



DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES

FISHERIES MANAGEMENT

CHIEF DIRECTORATE

MONITORING CONTROL AND SURVEILLANCE (MCS)

*Illegal abalone trafficking, transnational organised crime
a South African perspective*



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Co-operative Governance / Integrated Multi Agency approach

- Operation Phakisa
- Initiative 5, Enhanced and Coordinated Compliance and Enforcement Programme
- Initiative 6 OCIMS
- South African Government Departments
- International NOAA, AFMA, INTERPOL, AFCD, HK Customs Maritime Command,



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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- Initiated MCS and DPCI on 19 September 2006
- Searching of Cold storage in Cape Town
- Declared as SA Pilchards
- A total of 72449 abalone and 140 boxes of pilchards found
- Four consignments of abalone were still en-route to Malaysia and Singapore and destined for Hong Kong



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Identification, Intercepting and prosecuting a transnational organised criminal enterprises

- Containers 1 and 2 contained 100 093 Units of abalone
- On 09 November 2006 containers 3 and 4 were returned and 45 539 Units of abalone were found also illegally exported packed as South African pilchards
- State Witness / Witness protection
- Prevention of Organized Crime Act, / Department of Priority Crimes Investigations (DPCI)



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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- Modus Operandi
- Establishment and operations of an illegal Enterprise
- Cellular communication by the enterprise
- Equipment / Evidence used
- The Financier of the enterprise
- Legitimate rights holder in terms of the Marine Living Resources Act



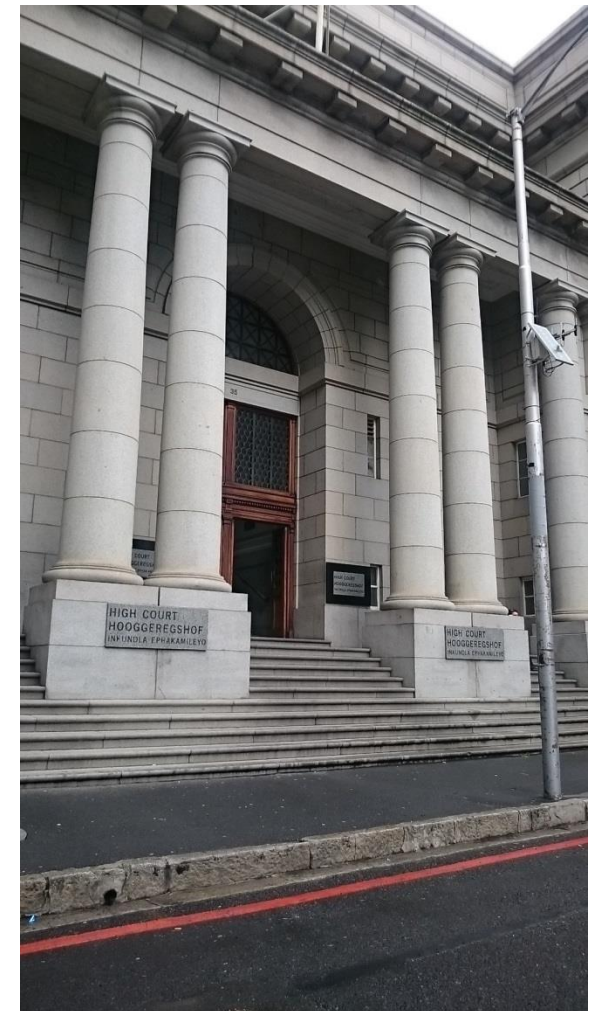
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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- The state proved beyond reasonable doubt an illegal enterprise
- Considered the totality of evidence and that the accused knew the enterprise was unlawful
- The criminal enterprise comprised three central figures: Yu-Chen Chao, Miller, Van Rensburg.
- Chao last appeared in court in 2013 and is wanted by Interpol, along with another co-accused Yen-Chang Ku. Ku apparently left the country at the end of 2008.
- "Rapitrade 109 PTY LTD" and "Syroun Exports PTY LTD" were created in order to facilitate the illegal export of more than 120 tons of abalone.
- Sentencing will be on 23 October 2017 in the Cape Town High Court.



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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- Abalone syndicate identified during July 2010
- 37 516 units of abalone recovered
- Investigations indicated two consecutive consignments en-route to Hong Kong
- Container 1 contained 23 tons of polypropylene pellets and 28 764 units of dried abalone
- Container 2 contained also 23 tons of polypropylene pellets and 26 876 units of dried abalone



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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- Zhi Cheng Wen, Jason Ho and Wei Lin pleaded guilty and sentenced to 3 years direct imprisonment
- The four South African suspects namely . Bucchianeri, Kruger and Kruger and Matera found guilty February 2016 in terms of the MLRA and POCA
- Bucchianeri, Kruger and Kruger were all found guilty on 21 charges. Matera was found guilty on seven charges on 30 May 2017.
- Bucchianeri, and Sean Kruger were sentenced to a total of 37 years imprisonment serving an effective 23 years direct imprisonment.
- Kruger the father was sentenced to 18 years imprisonment and Matera was sentenced to 10 years direct imprisonment



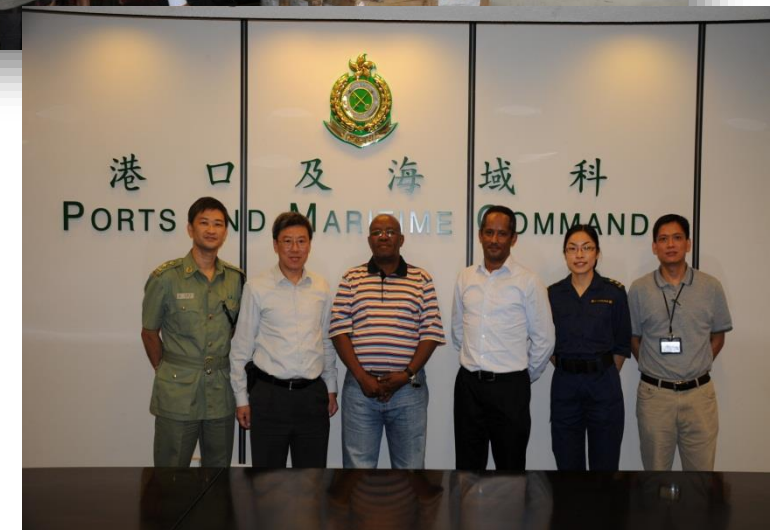
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Identification, Intercepting and prosecuting a transnational organised criminal enterprise

- Co-operation with Hong Kong, October 2011
- Affidavit in Hong Kong
- Plea of guilty by the accused in Hong Kong
- Container returned successfully to South Africa
- A total of 2627.1kg of dried abalone
- South African value of R 7 881 300 and \$ HK 27 Million
- This syndicate has successfully exported 10 consecutive containers.



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International co-operation



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Thank You