16 November 2020

background information on prophet SHEPheRD bushiri and MARY BUSHIRI ESCAPE FROM SOUTH AFRICA

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# INTRODUCTION

On Saturday, 14 November 2020, Prophet Shepard Bushiri released a media statement addressing the general public that he and his wife Mary Bushiri are temporally in their home country, Malawi due to safety and security issues they faced in South Africa since 2015.[[1]](#footnote-1) The Bushiri's and two other co-accused had been granted bail by the Pretoria Magistrate Court on 4 November 2020. They are facing charges of fraud, money laundering and contravention of the Prevention of Organised Crime Act to the value of R 102 million.[[2]](#footnote-2) The Bushiri's are now fugitives and have caused diplomatic tension between South Africa and Malawi. The Pretoria Magistrate Court had since issued a warrant of arrest for Shepard and Marr Bushiri on 16 November 2020 and the process to extradite them from Malawi to come face trial in South Africa has commenced.[[3]](#footnote-3)

The purpose of this brief is to provide an overview on the circumstances surrounding the Bushiri's illegal return to their home country against the strict bail conditions. The Paper is prepared in preparation of the briefing to the Portfolio Committee on Home Affairs by the Minister of Home Affairs on 17 November 2020.

# CHARGES AND ALLEGATIONS AGAINST THE BUSHIRI'S

The Directorate for Priority Crime and Investigation (HAWKS) arrested the Bushiri's and other two co-accused on 20 October 2020 on the charges of fraud and money laundering to the value of R 102 million. The Bushiri’s were granted R 200. 000 bail by the Pretoria Magistrate Court on 4 November 2020 against the protest by the HAWKS because they were deemed to be a flight risk.[[4]](#footnote-4)

During a television interview with Newsroom Africa on 27 October 2020, the Minister of Home Affairs alleged that Shepard and Mary Bushiri have violated several Immigration Laws and that the Department of Home Affairs has commenced with an internal investigation on how did the Bushiri's obtained their papers. The Department of Home Affairs only found out that the Bushiri's are in South Africa illegally and have acquired various passports fraudulently after an inquiry from the HAWKS about the legal status in the country. The following as some of Immigration Laws violated by the Bushiri's as explained by the Minister of Home Affairs during the Newsroom Africa interview:[[5]](#footnote-5)

* The Department of Home Affairs records points out that the Bushiri's first entered South Africa on 6 September 2008 on a Visitor's Visa because they were only visiting the country.
* During the year 2012, Mary Bushiri entered South Africa through OR Tambo International Airport. She produced a Permanent Residence Visa. Mary Bushiri claimed that her Permanent Residence Visa was issued to her on 1 February 1997. The Department of Home Affairs confirms that the Permanent Residence Visa was issued fraudulently.
* During the year 2014, 2015 and 2016, Shepard Bushiri registered several companies in South Africa which are conducting business. People in South Africa on a Visitor's Visa are prohibited from operating a business.
* On 17 May 2016, both Shepard and Mary Bushiri applied for Permanent Residence Status in South Africa. During the application, Shepard Bushiri confirmed under oath that he first entered South Africa during 2015.

It is evident from the above allegations by the by Minister of Home Affairs that there is a serious challenge at the Department of Home Affairs. The fact that the Bushiri's were able to be issued with valid travel visas by Home Affairs poses a serious security risk for the country. The Department of Home Affairs should ensure that its mandate of facilitating and regulating the secure movement of people through the ports of entry into and out of the Republic of South Africa is executed without fail. In the case of the Bushiri’s, the Department has failed on this mandate and the PC on Home Affairs should hold the Department accountable.

# HOW DID THE BUSHIRI'S LEAVE SOUTH AFRICA FOR MALAWI?

On Saturday, 14 November 2020, the Bushiri's have issued a statement informing the general public that they have are temporarily in Malawi because they fear for their lives in South Africa. In their media statement, the Bushiri's claim that they will only return to South Africa to face defend face the law provided that the South African government meet certain conditions. The Bushiri’s conditions includes but not limited to the government of South Africa guaranteeing their safety, their bail condition is not revoked and that the officers involved in their investigation are recused and replaced by independent and professional investigators.[[6]](#footnote-6)

It is not clear how did the Bushiri's leave, South Africa, for Malawi. However, the Department of Home Affairs has confirmed that there is no record of the Bushiri's leaving South Africa through any of the port of entries. It can therefore be deduced that they did not leave South Africa through the port of entries.[[7]](#footnote-7)

There were various allegations in the media that the Bushiri's could have been smuggled out of the country by the President of Malawi when he departed South Africa after his official state visit to the country. However, the South African Government, through Government Communications and Information System (GCIS), has confirmed that the Bushiri's did not leave with the President of Malawi as alleged in various media platforms. The Malawian government, through their Ministry of Foreign Affairs has issued a strong statement of 16 November 2020 reputing the allegations that the Bushiri's left with their President delegations after the state visit.[[8]](#footnote-8)

# POSSIBLE QUESTIONS TO THE DEPARTMENT OF HOME AFFAIRS

The following are possible questions which the PC on Home Affairs could pose to the Department of Home Affairs.

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| Possible Questions to the Department of Home Affairs* How far are the investigations on how did the Bushiri's obtained their fraudulent Visas?
* What is the time-line of completing the investigations surrounding the issuance of Visas to the Bushiri's?
* Is the Department planning to investigate the legal status of foreign-led churches in South Africa?
* If the Department does not have the records of the Bushiri's leaving the country, does that mean they left illegally? If yes, is the Department investigating how they could have escaped?
* Has the Department of Home Affairs (or other state institution) contacted their counterparts in Malawi to ascertain how did the Bushiri's enter Malawi?
* What are the mitigating factors that the Department (with other law enforcement agencies) are putting in place to ensure that all people in South Africa due not escape the country while under bail?
* Various media houses alleged that the Bushiri's had sent their children to Malawi a few days before they fled South Africa. Was the Department of Home Affairs aware of this? If yes, have they alerted the HAWKS?
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# CONCLUSIONS

The Department of Home Affairs is mandated to determine and safeguard the identity and status of citizens efficiently, as well as to regulate immigration to ensure security, promote the development and fulfil South Africa's international obligations[[9]](#footnote-9). The Immigration Affairs branch of the Department is mandated to facilitate and regulate the secure movement of people through the ports of entry into and out of the Republic of South Africa. Determine the status of asylum seekers and regulate refugee affairs. It is therefore evident that the Department has failed on its mandate when it comes to the Bushiri's. The PC on Home Affairs should consequently hold the executive to account on this regard. Is should strive to ensure that a proper investigation on the issuance of various enabling documents (Permanent Residence Visa) should be conducted and be followed by consequence management.

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