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**PRESENTATION TO THE PORTFOLIO COMMITTEE ON ENVIRONMENT, FORESTRY AND FISHERIES: RHINO HORNS  
STOLEN FROM THE STOCKPILE IN MAHIKENG, NORTH WEST**

07 November 2023

Presentation by the National Head of the Directorate for Priority Crime Investigation  
Lieutenant General (Dr/Advocate) SG Lebeya (SOEG)



# Presentation outline

1. Mandate of the Directorate for Priority Crime Investigation (DPCI)
2. Structure of Economic Protected Resources and Functions
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5. Status on the investigation relating to Rhino Horns stolen from the North West Stockpile Facility
6. Constitutional Judgement: State V Groenewald and Six (6) others
7. Conclusion

# MANDATE OF THE DPCI

In terms of Section 17D of the South African Police Service Act, the Mandate of the DPCI is as follows:

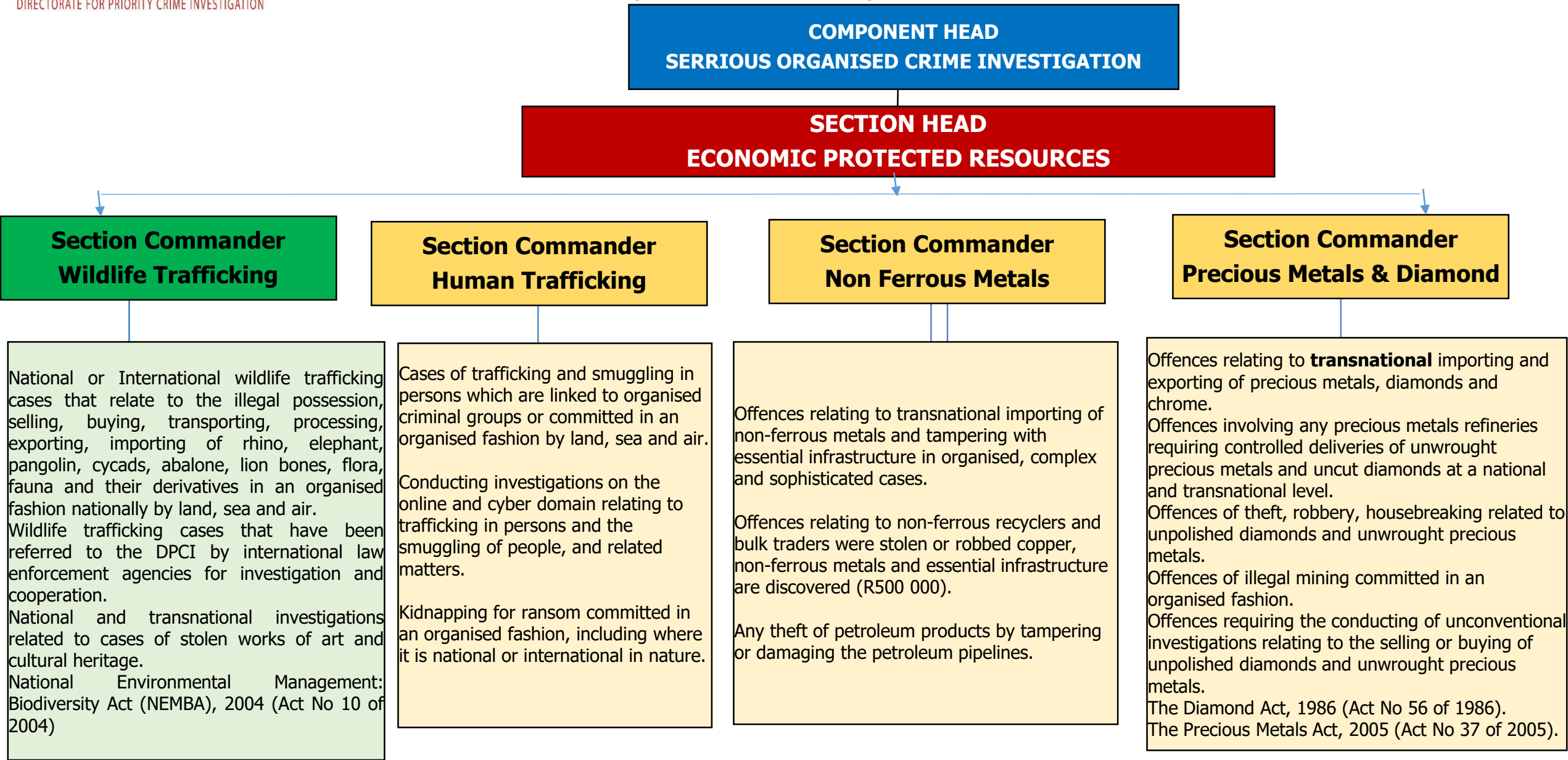
- (1) The functions of the Directorate are to **prevent, combat and investigate**—
- (a) **national priority offences**, which in the opinion of the National Head of the Directorate need to be addressed by the Directorate;
- (aA) offences referred to in Chapter 2 and Section 34 of the Prevention and Combating of Corrupt Activities Act (PRECCA), 12 of 2004;
- (2) If, during the course of an investigation by the Directorate, evidence of any other crime is detected and the National Head of the Directorate considers it in the **interests of justice, or in the public interest**, he or she may extend the investigation so as to include any offence which he or she suspects to be connected with the subject of the investigation.

Section 17A of the Police Act defines “National Priority Offence” as organised crime; crime that **requires national prevention or investigation**; crime that **requires specialised skills** as referred to in section 16(1) of the SAPS Act. The priorities are cross-cutting. One cannot occur without affecting the other(s) and because of this, the DPCI specialises in **project investigations** which draws in the investigative expertise of multiple investigators in different environments.



# ORGANISATIONAL STRUCTURE: ECONOMIC PROTECTED RESOURCES

**Wildlife trafficking** is a National Priority Crime which is investigated by the **Environmental Protected Resources Section** under the Component **Serious Organised Crime Investigations in the DPCI**.



## Introduction (1)

- **“National Priority Offences”** means organised crime, crime that requires national prevention or investigation, or crime which requires **specialised skills** in the prevention and investigation thereof, as referred to in section 16(1) and (2) of the SAPS Act, 1995 (Act no 68 of 1995);
- Prevention, combating and investigation of Wildlife Trafficking cases are in-line with the **National Integrated Strategy to Combat Wildlife Trafficking** (NISCWT) as approved by Cabinet, focus on level 3 to 5, and
- **Section 24 of the Constitution** provides for the **right to protect the environment** for the benefit of future generations.

## Introduction (2)

# Landscape of South Africa

- South Africa is considered to be one of the **most biologically diverse countries in the world**. This is largely because of its species diversity and endemism of its vegetation.
- While South Africa occupies only 2% of the world's surface area, it is home to nearly 10% of the world's plants and 7% of the world's reptiles, birds and mammals.
- Due to the abundance of our natural assets, we are unfortunately being **targeted by unscrupulous people** who illegally kill and traffic wildlife species for **financial gain**.
- Demand is high for the parts and derivatives of these animals and plants, which are used for a variety of **questionable purposes**.
- For a number of years now we have been mindful of the fact that **illicit transnational trade in wildlife** goes beyond threatening our rich biodiversity, but that it also **detrimentally impacts on the economic, social and security aspects of our society**.

# Summary of Wildlife Trafficking Cases on the court roll

Gauteng	Free State	North West	Northern Cape	Eastern Cape	Western Cape	Kwazulu Natal	Limpopo	Mpumalanga	TOTAL
14	6	12	6	6	9	2	7	16	78

## Purpose of the Presentation

- An invite was received from the Chairperson of the Portfolio Committee on Environment, Forestry and Fisheries for the DPCI to brief the committee on the progress relating to the **51 stolen rhino horn stockpiles from the North West stockpile facility** in Mahikeng in June 2023.
- Some of the offences reported include, Housebreaking & Theft.
- New charges may be added as the investigation unfolds.



# Status on investigation relating to the Rhino Horns stolen from the North West Stockpile Facility (1)

<b>Case number</b>	Mahikeng CAS 307/06/2023	<p><b><u>SYNOPSIS OF CASE:</u></b></p> <p>On 26 June 2023 at about 05:00 the security officer was patrolling at North West Parks Board, Cooks Lake premises when he noticed that the aluminium door was forced open. Upon close examination he noticed that the alarm system and camera system main frame box was damaged. The door handles of two offices were also broken and cameras in the passage were damaged. The Police were contacted and informed of a break-in at the premises.</p> <p>Upon investigation of the crime scene it was discovered that a small safe that had keys to the walk-in safe was stolen and the keys were used to open the safe. <b>Fifty one (51) rhino horns</b> to an estimate value of <b>R9 million</b> were stolen from the safe. A hammer, steel bar and chisel was found on the floor.</p> <p>An investigation team was established who gathered evidence and identified suspects involved in the commissioning of the offence. <b>Four (4) suspects were arrested to date as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Elias Manganda</b> (40) arrested on 29 June 2023 at Rustenburg.</li> <li>• <b>Lindani Vernon Mthombeni</b> (32) arrested on 4 July 2023 at Brits.</li> <li>• <b>Lonjezo Kanjipiti</b> (26) arrested on 14 July 2023 at Rustenburg.</li> <li>• <b>Lefa Daniel Mankgaba</b> (46) arrested on 15 July 2023 at Rustenburg.</li> </ul>
<b>Offence</b>	<ul style="list-style-type: none"> <li>• Housebreaking</li> <li>• Theft</li> </ul>	
<b>Date Reported</b>	26 June 2023	
<b>Loss involved</b>	Approximately R 9 Million	
<b>Entity/Individual involved</b>	<ul style="list-style-type: none"> <li>• Elias Manganda (40)</li> <li>• Lindani Vernon Mthombeni (32)</li> <li>• Lonjezo Kanjipiti (26)</li> <li>• Lefa Daniel Mankgaba (46)</li> </ul>	
<b>Number of charges</b>	Two (2)	
<b>Number of statements obtained</b>	Forty (40)	

## Status on investigation relating to the Rhino Horns stolen from the North West Stockpile Facility (2)

Case number  
Mahikeng CAS 307/06/2023  
continued...

**CURRENT STATUS:** *continue*

The following six (6) vehicles were confiscated during the investigation and were referred to the Asset Forfeiture Unit:

1. Range Rover
2. Land Rover (2)
3. BMW 320d
4. Honda Civic
5. Nissan X-Trail (Proceeds of crime)

The case appeared before the court on **19 October 2023** for bail application on new facts provided by the **accused No:01 Elias Manganda**. The case was **postponed to 03 November 2023 for further bail application and judgement**.

**OUTSTANDING INVESTIGATIONS:**

- The investigation is ongoing and is being pursued in collaboration with the National Prosecuting Authority.
- The Rhino horns have not yet been recovered.



## Insight into the Constitutional Judgement of :- State V Groenewald and Six (6) others (1)

### Background

- The State alleges that Dawie Groenewald managed his enterprise and operated his business or activities to traffic rhino horns with the assistance of the other accused, as well as other persons, known and unknown to the State.
- They were employed by the enterprise and were directly or indirectly involved in or participated in the conduct of the enterprise and/or that they directly or indirectly acquired an interest in the enterprise and/or maintained the business; and that the transactions in which Dawie Groenewald **was involved in the game industry including** hunting animals mentioned in the **endangered or protected species list of National Environmental Management Biodiversity Act, (NEMBA), Act 10 of 2004, including** leopards, elephants, and white rhinos **as well as the trade** in different species of animals including white rhinos.
- Since 2008, various aspects in the operations of **Out of Africa** indicate that illegalities have occurred.
- The business with **white rhinos** was expanded into a profitable business, which included legal and illegal activities, both nationally and internationally. The **supply of an illegal firearm** by Dawie Groenewald to persons in Musina was part of these activities.
- The said illegal activities were **repeatedly conducted** with the assistance of the other accused as well as several other persons. Each of the persons and the accused fulfilled specific tasks **as set out in the indictment.**
- **Elephant tusks, leopard skulls and -skins** were also **confiscated** during the arrest of the enterprise on **20 September 2010.**

## **Insight into the Constitutional Judgement of :State V Groenewald**

### **The illegal operations (2)**

**The illegal operations occurred in many forms, of which the following incidents are examples:**

- Rhinos have been illegally dehorned on game farmers' farms.
- Rhino owners have been approached to illegally dehorn their rhinos and/or sell their rhino horns illegally.
- Rhinos were illegally hunted on a said farm .
- Rhinos were sold or exchanged in transactions without permits, to and from farm Prachtig.
- Rhinos were killed illegally on the said farm and illegally dehorned.
- Rhino horns were purchased illegally.
- Rhino horns were illegally possessed.
- Rhino horns were sold illegally



# Insight into the Constitutional Judgement of :State V Groenewald:

## Time line and Case Flow (1)

- The **racketeering prosecution** was authorised by the former National Director of Public Prosecutions (NDPP) on the **28<sup>th</sup> September 2011**.
- On the **30<sup>th</sup> September 2011**, the indictment with the Prevention of Organised Crime Act 121 of 1998 (POCA) authorisations was served on the accused. **The indictment consisted of 1 840 charges**. The accused lodged requests for further particulars whilst the case was enrolled in the Musina Regional court. The further particulars **consisted of hundreds of pages**, but were answered by the State.
- On the **3<sup>rd</sup> October 2012**, a High court motion application was lodged against the then Department of Environmental Affairs, by two gentleman who were not accused in this matter as a party, to set aside the moratorium prohibiting the trade in rhino horn.
- A significant number of charges in this prosecution was preferred in terms of a contravention of the moratorium and trade in rhino horn. The High Court set aside the moratorium on the **26<sup>th</sup> November 2015**, and the said Department lodged an application for leave to appeal to the High Court and subsequently to the Constitutional court which was dismissed on the **29<sup>th</sup> March 2017**.
- On the **3<sup>rd</sup> May 2013**, the current criminal case was transferred to the High court in Pretoria for the trial to commence on the **21<sup>st</sup> July 2014**. However, a meeting was held with the Judge President during **February 2014** in which the latter indicated that the trial should not commence until the judgment of the High Court in the motion application discussed supra has been delivered. Subsequently the indictment had to be reviewed and an amended indictment was served during **December 2017**.

## Insight into the Constitutional Judgement of :State V Groenewald: Time line and Case Flow (2)

- On **29 January 2018**, the accused appeared and requested a remand to enable them to approach the Judge to appoint a Judge to hear arguments regarding the State's response to their further particulars. The meeting unfortunately did not take place because the Judge was ill.
- The matter was enrolled for **pre-trial purposes on the 22<sup>nd</sup> March 2018**; however, the accused's counsel withdrew from record.
- On the **27<sup>th</sup> March 2018**, Mr. Dawie Groenewald (accused 1) lodged a motion application against various Government Departments, inclusive of the National Prosecuting Authority (NPA) , attacking the issuing of permits after the declaration of non-validity of the moratorium. Further applicants joined the application by accused 1 as parties in **2019**, causing a delay in the matter.
- During **March 2018** both accused 2, Mr. Toet and accused 6 brought applications in terms of section 342A on the basis that the current criminal case should be struck of the court roll due to the delay's caused by the second motion application.
- This application was dismissed by the Judge and the court found that the application of accused 6 relied on anticipated delays, based on speculation, which is unacceptable; even if the motion is successful, not all the charges would be affected, that the section 342A application should not to be taken lightly due to the magnitude of the criminal case, that the NPA has a mandate to prosecute and the rule of law cannot be undermined.

## Insight into the Constitutional Judgement of :State V Groenewald: Time line and Case Flow (3)

- Hereafter, the case was enrolled to sort out the legal representation of the accused and to await the judgement of the motion application lodged by Accused 1. However, during **2021** and as per the directives of the criminal court by way of an order of the Honourable Bam, it was directed amongst other, that the matter must be enrolled for trial. **Unfortunately, the trial did not start in 2021 as directed.**
- According to the information received by the State, the NDPP and the Department of Environmental Affairs already infilled their opposing papers in this motion, which was previously enrolled in **July 2022** according to accused 1. The criminal case was, at that stage postponed until **16 January 2023**.
- The affidavit of the former State Attorney to whom this matter was allocated and who is now in private practice, **is instructive of what the sequence of events were in this matter.**
- The affidavit of the Deputy Director of Public Prosecutions, Pretoria, **outlines the history of the matter.** It should also be noted that the present State Attorney, seems to be the **4<sup>th</sup> State Attorney assigned to this matter.**
- The intervention from the Office of the State Attorney was requested on **4 October 2023** as per the direction of the honourable court. All opposing parties will present proof that their documents were filed, whether it was uploaded onto Case lines or not.



# Insight into the Constitutional Judgement of :State V Groenewald:

## Time line and Case Flow (4)

### In summary

- The accused were arrested in **2010, however, they were all released on bail.**
- The matter has been enrolled for **14 years.**
- The case **has not been set down for trial and 185 witnesses would be required to testify.** It is common cause that the matter would be enrolled for an extended period.
- The **reasons for the postponements** varied, inter alia caused by two motion applications launched by the main and co-accused and other parties. The possibility of further appeals and Constitutional Court applications cannot be negated.
- The **delay caused harm** to all parties involved, including the State and witnesses.
- The right to a fair and speedy trial should also be afforded to the State. The State has indicated at all material times that they are ready to proceed with the trial of the matter.
- The State is of the view that the two motion applications caused significant delays in the matter.



## **Insight into the Constitutional Judgement of :State V Groenewald:**

### **Time line and Case Flow (5)**

- The matter was previously allocated to an Advocate who had fallen seriously ill in **2022** of which the case was transferred to another Advocate from the office of the DPP in Pretoria.
- On **5 October 2023** the Judge, ruled that the matter must be transferred to the High Court Division of Limpopo for further handling.
- The matter was postponed to **9 February 2024** for the first appearance in the High Court Division of Limpopo in Polokwane and the trial date was also stipulated as **7 October 2024 to 1 November 2024** by the Judge.
- The Advocate was instructed by her office to transfer the case and all the evidence to the High Court Division of Limpopo in Polokwane for a new prosecutor to be appointed.
- All preparation are made by the prosecution and investigation team to transfer the matter and will brief the new prosecutor when allocated to the matter.

# Conclusion

- Wildlife trafficking is not purely a conservation and environmental management problem, but constitutes a highly sophisticated form of **serious transnational organised crime** that is, among other threats, also **a threat to national security**.
- Protecting our invaluable indigenous species is a full-time and very expensive undertaking that also entails a focused effort to combat corruption, without which, criminal syndicates would not be able to operate as effectively as they do.
- The **DPCI's integrated and multi-disciplinary strategy** to combat wildlife trafficking is aligned with Government's objective of securing the sustainable growth and development of the South African economy, including **combating corruption**, the **protection of strategic resources** and the combating of the **illicit economy**.
- Combating efforts can only succeed if it is addressed in an **integrated approach** through partnerships at National, Provincial and International level.
- The DPCI remains **committed** to the task at hand.

*Seek, Find, Strike*



***The DPCI shall at all times enforce the Law of the Republic without fear, favour or prejudice and, as the circumstances of any particular case may require, in accordance with the Constitution and the Law***

*Thank You*