completed in 1998, but some prosecutions and civil cases arising from the investigation are ongoing.

Six Case Studies

Case Study 1: A Network of Syndicates

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Soon after the crucial crime conference held by the police in 1991, the Organised Crime Unit took steps to implement its new intelligence-driven approach to the investigation of organised crime. One of the first major investigations focused on what appeared to be syndicates operating in the Pretoria area in which members of the police were playing a prominent role. Detectives from one of the specialised units, namely the Motor Vehicle Theft Unit in Pretoria had been investigating cases such as vehicle theft, forgery and corruption against several members of the police who were either members of the Vehicle Theft Unit or were stationed at a police vehicle pound in the Pretoria area.

The information which the detectives had at their disposal indicated that a number of syndicates were co-operating with each other in the execution of large scale criminal operations. Although these activities were concentrated in the Pretoria, Witwatersrand and Vereeniging area, they were spread throughout the country and across the borders into South Africa's neighbouring states. In summary, the available information indicated that:

- Members of the South African Police (SAP) were involved in smuggling stolen motor vehicles to Botswana, Zimbabwe and Zambia.
- Members of the SAP were providing false clearance and registration certificates for motor
vehicles, and were altering the engine numbers of vehicles.

- Drugs were being smuggled from Botswana, Zimbabwe and Zambia into South Africa in exchange for the motor vehicles which were taken across the borders.

- Large scale theft and hijacking of motor vehicles and trucks were involved.

- Members of the SAP who were investigating cases against suspects were being bribed.

- Information from police dockets was being made available to suspects who were under investigation.

In addition to the above crimes, other large scale criminal activities, such as the theft of cheques, corruption, bribery and housebreaking, were also investigated. A number of criminal groups or syndicates appeared to be involved. When the magnitude of their operations became clearer and when the evidence which the police were able to obtain through overt investigative methods focused mainly on some lesser operatives, rather than the leading figures of the syndicates, consideration was given to the conversion of the conventional police investigation into a covert, project-driven one. Before such a project could be registered with the Organised Crime Unit, and the funding from the special account of the police approved, a well-motivated case had to be made out by the investigating officer.

Considerable preparation by detectives was therefore necessary. A formal application for the registration of such a project had to be submitted to the management of the detective service. A prerequisite for the registration of a project was that the activities of the targeted suspects were such that they affected the national interest. This criterion had to be met before the use of funds from the police special account could be considered. To provide the necessary substantiation for the claim that the activities of the syndicate network affected the national interest, considerable details relating to the investigation done thus far had to be provided. This, in itself, required detailed detective work.

In July 1992, the detectives submitted their application for the registration of a project entitled Project Judas. They motivated their case in a lengthy document. The headings, as well as brief summaries of the content follow below.

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1. The Task:

Detailed profiles of the five main suspects, as well as brief descriptions of members of the syndicates were provided. A brief reference was made of the modus operandi of each of the key suspects and their helpers and of the crimes that were being investigated. In summary, the information provided under this heading was as follows:

- Syndicate A: a profile of the main suspect and syndicate leader, Ben Mokwena. He was a detective in the motor vehicle theft unit. Brief profiles of eighteen other syndicate members were provided. A short exposition was given of how this syndicate operated and how it was involved with vehicle theft, hijacking, narcotics, corruption, theft, forgery and the issuing of false police clearance certificates. Junior and senior police officers, black and white, were among the eighteen members of the syndicate described in the document.

- Syndicate B: a profile of the main suspect and syndicate leader, Esther
Rashaba. Short descriptions of fifteen suspects who were working with her were provided. The criminal activities of this group included vehicle theft, smuggling of vehicles across the borders in exchange for drugs from Zambia and dealing in drugs.

- Syndicate C: a profile of Lucas Ramposi, the syndicate leader, who was a key crime figure. He was influential and wealthy and did not become directly involved in crime, but used other networks instead.

- Syndicate D: a profile of Sybrand, a police officer attached to a vehicle theft unit and to a vehicle testing ground. He was in touch with many of the individuals referred to above and arranged false clearance certificates for them. He interacted with numerous criminals from various syndicates and was involved in other crimes.

- Syndicate E: a profile of the main suspect and syndicate leader, Lucy Hadebe. Short descriptions of eight other suspects working with her were provided. Lucy Hadebe was involved in drug dealing, forged money and diamond smuggling. The eight persons working with her included a police officer who assisted her in the transport of drugs in a police vehicle. Other individuals bought or sold drugs for her or worked for her on various jobs.

2. Members of the Crime Investigating Service involved with the investigation:

(details were provided)

3. Objectives

- Short term objective: to obtain more information about the operations of the suspects;

- Medium term objective: to infiltrate the syndicates and networks and to obtain more information; and

- Long term objective: the arrest of the syndicate leaders and a successful prosecution.

4. Strategy

Recruit informers, infiltrate the syndicates and their networks, obtain intelligence through all methods, including technical.

5. Time-frame: one year.


7. Role-players

Names and particulars of the investigating officers and the handlers of undercover agents and informers.

8. Estimated Budget
R278 500 plus R200 000 if necessary (R200 000 was approved for use in the possible second phase of the investigation, should it not be finalised in the approved first phase).

9. Control of the Project

Particulars of control mechanisms and individuals responsible.

The application for the approval and registration of Operation Judas, together with numerous organograms and supporting documents, were forwarded to police management for consideration.

Diagram 1 provides a graphical exposition of how the various syndicates linked up with each other and who the syndicate leaders were. In the police records, the name and full particulars, including a crime profile of each of the syndicate members or participants, are provided. The word ‘syndicate’ was used by the police conducting the investigation, but they explain that the syndicate members referred to in Diagram 1 were not necessarily all part of a formal syndicate structure. Mokwena (A1), Esther Rashaba (B1) and Lucy Hadebe (E1) were clearly leaders of their criminal groupings, but the persons linked by the police to the respective syndicates were not all exclusively attached to one syndicate. Some of them were ‘runners’ who also had contacts with, and occasionally did work for other criminals or syndicates. They were linked to the particular syndicates in Diagram 1 because, for the purpose of Operation Judas, they were working with the syndicate leader in question to commit the crimes which were being investigated. It would therefore be more accurate to refer to several criminal networks being involved, rather than clearly defined and structured syndicates. Police descriptions, however, will be used for the purpose of this case study.

Diagram 1: A Network of syndicates

A number of additional diagrams were produced by the police to assist in understanding the complex links and relationships which had to be unravelled by Operation Judas in order to get to the core of the operation. One diagram depicted the names and links used by police members who were stationed at vehicle testing grounds or pounds, and how they linked up with some garages to illegally acquire and dispose of vehicles. Another syndicate, not referred to in Diagram 1, specialised in bribing police officers at vehicle pounds in exchange for vehicles obtained through false documentation or no documentation at all. In addition, details were also supplied about persons with whom the suspects referred to in Diagram 1 had contact.
The investigation in terms of this project was to be one of the most sophisticated criminal investigations to be undertaken by detectives at the time. A multidisciplinary task group to conduct the investigation was envisaged. This task group included one senior and two junior advocates from the office of the Attorney-General, ten detectives, four officers with crime intelligence and technical phone-tapping experience, one informer and two undercover agents. According to a police officer who served on the task team, police management was at first hesitant about this new approach of investigating organised crime activities. The notion of using undercover agents and of relying on phone-tapping had not officially been part of previous criminal investigations. The Security Branch had made extensive use of these methods in the past, but normally not for the purpose of translating the information obtained into evidence to be placed before a court of law. Some senior officers in the detective service were nervous about it, bearing in mind that, in 1992, the SAP was increasingly sensitive about the need to improve its image and its legitimacy.

By mid-August 1992, the police management had approved the registration and therefore also the budget for Project Judas. Intensive investigations commenced. Undercover agents were provided with new identities and with front homes from where to operate as members of the underworld. They had the necessary funds to purchase illegal goods, if necessary, and to live the life of criminals. Approval in terms of Section 2(2) of the Interception and Monitoring Prohibition Act, No 127 of 1992, was obtained from a Supreme Court judge to monitor the telephones of specific suspects. Regular progress reports had to be submitted to the head of the detective service. The legal team attached to the task group was providing ongoing legal advice and preparing the indictment for prosecution. More than 130 charges were eventually framed.

Operation Judas was to be dealt with in three phases. The first phase concentrated on identifying all syndicate members and collecting information about their activities. An undercover agent was sent into the field and other overt methods of obtaining information were utilised. During the course of their investigations, detectives came across an ever widening network of criminals and criminal organisations that had links with each other through various informal networks. A progress report to Head Office reported that "the operation has shown that crime syndicates in the Pretoria area are of a bigger nature than ever suspected."

This remark was made by a detective who, by any standards, would be regarded as a professional. It illustrates the extent to which even experienced detectives tasked with investigating organised crime were unaware of the extent of the operations of crime syndicates in the Pretoria area in 1992. It must also be borne in mind that, at the time, the investigations were still at an early stage when the full extent of the criminal networks had not yet been uncovered. It suggests a lack of crime intelligence and a general lack of appreciation of how far organised crime had advanced without the police being fully aware of it. Bearing in mind that the phenomenon of organised crime had only become the target of police strategies a year earlier, namely in April 1991, it is perhaps understandable that it would take some time before the police themselves developed an understanding of what it meant in reality.

Each progress report provided summaries of additional information that had been obtained about the syndicates and the suspects involved. During the first month of operation, the progress reports concentrated on obtaining more information about the individual suspects involved. Summarised excerpts from these reports illustrate this:

- Mokwena (A1): He is also involved with theft and hijacking of motor vehicles. He has smuggled
vehicles out of South Africa and returned with drugs. He tends to approach other police members for information in dockets they are working on and pays bribes for such information. Works at police vehicle testing ground and has also been involved with smuggling diamonds. He is in close contact with other leading suspects, namely Ramposi (C) and Rashaba (B1).

- **Lucas Ramposi** (C): He is a wealthy businessman from Bophuthatswana and a friend of many police members who work in specialised units. He is on first name terms with many detectives in the region. Has made financial contributions to police social occasions and supplies many sheep for slaughter to individual police members. A large section of the Bophuthatswana police are in his pocket and he is almost untouchable in many areas. He is a friend of a Bophuthatswana government minister and has contacts with influential persons in the South African government service. He is regarded as a ‘godfather’ among many criminals and never gets his hands dirty. Other criminals approach him to have their cases withdrawn or to bribe the police into losing their dockets.

- **Viljoen** (A 18): Member of the SAP motor vehicle theft unit working with Mokwena (A1). He removes stolen motor vehicles which are stored in the police vehicle pound to various members of crime syndicates. He takes bribes from Mokwena and Ramposi and helps suspects who have been arrested.

- **Meyer** (A5): Member of the SAP who receives bribes and who provides false clearance certificates for vehicles.

- **Simon**: A member of the SAP who is involved in cash robbery, dealing in drugs and who drives vehicles across the borders in exchange for drugs. He is being used as the ‘hit-man’ by the syndicate to intimidate people.

- **Ramotse** (A 15): District commissioner in the Bophuthatswana police. Takes orders from Mokwena. Suspected that his entire motor vehicle theft unit is corrupt. He protects criminals in exchange for money.

- **Esther Rashaba** (B1): Has a number of charges for motor vehicle theft pending. Big drug smuggler. Ramposi (C) runs her and she also works with Mokwena (A1). The following link with her:
  - **Bruce Rashaba** (B3): Esther’s son who is involved in motor vehicle theft and drug smuggling;
  - **Victoria** (B4): she is the right hand of Esther and involved with drug smuggling;
  - **Moosa** (B11): deals in drugs;
  - **Beauty** (B9): (coloured female) supplies drugs;
  - **Murphy** (B16): works with Esther and Lucas Ramposi; knows a minister from Bophuthatswana who is involved with crime;
  - **Tom** (B13): lives in Lesotho, supplies dagga;
  - **Michael** (B6): Esther supplies Mandrax to him; and
  - **Petros Motau** (B8): helps Esther with drug-smuggling.

By focusing on the activities of only one of the above syndicates, a better understanding can be gained of their method of operation. Syndicate B played a significant role in the network of criminals and a brief look at its links and operations may assist. Diagram 2 only reflects a minimum of detail and lines of communication as it is based on the information contained in only one of numerous progress reports by the investigators. Only some members of Syndicate B are
referred to and only the bare minimum of information relating to their activities is supplied. The actual interrelationships and the *modus vivendi* of all the suspects in Syndicate B were therefore far more complex and detailed than could possibly be suggested in Diagram 2.

Diagram 2: An Indication of the Lines of Communication and Activities of Some Members of Syndicate B

Esther Rashaba was clearly the main brain of Syndicate B and the key person. She had contacts in Southern African states with whom she and Gumede communicated directly to arrange for the exchange of Mandrax and other illegal goods for stolen vehicles from South Africa taken across the border. She was a person of considerable wealth. The information available indicated that she had fixed assets worth R1,8 million in respect of which she owed about R370 000. Her personal authority and skill, rather than a well-structured and disciplined syndicate, appear to have enabled her to expand her influence.

Having developed a detailed profile of the key suspects from the various syndicates, the investigators shifted their focus to the activities of the suspects. These activities were reported in detail in the progress reports which were submitted to management on a regular basis. Summarised excerpts from merely one of the many progress reports provide an indication of the information which was being obtained. The brief nature and staccato form of the information is similar to the way in which it is reported in the police documents. To the outsider, some of the observations may not make sense, but to the detectives steeped in the investigation, familiar with all the individuals named and with the content of numerous similar reports, such short notes suffice:

- **Mokwena (A1):**
• registered stolen vehicle in Bophuthatswana and sold it to a member of the police for R400
• looking for a 1990 model 325i BMW for a certain Moses
• the following people have contact with him:
  ■ Sybrand (D)
  ■ Frik Hiemstra (A6)
  ■ Harry
  ■ Leraba

• Esther Rashaba (B1):

  ○ borrowed R150 000 from Fred

  ■ Moosa got 65 Mandrax pills from her
  ■ Tiro buys 80 Mandrax pills from her
  ■ Charlie collects Mandrax from her
  ■ she registers a stolen vehicle
  ■ a stolen combi is sent to Lesotho and returns with dagga
  ■ people collect bags of dagga
  ■ Moosa collects Mandrax
  ■ Gumede (B2) has a stolen combi for her
  ■ Moosa buys 180 Mandrax pills
  ■ Magaba takes a vehicle to Zambia
  ■ Mafosi from Lesotho delivers dagga
  ■ Gadema is her contact in Zambia for Mandrax
  ■ Petros Motau is looking for a combi for her
  ■ someone needs 750 bags of dagga
  ■ policeman Bra Khumalo (B7) has stolen a docket for her
  ■ Gumede (B2) changes vehicle engine numbers for her
  ■ policeman Ramposi (C) transports dagga for her
  ■ Esther (A1) delivers Mandrax at Tiro
  ■ Noseng steals a 4-ton truck for her
  ■ Guduku is sent to Zambia with four vehicles
  ■ Gumede (B2) is looking for an Opel GSI
  ■ Esther (B1) gives two stolen vehicles to Gumede (B2)
  ■ Moosa collects drugs
  ■ Ntumaleng will steal Toyota Sprinter in Witbank and bring it to Esther (B1). Gumede (B2) will change the engine and chassis numbers for her

• Maria Shezi:

  ○ Mokwena’s (A1) girlfriend
  ○ gets Mandrax from Sam
  ○ wants to buy gold dust from Elvis
  ○ Mokwena (A1) has fetched Mandrax from Zambia by plane
  ○ Maria seeks Mandrax buyers
  ○ she wants to sell two packets of Mandrax for R120 000
  ○ she contacts various people to get rid of Mandrax
  ○ the following people have contact with her:
- Nelson
- Sam
- Elvis
- Suzi
- Lynette
- Rose
- Marilyn

- **Frik Meyer** (A5):
  - contacts Lisa to forge vehicle documents for her
  - allocates a false number to a stolen vehicle for John and gets R2 500
  - Sakkie Mbali (A2) asks for a clearance certificate from him for a stolen vehicle
  - he clears a stolen vehicle which is to be taken to Zimbabwe by John
  - gives false vehicle declarations to Lisa
  - gives false vehicle declarations to Rick
  - Sipho gets two false declarations for a bakkie and a Toyota
  - he gets two motor cycles from Kobus Joubert
  - he gets bribe money from Musa
  - the following people have contact with him:
    - Lisa
    - Musa
    - John (A13)
    - Sakkie (A2)
    - Rick
    - Ben Verster

While this information was being obtained by the investigators, the prosecutors on the project team were providing ongoing legal advice and were commencing with the drafting of the charge sheets.

In May 1993, the first arrests took place. The police announced that six vehicle theft syndicates, which had worked with police at vehicle testing grounds, had been smashed. Thirty arrests, including five police and two traffic police officers, had been made. Vehicles worth R5 million had been recovered. The syndicates had been responsible for more than one thousand vehicle thefts, including large trucks, over a period of four months. Vehicles had been taken across the border to countries such as Mozambique in exchange for drugs or they were sold.35

These arrests concluded the first phase of Operation Judas. Due to the fact that the initial investigations had uncovered additional syndicates and individuals involved in criminal activities, police management approved the extension of the operation for a further period. As a result, further arrests followed more than a year later in August 1994. Thirteen arrested members of a syndicate, which operated countrywide, and which was known as the ‘Hoola-Hoop’ syndicate, were to be charged with more than 130 charges of vehicle theft, corruption, bribery and housebreaking.36 The police announced that they expected to arrest about twenty more suspects who were not necessarily members of the syndicate, but who did the transporting and selling of illegally acquired property.

When the project was completed in August 1994, the task team could report considerable success. Eight syndicates had been uncovered and their leaders and numerous members
arrested. Many convictions had by then been passed down and some cases were still only partly heard.

Case Study 2: A Single, Closed Syndicate

A crime syndicate recently investigated by the police, with a totally different *modus operandi* than the syndicates mentioned in Operation Judas, was the small, closed syndicate targeted by Operation Dusk. This syndicate specialised in dealing in cocaine, Extasy and other drugs. Only some details were made available by the police as this matter had not been finalised. This syndicate operated without entering into any association or coalition with other criminal groups or individual criminals. It was determined to keep a tight control over all its activities by relying entirely on its own members for the acquisition of drugs from their suppliers in Europe and for disposing of these to known peddlers on the ground. A project was registered to conduct a thorough investigation into the activities of the syndicate. The structure which the police investigated, is reflected in Diagram 3.

This syndicate reflects a very rare structure in that the two leading figures, Krige and Brink, operated in partnership to lead a syndicate of thirteen members. The drugs were obtained from the supplier in Europe by Krige or Brink or both of them and then transported to South Africa either by air or by ship. The syndicate had accumulated sufficient capital to be in a position to finance the acquisition of drugs abroad without having to rely on barter trade involving, for example, stolen motor vehicles or dagga exports. Once the drugs had arrived safely in the country, Krige and Brink ensured that the necessary diluting process of the drug from its pure form took place in order to increase the volume of the drugs and therefore the profits. The 'doctored' products were then given to Van Vuuren, Grobler and Bredenkamp for further distribution. They, in turn, handed the drugs to members of their syndicate who sold them at street level to known peddlers who were usually members of gangs with wide contacts in shebeens and among drug users.

The *modus operandi* therefore ensured that the two leaders of the syndicate did not have any direct contact with members other than Van Vuuren, Grobler and Bredenkamp when handling the drugs or money. They were not involved with any sale transactions because that was left to those members who had the responsibility of distributing the drugs at street level. After the drugs had been disposed of by the members who were the distributors, the cash proceeds were sent through the chain to Krige and Brink. These two would then determine the financial rewards which were due to the various members along the chain. No money was therefore directly exchanged between the members who distributed the drugs at street level and the two leaders, Krige and Brink.

Diagram 3: Organogram – Partnership Syndicate
Case Study 3: The Firm - Increased Sophistication

According to the police, The Firm is an indigenous criminal organisation operating from the Western Cape which, although it cannot be equated with them, shows close similarities to some of the well-known American mafia groups. No effective prosecutions of the leaders of The Firm have taken place and many details relating to its modus operandi and sphere of influence could therefore not be obtained. It is run and dominated by a ‘godfather’ figure, Bob Richards, who has made a fortune out of lucrative dealings in narcotics over many years. Starting off as a junior member of a Cape Flats gang, with a spell in prison and consequent membership of one of the well-known prison gangs, Richards is now one of the most powerful syndicate leaders in South Africa. The Firm provides an example of how the successful exploits of a once small-time gang leader can develop into a very sophisticated and well-structured criminal organisation which supplies narcotics on a nationwide basis.

Richards, who is the undisputed leader of The Firm, has focused on dealing with drugs for many years. His syndicate developed a dominant position in the Western Cape to the extent that other gangs and syndicates felt increasingly threatened by his grip on drug supply and distribution lines. This led to violence and instances of attacks by rival gang or syndicate members on members of The Firm. Some of these attacks were specifically aimed at robbing drugs from members of The Firm. As a result, an understanding was reached between Richards and some of the top gang leaders in the Western Cape about ways to co-operate with each other without causing conflict. A key element of this ‘truce’ agreement was that Richards would also supply drugs directly to some of the gangs or syndicates concerned to enable them to deal with the distribution. The hope was that this arrangement would enable Richards to continue without threatening the territory or influence of some of the other syndicates. A network, in which The Firm was by far the dominating group, was therefore created. This domination, which was based on his virtual monopoly over the supply of drugs in the province, was exercised through a well-developed structure.
Richards has six deputies who are called ‘generals’. Each general is a trusted friend and associate of Richards’ with long experience in the criminal world, particularly relating to illegal drugs such as Mandrax and cocaine. Each of the generals is responsible for similar tasks, that is the acquisition and distribution (wholesale) of narcotics on behalf of The Firm. The generals, however, are responsible for different geographic areas where they take full charge on behalf of The Firm. One general may have the West Coast as his area of operation while another would be allocated the area around George, Mosselbaai and Knysna. In this way, The Firm has infiltrated the entire Western Cape with its operators.

Diagram 4: Organogram – The Firm

The generals depend on the skills and experience of those working under them, referred to as members of their ‘combat group’ or *gevegsgroep* in Afrikaans. Each general is therefore in charge of a combat group which consists of six or more individuals, each of whom have special skills that enable their general to run his region as effectively and profitable as possible. The individual members of the combat group specialise either in the acquisition of narcotics, the distribution, or in their safe storage or transport. Others may have a special knowledge about local circumstances and about local criminal groups through whom the distribution can take place.

The Firm does not have a general membership, such as that of most gangs in the Western Cape, including some of the larger gangs mentioned above. Ordinary members, normally referred to in the Western Cape as *manskappe* or ‘troops’ would complicate the work of The Firm. Its activities take place at a more elevated level. The Firm prefers to act as a wholesaler rather than as a retailer. The generals, and not Richards in person, supply other gang leaders associated with The Firm, as well as syndicates throughout the country, with drugs for them to channel further down the distribution line. This does not mean that some of the larger gangs in the Western Cape do not have other independent supply sources for illegal drugs. In country areas such as the West Coast, the particular general in charge and his combat group, of necessity, will have to interact with smaller gangs and criminal groups to ensure effective distribution and market control.

Western Cape police are of the view that The Firm is one of the most powerful syndicates in South Africa, not in terms of its number of members, but in terms of its turnover, its market share in the distribution of illegal narcotics, the geographical areas in which it is the dominant supplier, and the contacts it has in various government departments, including the police and the Department of Justice. According to the police, no other gang or syndicate in the Western Cape...
has a structure which comes close to approximating that of The Firm. Most gangs still operate under the leadership of a strong gang leader although some of the larger gangs have also started to structure themselves in a way which makes provision for generals, combat groups and troops in recent years.

Case Study 4: A Chinese Syndicate - Transnational Organised Crime

The syndicates involved with the smuggling of endangered species often target markets outside South Africa for their goods. They therefore do not depend on a distribution network within the country and are not exposed to the same risks those criminal organisations that, for example, sell illegal drugs within South Africa are exposed to. In recent years, a lucrative illegal trade in endangered coastal species, such as abalone and crayfish, has been conducted by organised groups consisting of South African and Chinese criminals. They operate from the Western Cape and export their goods to Hong Kong, Singapore and China.

The difficulty of infiltrating a small Chinese criminal organisation is apparent. Their disciplined cohesiveness, their language, which is often a particular Chinese dialect, as well as the obvious differences in physical appearance between Caucasians and Chinese, or Africans and Chinese, enable these groups to protect themselves well from ‘outsiders’. An operation was launched in the Western Cape, however, to investigate the activities of groups illegally smuggling abalone from the Western Cape to foreign markets. After a full motivation, a project was registered in terms of which this task was to be pursued further.

The investigations revealed that three different criminal groups were involved in the chain of events which led to the exports. Firstly, in the Hermanus and Hawston area, a syndicate consisting of about eleven South Africans was involved in illegally harvesting abalone from various areas along the coast. This syndicate was also responsible for the transport of its goods to a Chinese syndicate, consisting of about twelve persons, which was based in Cape Town. The abalone was sold to the Chinese who then dried it in drying ovens which they operated from private homes. The dried products were transported to another Chinese syndicate consisting of about eight members which was based in Johannesburg. The Johannesburg syndicate had the necessary contacts abroad and the expertise to export the items undetected.

Police investigators relied on undercover agents and the co-operation from police agencies in Hong Kong and Singapore to obtain sufficient evidence justifying the arrests of members of all three syndicates involved. In total, 34 arrests were made, and 4 121 kilograms of abalone, 1 729 kilograms of dried abalone, as well as ivory and crayfish were seized. The total market value of the products seized exceeded R2,4 million.

Case Study 5: An Alliance of Syndicates

In 1994, a detective based in Gauteng was investigating a number of cases involving motor vehicle thefts, dealing in drugs, forgery, fraud and other charges. When he compared notes with a colleague, they realised that some of the cases they were investigating involved the same suspects and that they therefore had to do with a network of criminals. It became clear that there was a ‘bigger picture’ which needed to be investigated. At that stage the two detectives were working on a total of about one hundred dockets which appeared to be related to this network. The nature of the available evidence, however, was such that they were unable to proceed to court to charge and prosecute any of the suspects.

It was evident to the detectives that covert investigative methods would have to be relied on to
get to the root of the matter. After a full motivation, the Organised Crime Unit approved and registered a project entitled Operation Mynah in March 1995. The approved budget was R986 400 of which an amount of R250 525 was eventually utilised.

As happened in Operation Judas, a multidisciplinary investigation team was assembled, involving undercover operatives and experts in electronic monitoring devices. In the course of building up detailed profiles of the suspects, a picture emerged which indicated that a number of crime syndicates were involved in a wide range of criminal activities, including cross-border crimes. Various forms of co-operation existed between these syndicates on which they relied to pursue criminal activities such as large scale theft and hijacking of motor vehicles, insurance frauds, dealing in illegal drugs, forgery and theft. Stolen motor vehicles were being smuggled across the South African borders to neighbouring countries such as Mozambique and Zambia in exchange for drugs or even other vehicles. The relationship between the various syndicates and the individuals involved is set out in Diagram 5.

Diagram 5: An Alliance of Syndicates

Syndicate A

This syndicate, headed by Venter, consisted of about eighteen white men and women. They all worked for and through Venter and specialised in insurance fraud, forgery and theft. No specific structure was in place. There was one leader, with the remaining members occupying equal status. Venter personally trained his members to ensure that they acquired the necessary skills for their tasks. Members of the syndicate, for example, would place advertisements in the name of an agency in the classified section of newspapers, aimed at people who were in financial difficulties and who were no longer able to afford monthly instalments on hire-purchase agreements in respect of motor vehicles purchased through banks and other financial institutions. Individuals who found themselves in difficulty would soon respond to the advertisement and Venter or other members of the syndicate would conclude an agreement with such individuals to relieve them of their financial burden, but also of their motor vehicles. A typical agreement would provide that the agency takes over the payment of all instalments to the financial institution in exchange for the motor vehicle which, the agency explained, would be used in its fleet of rental cars.

The syndicate member would then continue to pay the monthly instalments to the financial
institution for a further two or three months, during which period the vehicle would be disposed of in one of various ways. Once the instalment had stopped, the financial institution would contact the original purchaser and threaten him with legal action. The original purchaser, under the impression that the 'agency' had taken over all instalment obligations, would contact the agency to obtain clarity. The purchaser would immediately be intimidated and told that, by 'selling' and handing over the vehicle to the agency he had committed a criminal offence and that it was in his interest to report the vehicle to the police as stolen. This ploy inevitably worked and numerous cars were obtained illegally by the syndicate through this method.

Some of the syndicate's members, such as Ruby, had the necessary contacts and expertise to forge documents and to sell stolen vehicles to other criminals for their further use. Syndicate C was the main market for Venter's illegally obtained vehicles. Although Venter and some of his members would occasionally take stolen vehicles across the borders, the members of Syndicate A were not involved in stealing or hijacking vehicles from streets. However, they were supplied with vehicles obtained in that way by Syndicate B.

**Syndicate B**

This was a small, loose syndicate consisting of three or four persons who lived in townships and who had contacts with many criminals. Members of this syndicate either stole motor vehicles themselves or obtained stolen and hijacked vehicles from other criminals and then supplied Venter and his syndicates with such vehicles. According to the police, the criminal world has a very well-developed, albeit informal, system of advertising either the availability, or the need for stolen cars. Seasoned individual car thieves will normally have three or four telephone numbers of individuals through whom they can dispose of their stolen cars. Members of Syndicate B would therefore also be approached by others with stolen or hijacked cars because it was known that the syndicate had a ready market for these vehicles. It was therefore able to provide a constant supply of stolen vehicles to Syndicate A.

**Syndicate C**

Syndicate C was the centre of the criminal activities of those syndicates that were investigated by Operation Mynah. It consisted of about twenty Asian and four or five white individuals. The two Salim brothers were firmly in control of its activities with the purse strings being kept by their mother. The various syndicate members had specific tasks or skills which enabled their syndicate to become one of the most influential ones in the country.

Some were drivers who would smuggle vehicles across borders to Mozambique, others looked after the security of the Salim brothers. Syndicate C also had experts who, similar to the activities of Syndicate A, specialised in fraud and insurance scams relating to motor vehicles. One of the members was the personal assistant of the Salim brothers and all communication with them was channelled through him. He operated their cellular phones and had to approve any contact with the two syndicate leaders. A valued member was Ruby, who was an expert forger of passports and other documents and who had the necessary contacts in government departments to enable him to obtain false documents and information. Ruby was held in such high regard that his services were sought after by more than one syndicate.

Sam and his four or five helpers had no other function than supplying the Salim brothers with stolen vehicles. Strictly speaking, they were not part of Syndicate C because they also supplied stolen and hijacked vehicles to other syndicates. The main business of Syndicate C was that of smuggling stolen vehicles, received from Venter, Sam and others, across the border, mainly to
Mozambique.

Syndicate D

This syndicate constituted the Mozambique contact of Syndicate C. It consisted of about eight Mozambicans who were based in Maputo and to whom the stolen vehicles were delivered. The future sale and delivery of those vehicles were entirely in the hands of the Mozambican Syndicate D. In exchange, cash or drugs would change hands. Members of the Salim syndicate, or the drivers whom they employed, were accommodated and looked after in Maputo by Syndicate D.

Syndicate E

This syndicate consisted of about nine Asians and three or four whites. Prior to becoming a syndicate on their own, they had formed part of Syndicate C. As a result of a dispute with one of the Salim brothers, a split occurred and this newly constituted syndicate also started delivering stolen vehicles directly to Mozambique. It appears that, in order to avoid unnecessary rivalry, an arrangement was entered into in terms of which Syndicate C would make use of Syndicate E for the purpose of smuggling some of its stolen vehicles across the border. In order to remain on good terms with the Salim brothers, Syndicate E also developed Swaziland as a market for the stolen cars which it had acquired on its own initiative.

Syndicate F

The activities of this syndicate were similar to those engaged in by Syndicate A. It consisted of about twenty white males and females and specialised in fraud, theft and forgery in relation to motor vehicles. Most motor vehicles acquired in this way were supplied to the Salim brothers of Syndicate C although members of Syndicate F would also, on occasion, drive their own stolen vehicles across the borders. Ruby, already referred to as a member of Syndicate C, also worked with this syndicate. He felt at home in Syndicates A, C, and F because of the skills that he could offer.

Syndicate G

This group consisted of about twenty white and black South Africans. Their main activity related to the smuggling of stolen vehicles across the country’s borders. Their experience in this activity led to the Salim brothers selling some of their stolen vehicles to Syndicate G with the knowledge and understanding that they would be smuggled across the borders as arranged. The activities of Syndicate G were not in direct competition with those of Syndicate C because the main markets for the stolen cars smuggled by Syndicate G were in countries other than Mozambique, such as Botswana, Malawi and Zambia.

Contact points between the Syndicates

Venter was the undisputed leader of Syndicate A. The only line of communication between Syndicates A and B was between the two syndicate leaders. It was clear that the syndicate leader of the smaller Syndicate B was ‘junior’ to Venter who carried more weight than him. The same rule applied between syndicates A and C. In this instance, however, Venter accepted that he was in a ‘junior’ relationship with the Salim brothers. The relationship which Sam had with Syndicate C was such that he reported directly to the two Salim brothers and to no other member of that syndicate.
With regard to communication between Syndicates C and F, the only line of communication was through Ruby who worked with both syndicates. The leaders of these two syndicates had no contact at all.

**Case Study 6: A Network of Nigerian Syndicates**

Nigerian crime syndicates have come to dominate the cocaine market in South Africa. More than 60 000 Nigerian citizens have settled in South Africa during the past decade. According to senior detectives, a well-connected network of numerous small and autonomous Nigerian syndicates, consisting of five or six individuals, has been established to ensure domination in the cocaine market. Most of these syndicates operate from Johannesburg, but some have recently moved into more distant areas such as Sea Point in Cape Town. The individuals belonging to each of the many small syndicates each have their specific tasks and expertise. When cocaine supplies need to be acquired from South America, each member of a syndicate would have to make a financial contribution into a common fund for the syndicate. The network of Nigerian cocaine syndicates is well-established enough to know when other Nigerian syndicates have gone through the same exercise and when the time is therefore ripe to obtain another shipment of cocaine from abroad. Representatives from different small syndicates, normally the buyers from each syndicate, will then meet, pool their resources, and arrange for one individual to take over the responsibility of obtaining a shipment of cocaine from South America. The Nigerian syndicates have direct contacts in Brazil and in other South American countries. Most transactions are paid for in cash, although it has happened that such syndicates have resorted to the export of South African dagga in order to pay for cocaine. Upon arrival in South Africa, the cocaine would be divided proportionally amongst all the syndicates who have contributed financially to the particular venture.

No single, large mafia-like Nigerian syndicate is therefore operating in the country and no ‘Mr Big’ has been identified among the Nigerian crime syndicates. The enormous profits that can be made through cocaine smuggling make for a very competitive environment, but there is more than enough opportunity for every syndicate involved to make vast profits. Detectives who have intimate experience of Nigerian syndicates, after having worked with them, maintain that the going purchase price for one kilogram of pure cocaine was $2 500 in June 1998 in South America (cocaine of maximum purity is 90 per cent pure). According to the police, once the cocaine has arrived in South Africa and it has been sold by a syndicate after significantly diluting its concentration, the original one kilogram, now in its diluted form, is sold for $50 000. While some overhead expenses will have to be deducted, it is clear that enormous profits are being made through this form of transnational organised crime.

According to the police, members of the Nigerian syndicates who receive their share of the profits, tend to send most of their proceeds back to Nigeria rather than investing it in South Africa.

**The Case Studies: Observations**

The six case studies provide an indication of the variety and nature of organised crime structures and networks in South Africa. They appear to be part of a dynamic phenomenon which will continue to be subject to ongoing adaptations and innovations. No fixed patterns of organised criminal activity therefore exist. Even though these case studies may not provide enough information from which to draw definitive conclusions about organised crime in South Africa, some general observations are justified.
Organisational sophistication: Organised crime structures appear to develop through various stages of financial and business sophistication. Between the street gang level – where the typical activities would include theft of car radios, dealing in narcotics on street corners and protecting turf with violence – and the elevated position of organisations such as The Firm, there exists a vast sophistication gap. This gap is similar to the one which would exist between a street hawker and a successful international import/export and wholesale business.

Most of South Africa’s crime syndicates find themselves at various levels of development between these two poles. Case studies 1 and 5, which feature networks and alliances of different syndicates and individuals, are indicative of criminal organisations which have not yet accumulated sufficient capital to finance the acquisition of drugs for further distribution. They rely largely on stolen and hijacked vehicles and other illegally obtained goods to pay for drugs through barter transactions with the suppliers. The Firm, the Nigerian syndicates and the the closed partnership syndicate in Case Study 2, all have sufficient capital to make their dealings in narcotics self-funding. It is at this level where money laundering becomes a necessary activity to enable the successful criminal to deal with accumulated funds.

The leader of The Firm, Bob Richards, has to launder his vast profits in order to secure his investments and to buy fixed property throughout the country. The two partners who operate the closed syndicate, as illustrated by Case Study 2, have to do the same to finance direct transactions with their overseas suppliers. While syndicate leaders such as Ben Mokwena, Esther Rashaba and Venter (Cases Studies 1 and 5) may have accumulated a degree of personal wealth, their profits are largely reinvested into renewed purchases of narcotics or vehicles stolen by other criminals.

Non-racial and gender-neutral approach: It is almost encouraging to note the degree to which the indigenous networks of criminals and syndicates appear to be ahead of the rest of South African society in their non-racial and gender-related composition. If only those South Africans involved in legitimate business or other walks of life could follow their example and cross racial barriers in the same way! The common interests of the criminals involved seem to overlap to such an extent that no legislation or other transformation steps were required to achieve the ‘rainbow nation’ ideal among the criminal elements of South Africa. In Case Study 1, the white police officer Sybrand worked hand-in-hand with the African woman who heads a syndicate, Esther Rashaba. Esther Rashaba, in turn, ran a syndicate in which black and white men as well as women worked for her. The various syndicates and individuals referred to in Case Study 5 depended on the close co-operation which has been established between African, white and Indian criminals. This non-racial and gender-friendly approach is not reflected in Case Studies 2, 4 and 6 where the ethnic/language/nationality factors involving white Afrikaners, Chinese and Nigerians, serve to keep the syndicates closed to outsiders and therefore more secure against infiltration.

The role of the police: Case Studies 1 and 5 indicate that serving members of the police play an important and direct role in the activities of indigenous crime syndicates and criminal networks. Even allowing for the fact that the police investigations into the syndicates mentioned in Case Study 1 were initially mainly targeted at the police members involved in the criminal activities, it is clear that corrupt and criminal members of the police are important factors in organised crime in South Africa. Senior detectives involved with investigating such cases confirm this. According to these detectives, contact with and the involvement of state officials from other government departments are also part of most of the operations of crime syndicates. Although not all the case studies reflect this, detectives point out that no crime syndicate of any significance can thrive without the involvement of corrupt state officials from one or other government department.

‘Freelance’ criminals: The tight cohesion under which the Chinese and Nigerian crime syndicates
operate, referred to in Case Studies 4 and 6, leaves little room for the individual members of those syndicates to utilise their skills outside their specific organisation. The more loose and network-oriented a criminal organisation, the more it seems that individual criminals are able to use their entrepreneurial skills in the service of a number of crime syndicates simultaneously. Ruby, referred to in Case Study 5, is a prime example. With his contacts and his skills in forging documents he was in high demand, to the extent that he was working with at least three syndicates at the same time. The same applied to the police officer Sybrand in Case Study 1. Although he associated with many criminals, he tended to operate as an individual who worked directly with Esther Rashaba and members of Ben Mokwena’s syndicate. This ‘freelancing’ of criminals carries its risks for the syndicates in that the removal of such key people through successful police investigations could significantly undermine their work.

- **Relatively risk-free environment**: The very loose nature of many indigenous criminal networks, the important role of ‘freelance’ criminals and the large number of people involved in the chain of events, as illustrated by Case Studies 1 and 5, suggest that the fear of possible infiltration or apprehension by the police is fairly low among many indigenous criminal operators. Only in a real or perceived low risk environment would networks of criminals act in such a casual or brazen way. The opportunity for infiltration by undercover agents and the collection of crime intelligence should be less problematic when dealing with such loose networks involving so many individuals and so many unco-ordinated transactions than would be the case with well-structured and controlled syndicates. The closed Nigerian and Chinese, or the more sophisticated indigenous syndicates, such as the partnership syndicate illustrated by Case Study 2, have built-in precautionary measures which tend to protect them more effectively against infiltration and arrest. They are either more conscious of the risks involved, or they anticipate that the risks might increase, and have therefore taken the necessary precautionary steps in advance.

- **Implications for the definition of crime syndicates**: On 19 March 1998, the Minister for Safety and Security, in response to a question in Parliament, stated that there were 192 crime syndicates active in South Africa in 1997, that 96 of them were involved in drug-trafficking, 26 in arms-smuggling and 69 in vehicle-smuggling. While it will be easy to classify specific criminal organisations as being syndicates in many cases – as with the syndicates involved in Case Studies 2, 3 and 4 – it becomes more problematic when dealing with networks of criminals. Should the different components which co-operated in Case Study 1 be regarded as one crime syndicate or were these potentially six of the syndicates referred to by the Minister? In Case Study 5, Motau and his three men who supplied the vehicles to Venter’s syndicate were regarded by the police as a separate syndicate. Should they not have been regarded as an attachment to Venter’s syndicate? It becomes more difficult to categorise a criminal enterprise which relies on networks, floating individuals and shifting associations.

- **The lack of specialisation**: The activities of the criminal groups referred to in Case Studies 1 and 5 relate to a variety of crimes, including drug-trafficking, theft, fraud, dealing in diamonds, forgery, corruption, vehicle-smuggling and bribery. While the co-ordination of such a wide range of criminal exploits requires a significant degree of management skills, the low level of specialisation exhibited by those syndicates suggests that they still have to move up the sophistication ladder if they are to match syndicates such as The Firm, the Nigerian syndicates or international criminal organisations such as Chinese triads or the Russian mafia. It would appear that the specialisation by criminal organisations in the commission of one category of crime, or a very narrow category of criminal activities, should be regarded as an indication that they have reached an advanced level of development and that they have established a niche for themselves in which they can operate with great effectiveness. More effective criminal organisations are likely to take over, dominate or displace existing ones that are less effective. The dominant role which The
Firm has achieved for itself in the Western Cape is a good example. The relatively unsophisticated indigenous criminal organisations have made it much easier for highly skilled groups, such as the Nigerian syndicates, to rapidly establish a strong foothold in the country. For this reason, there remains much scope for international criminal organisations involved in organised crime to establish themselves successfully in South Africa.

A thorough analysis of the case studies would not only produce additional points worth noting, but would also provide material and insights which are likely to have policy implications for South Africa’s criminal justice system. While the six case studies provide some information on which a tentative typology of organisations involved in organised crime in South Africa could be established, such a typology is likely to be too superficial in the absence of further research and additional case studies.

Concluding Comments

The exposition of organised crime during the 1980s clearly indicates that a rapid expansion of this phenomenon occurred in South Africa during the decade. Key to this expansion were two factors: extraordinary profits derived from drug-trafficking and the relatively low risks involved as a result of the police prioritising national security issues over crime prevention and crime combating. Supply routes from abroad for the internal distribution of Mandrax, cocaine, LSD and other drugs expanded rapidly despite South Africa’s isolation and relatively well-controlled borders. The vast profits made by some small time gangs which gained access to the drug-smuggling networks in the country, encouraged them to intensify their activities. In doing so, they developed the necessary experience to become part of, or link up with existing organised criminal groups in order to make even larger profits. Once this happened, such criminal groups could no longer be regarded as gangs — they developed into crime syndicates involved in organised crime. This mutation of gangs into organised crime syndicates was widespread in the 1980s.

The political transformation and the resultant ‘opening up’ of South Africa during the early 1990s, provided an ideal opportunity for organised crime structures to use the foundations built during the 1980s as the springboard from which to dramatically expand their activities. The new environment continued to have low risks and offered even more opportunities for organised criminal groups than during the 1980s.

The composition and variety of structural arrangements within and between South Africa’s organised crime syndicates have not changed significantly since the 1980s. They continue to have no typical organisational structure. They generally do not operate as closed, structured, or self-contained organisations. According to senior detectives in the SAPS, the syndicates, relationships and methods of operating as illustrated by Case Studies 1 and 5, are typical of the better established indigenous crime syndicates active in the country at present. Many have moved out of gang-focused criminal activities into more elevated syndicate crimes fairly recently. They vary in size, are becoming more sophisticated and often link into existing criminal networks to achieve their aims. They tend to rely on the assistance of individual ‘freelance’ criminals or other syndicate networks to achieve their objectives. Shifting alliances or associations with other criminal organisation are frequent. While most crime syndicates might have a small core group of members who concentrate on the criminal activities of their syndicate only, the ‘membership’ of most syndicates consists of floating members who may be linked with, and working for a number of other syndicates at the same time. In this sense, one could describe many of South Africa’s criminal organisations as being involved in ‘disorganised’ organised crime.
The lack of more extensive interaction by South Africans with the international community during the past few decades, partly as a result of South Africa’s international isolation, had the effect of constraining the pace at which local criminal organisations could establish international links or adopt some of the more sophisticated methods of operation which international crime organisations were using. However, indigenous criminal groups, to an increasing extent, have linked into the criminal activities of foreigners who moved to South Africa during this decade.

Encouraged by their rapid expansion and the lucrative spoils of their criminal activities, a growing number of indigenous criminal organisations enhanced their skills and sophistication, discarding typically gang-related criminal activities for the more sophisticated crimes committed by crime syndicates. Although most of these criminal organisations have not yet reached the degree of expertise and confidence to operate internationally in the way that Russian, Nigerian, Israeli or Chinese crime syndicates do, they are on their way towards that phase.

There are no indications that senior state or government structures have been infiltrated by organised criminal groups to any significant degree. In many developing countries, including many African states, this has become a common feature. The warning lights, however, are flashing. Local government structures, which provide the easiest form of access to government departments, provincial and national government and state institutions, are being targeted by criminal organisations for infiltration. The most concrete example is the public announcement that CORE, an organisation on the Cape Flats, established through the involvement of many known gang leaders, intends to become involved in local elections.

South Africa therefore still has an opportunity to stem the rot, something which many developing countries can no longer do because the degree of infiltration and extent of contacts with persons of influence have become such that criminality and corruption have almost become endemic. To use a cliché, a window of opportunity still exists for South Africa. Decisive steps to curb organised crime during the next few years need to be taken. The risk of engaging in such activities needs to increase and the chance of making vast profits has to decrease. To achieve these objectives would require a regional approach involving the co-operation of Southern African states.

Both the United Nations and the European Union now approach organised transnational crime as an international security threat. Worldwide, policy, legislation and police investigative approaches are being reviewed and recast in order to counter this threat. South Africa will have to act quickly to catch up with these developments. The international experience in dealing with organised crime from a legislative, policy and policing perspective is something which South Africa is presently going through as well, although the country still lags behind in important respects. International thinking and law enforcement have shifted from initially targeting customers, to focusing on street-level operators, then to leading crime figures such as syndicate and gang leaders, to international enforcement and finally, the most recent strategy, the targeting of the proceeds of crime. The financial gains of criminal activities are now regarded as the crucial target area for successful operations against organised crime structures. This approach of ‘targeting upwards’, i.e., to the proceeds of crime at the highest levels, has played a significant role in stemming organised criminal activities in Italy and the US.

In South Africa, the general approach during the 1980s can be said to have been incident and lower level-oriented in that the police targets were mainly the customers, street-level drug pushers and similar types of criminals. From 1991 onwards, when the threat of organised criminal groups became apparent, police investigative methods were increasingly aimed at
syndicate leaders and crime bosses. This is what the project-based approach towards criminal investigations was designed to achieve. Despite some successes, it is apparent that the removal of a syndicate leader does not necessarily mean the end of the syndicate or its activities. Others soon step in to take over. More sophisticated crime leaders increasingly conduct themselves in such a way that they avoid any physical contact with the criminal commodity or with the persons who actually commit the crime as part of the conspiracy. Existing legislation in South Africa still falls short when targeting such crime leaders for prosecution.42

In the US and Canada, the approach of ‘targeting upwards’ was pursued by the law enforcement agencies during the late 1970s and early 1980s. Their goal was to take out kingpins responsible for running the organised crime operation. In the mid-1980s, however, a policy shift took place: "More practical, and possibly more attractive in periods of fiscal restraint, was a philosophy that recognises that these criminals were involved in a specific type of crime in order to generate large amounts of proceeds. Locking up low-level operators would do little to disable the criminal operations, and while it was still occasionally essential to target key criminal figures, seldom was law enforcement able to get high enough to remove the top level. What did seem possible was to focus law enforcement’s attention on the money that was illegitimately gained. Focusing on the money was also seen as a way to identify the higher-echelon criminal members ... Top-echelon criminals who isolate themselves from the daily operations of trafficking actively take part at the stage where the illicit proceeds return cleansed."43

The growing attention on criminal proceeds created an awareness of the necessity to trace illicit proceeds through the complex schemes devised by criminals — hence the increasing focus on international money laundering.

In South Africa, a shift of focus towards the proceeds of crime and money laundering only occurred after 1994. In 1996, the Proceeds of Crime Act, No 76 of 1996, was passed and in the same year the Money Laundering Control Bill was drafted by the South African Law Commission. This bill has still not been presented to Parliament for finalisation. While tentative policy adjustments have been made, the actual implementation of steps by the criminal justice system to confiscate the proceeds of crime have lagged behind. The Proceeds of Crime Act is complicated, has a number of loopholes and has hardly been used.

An agreement to co-operate on matters relating to the combat of crime was signed by eleven Southern African States, including South Africa, in October 1997. This constitutes a clear advance on past conditions, but it does not focus on specific joint steps and strategies to be applied against transnational criminal organisations. To criminals involved in such activities, national borders have increasingly become irrelevant. Law enforcement agencies in Southern Africa will increasingly have to agree on steps to reduce the obstacles which national borders and differing legal systems still present to law enforcement agencies dealing with organised crime in Southern Africa.

Both the United Nations and the European Union are in the process of drafting comprehensive treaties to co-ordinate international efforts in countering organised crime. South Africa needs to ensure that, at the level of policy, legislation and resource capacity, it takes urgent and determined steps to link up with the international efforts against organised crime.

Endnotes


2. Ibid., p. 34.


7. Ibid., p. 18.

8. European Union, Communiqué 2075, Council, Justice and Home Affairs, 19 March 1998, <ue.eu.int/Presse/23234EA.htm>


10. In doing so, I have borrowed from the definition being contemplated by the European Union as dealt with on page 7.

11. Elements of this definition have been borrowed from G Cronje et. al., The Juvenile Society, HAUM, Pretoria, 1982, as referred to on p. 10 of CIMC, op. cit.


15. Du Toit, op. cit., p. 16.

16. Schadenberg, op. cit., p. ?.

17. Pinnock, op. cit., p. 5.

18. Ibid., p. 10.

19. Pinnock found that one Cape Flats township alone, namely Hanover Park, was divided among sixteen gangs in 1982. Ibid., p. 5.

20. Ibid., p. 3.
21. Ibid., p. 14. Pinnock correctly points out that the R2,2 million was calculated at the wholesale price of R6 a tablet and not at the then current retail street price of about R15 per tablet. This would push the retail value up to R5,6 million.

22. Statistics obtained from various annual reports of the Commissioner of the South African Police.


24. Ibid., p. 34.

25. A senior detective active in the 1980s.


30. Nelson Mandela and other political prisoners had been released and organisations were unbanned, a National Peace Accord was signed, constitutional negotiations were in the offing and the government of the day was anxious to place itself on the political and moral high ground. In addition, the leadership of the CIS was involved in the negotiation process and had therefore become more sensitive towards the conduct of police investigators.


32. Ibid., p. 19.


34. All the names of individuals mentioned in relation to Operation Judas are fictitious. The gender or race of the individuals, as suggested by their real names, are correctly reflected by using different names from which the same inference can be drawn.


37. The name is fictitious.

38. He is reputed to have accumulated assets worth about R40 million.
39. All names of individuals involved with the syndicates that were targeted by Operation Mynah are fictitious as police investigations are still ongoing.


42. This situation may improve if the *Prevention of Organised Crime Bill*, presently under consideration by Parliament, is adopted and implemented. The Bill reflects elements of the RECO statutes which are in place in the US, civil forfeiture of criminal proceeds and measures to criminalise membership of gangs under certain circumstances.