

# OBSERVATORY OF ILLICIT ECONOMIES IN EASTERN AND SOUTHERN AFRICA



## SUMMARY HIGHLIGHTS

# RISK BULLETIN

### 1. The long road to prosecuting Moazu Kromah and his wildlife-trafficking network.

In the Southern District of New York, a wildlife-trafficking prosecution quietly ended in a plea bargain. Liberian national Moazu Kromah, alleged to have been the ringleader of one of the most active wildlife-trafficking syndicates on the African continent, pled guilty to three wildlife-related offences in March 2022. His two co-accused also later pled guilty. When Kromah was expelled to the US in 2019, his arrest was hailed as an unprecedented success in international cooperation to counter wildlife trafficking. Yet prosecutions of Kromah's network are ongoing. There are at least 15 major ivory-trafficking cases relating to over 30 tonnes of ivory linked to Kromah that have been in prosecution in the Kenyan courts since 2010. Of these, only one has seen a conviction, with the two accused both receiving two-year sentences. The progress of these prosecutions raises bigger questions regarding the capacity of the prosecution authorities managing these cases, and the role of NGOs in supporting wildlife-trafficking prosecutions.

### 2. Months of elevated gang violence reached crisis level in Grassy Park, Cape Town, in April.

Four people were killed and two more injured over the Easter holiday weekend in shooting incidents in Grassy Park, a small area of Cape Town. This deadly spate of shootings is the latest flare-up in a period of elevated gang violence that has harried this close-knit community over recent months, as several local gangs jostle for territory. Since late October 2021, 38 people have been killed, and two more have survived murder attempts, in the area that spans just a few square kilometres of Cape Town's southern reaches. Many of these deaths have taken place on the borders of gang territories. The violence is having a deep impact on the community, not least because the threat of violence is impeding government service delivery to this

already marginalized area. Local police face the challenge of improving their fractured relationship with residents, and of giving witnesses the confidence to testify in gang-related cases.

### 3. The emergence of a 'bulk commodity illegal industry' in South African chrome mining.

South Africa is the world's biggest producer of chrome ore, an essential component in producing stainless steel. Yet it is estimated that around 10% of annual production is lost to illegal mining. Wildcat mining operators exploit exceptions in South African mining law – designed to allow small-scale and artisanal miners to operate – to pose as legitimate companies and shift enormous quantities of chrome ore with heavy machinery in broad daylight. The industry is fraught with dangers: from the risks that miners working on these sites face, to the increasing reports of violence associated with chrome mining, to the environmental cost of uncontrolled exploitation of surface deposits of chrome.

### 4. Data on assassinations shows stark reality of violence in KwaZulu-Natal.

KwaZulu-Natal stands out among South Africa's provinces for having the highest frequency of politically linked assassinations. For three of the last six years, political assassinations in KwaZulu-Natal were as high or higher than all the other South African provinces combined, according to the Global Initiative Against Transnational Organized Crime (GI-TOC)'s assassinations monitoring data. The province also reports high rates of assassinations linked to organized crime and the taxi industry, which suggests that the two forms of violence are connected. Factional battles within the ruling African National Congress (ANC) are being settled through violence. Observers in KwaZulu-Natal argue that intimidation by strongman politicians and patronage networks are ruling the region's political landscape.



## ABOUT THIS ISSUE

In this 25th issue of the Risk Bulletin of Illicit Economies in East and Southern Africa, our research has focused primarily on South Africa. First, we have gathered data on gang territories and shootings in Grassy Park, an area of Cape Town that has seen a significant rise in gang-related violence in recent months. The communities in Grassy Park and areas like it endure a shocking concentration of violence that outstrips almost all other cities globally. Providing support to community responses to organized crime – often in areas like Grassy Park – is the aim of the GI-TOC's Resilience Fund, which has recently celebrated three years of its work. The Resilience Fund currently supports several organizations in the greater Cape Town area.

KwaZulu-Natal province, traditional powerbase of the ANC, is currently a volatile political landscape, as evidenced by the days of unrest that erupted following the jailing of former president Jacob Zuma in July 2021. Our data has tracked how, over 20 years, KwaZulu-Natal has been the epicentre of assassinations in South Africa, in particular political assassinations and killings linked to the taxi industry. Our research in

this issue also looks into South Africa's booming illicit chrome-mining sector, as recent police operations have broken up large chrome-mining operations working outside of the law. New GI-TOC research of these criminal markets will form part of an overall risk assessment of organized crime in South Africa, which will be published in the coming months.

Finally, one story in this issue looks to East Africa: to Kenya and Uganda, specifically. Moazu Kromah stood accused of running one of the largest wildlife-trafficking syndicates on the entire African continent. At the time of his expulsion from Uganda to the United States for prosecution, conservation organizations hailed it as a major victory of international cooperation. Yet the recent plea deals of Kromah and his co-accused passed with little public remark. Our analysis of 15 major trafficking cases in Kenya linked to Kromah show that many of these prosecutions have faced significant delays. Prosecuting the head of a trafficking organization may be one victory, but prosecution of an entire network, over several years, is clearly a much greater challenge.

## 1. The long road to prosecuting Moazu Kromah and his wildlife-trafficking network.

Liberian national Moazu Kromah – known as 'Kampala Man' – led one of the most active wildlife-trafficking syndicates on the African continent before his arrest in the Ugandan capital in February 2017.<sup>1</sup> Just over five years later, over 11 000 kilometres away from the city in which he based his operation and from which his alias derives, Kromah quietly entered into a plea bargain with the Southern District of New York, which is known for tackling high-profile organized crime and corruption cases. Kromah pled guilty to three wildlife-trafficking offences for which he was indicted before being expelled to the US in 2019.<sup>2</sup> His two co-accused made their own plea bargains in the following weeks.

Yet prosecuting members of Kromah's network and the individuals who facilitated his shipments of ivory and other wildlife products is, collectively, a far larger task. Out of the 15 major ivory-trafficking cases known to be linked to Kromah's network which have been prosecuted in the Kenyan courts since 2010, only one case has so far secured a conviction. These cases account

for over 30 tonnes of seized ivory. Many of these prosecutions have been ongoing for several years.

The progress of law enforcement and prosecuting authorities in dismantling Kromah's network provides a window into the challenges that prosecutors face in handling complex wildlife-trafficking cases. It also highlights the role that NGOs can play in supporting prosecutions and building both prosecution and law enforcement capacity.

### THE KROMAH PROSECUTION

Kromah was first arrested in Kampala in February 2017. Some 437 pieces of ivory weighing 1.3 tonnes were also seized.<sup>3</sup> The operation was a collaboration between the Ugandan Wildlife Authority (UWA) and members of a Ugandan investigative NGO, the Natural Resource Conservation Network (NRCN),<sup>4</sup> who had been carrying out a long-term investigation into Kromah's network.<sup>5</sup>

The UWA and NRCN described Kromah as being at 'the centre of a vast ring of organized criminals ... connected to at least four other major criminal syndicates ... supplying the biggest wildlife criminal syndicates worldwide.'<sup>6</sup>

However, the case did not progress through the Ugandan courts, perhaps unsurprisingly: Kromah offered officials present a large cash bribe to make his case disappear and INTERPOL documents relating to his case were found at his house, suggesting he was used to corrupting criminal-justice systems.<sup>7</sup> US authorities initiated another investigation: in 2018, a US confidential informant set up a deal where Kromah and his associates delivered three rhino horns to the US. With a case within the jurisdiction of US authorities' secured, Kromah was again arrested in June 2019 and extradited to the US.<sup>8</sup>

Kromah was charged with three counts relating to wildlife trafficking and a fourth money laundering charge. He was charged alongside co-accused Mansur Mohamed Surur, a Kenyan citizen resident in Mombasa, and Amara Cherif, a Guinean national based in Conakry.<sup>9</sup> A fourth co-accused, Abdi Hussein Ahmed, remains at large. Surur and Ahmed were also charged with narcotics trafficking, for conspiring to sell 10 kilograms of heroin to a buyer in New York, who was actually an undercover agent.<sup>10</sup>

At the time, the arrests of Kromah, Surur and Cherif were seen as a major coup for the prosecution of international wildlife trafficking. The collaboration between a coalition of Ugandan government and law enforcement officials, US agencies, and NGOs, was described as 'unprecedented' and 'unparalleled' in expert commentary.<sup>11</sup> International NGO Save the Rhino expressed hope that 'the case of Moazu Kromah gives a new example of such positive international collaboration.'<sup>12</sup>

The eventual plea bargain has been met with far less international fanfare.<sup>13</sup> Some weeks after Kromah, Cherif pled guilty to the same three counts.<sup>14</sup> This came after an application by Cherif to be tried separately from the

other defendants was dismissed.<sup>15</sup> This plea bargain came about despite Cherif's seemingly turbulent relationship with his defence lawyer, whom at one point he accused of attempting to 'pressure' him into a plea agreement that he had not had the opportunity to read or understand.<sup>16</sup> Surur also entered into a plea agreement on 1 June, pleading guilty to one count of conspiracy to commit wildlife trafficking and the narcotics trafficking charge.<sup>17</sup> All three are yet to be sentenced.

In May, the US Department of State issued new rewards of up to US\$1 million for information leading to the arrest of two Kenyan nationals linked to the Kromah case: Abdi Hussein Ahmed, co-accused in Kromah's original indictment, and Badru Abdul Aziz Saleh, who was identified during the wildlife-trafficking investigation of Kromah's associates and is now wanted on heroin-trafficking charges.<sup>18</sup> Saleh was arrested just days after the reward was offered.<sup>19</sup>

### KROMAH'S CRIMINAL NETWORK

Kromah's criminal network was vast,<sup>20</sup> shipping ivory in containers from Mombasa, Kenya and Pemba (in northern Mozambique) and rhino horn by air from Entebbe, Uganda, and Nairobi, Kenya.<sup>21</sup> The US indictment of Kromah argues that between 2012 and 2019, his network was responsible for trafficking at least 190 kilograms of rhino horn and at least 10 tonnes of elephant ivory, sourcing these products in Uganda, the DRC, Guinea, Senegal, Kenya, Tanzania and Mozambique.<sup>22</sup> However, the true volumes of ivory trafficked by his network are thought to be far higher.

Kromah was operating during a period in which East Africa was experiencing an ivory poaching crisis. In 2013, the standing committee for the Convention on International Trade in Endangered Species of Wild Fauna and Flora singled out Kenya, Tanzania and Uganda as being among what became known as the 'gang of eight': the eight countries most heavily implicated in the illegal ivory trade.<sup>23</sup>



Wildlife trafficker Moazu Kromah and his sons upon their arrest in Kampala in 2017 (left); ivory seized from Kromah's compound in Kampala (right). Photos: EAGLE network, [www.eagle-enforcement.org](http://www.eagle-enforcement.org)

Analyses of seized evidence from police operations have argued that, at the time that Kromah was active, the transnational ivory trade was tightly controlled by a very small number of large-scale criminal networks. DNA analysis of ivory seizures, which found tusks from the same individual elephants in separate seizures that were transported through the same ports, concluded that individual traffickers were exporting dozens of large-scale shipments and that the high levels of interconnectivity suggested that as few as three major networks were controlling the bulk of the trade, based in Kenya, Uganda and Togo, respectively.<sup>24</sup> Seizures containing matched tusks often had the same modus operandi as ivory trafficking.

Subsequent analysis of seizures between 2002 and 2019, which extended the DNA testing to include close genetic matches between tusks (showing closely related individual elephants in each seizure, indicating the tusks had been poached in the same incidents) suggested that these networks were even more closely connected than initially thought, to the extent that the authors argued that one major organized-crime network may have dominated the trade across Kenya and Uganda.<sup>25</sup> All 12 seizures in the study, which had been containerized in Kampala and

transited through Mombasa, contained tusks that were genetically linked.

Social-network analysis of phone records taken from a Uganda-based wildlife-trafficking network (which could not be named in the study because of the possibility of prejudicing ongoing court cases) also found significant cooperation of traffickers across East and West Africa. Trafficking groups were found to be operating closely as 'allies of sorts' across the region to supply South East Asian buyers.<sup>26</sup>

## KENYA'S PROSECUTION OF CASES LINKED TO KROMAH

Prosecutions of Kromah's network and the individuals who facilitated shipments of ivory and other wildlife products for him are ongoing in several countries. In Kenya alone, we reviewed the progress of 15 major ivory-trafficking cases suspected to be linked to this network that have been in prosecution since 2010. While Kromah's operation spanned across East and West Africa, Kenya was a key conduit for ivory shipments, particularly from the port of Mombasa.

Case number	Seizure location	Seizure date	Volume of ivory seized (kg)	Description	Link to Kromah
1	Haiphong, Vietnam	April 2011	2 194	The ivory was seized in two containers packed with dried seaweed. <sup>27</sup> An unnamed Kenyan facilitator was charged in a Mombasa court. However, the charges were later dropped due to lack of evidence relating to the seizure, as Vietnamese authorities did not appear in court to testify. <sup>28</sup>	Alleged involvement of Frederick Mungule, a clearing agent at Mombasa port linked to Kromah via other cases. <sup>29</sup>
2	Nairobi	August 2011	2 160	The ivory, along with five rhino horns, was packed in wooden boxes, destined for Malaysia as air freight from Nairobi. <sup>30</sup> Kenneth Kamau Maina, whose ID was used to deliver the ivory to the airport, was acquitted on the defence that his ID had been stolen. <sup>31</sup> He was subsequently arrested in relation to case 11 in this list.	Maina, charged in this case, appeared as co-accused with a Guinean national, N'faly Doukoure, known to be linked to Kromah. <sup>32</sup>
3	Bangkok	March 2011	2 033	Thai officials seized a container of frozen mackerel with the ivory hidden inside. The container is believed to have originated in Kampala, Uganda, and transited Mombasa. Two Kenyan clearing agents, Fredrick Sababu Mungule (convicted in another case) and one other were reportedly found to be the facilitators of the shipment. They were never prosecuted. <sup>33</sup>	Vehicles and drivers involved in delivering this shipment to the port were also involved in Mombasa-related ivory shipments in March–April 2015 for which there are also charges ongoing in Mombasa (see case 13). <sup>34</sup>
4	Mombasa	December 2011	1 647	Some 465 pieces of elephant tusks, described as 'soapstone handicrafts', were packed in 60 well-secured cartons and eight wooden crates destined for export to Cambodia. <sup>35</sup> No one was ever charged.	This seizure contained a DNA match to another shipment from Kampala, which transited Mombasa, typical characteristics of exports by Kromah's network.
5	Mombasa	December 2011	1 500	The Kenya Revenue Authority (KRA) scanned a container of apparent waste plastic and found the tusks inside. It was destined for Dubai. On 16 February 2012, clearing agent Sammy Ndiririgi Maina was arrested and charged with attempting to export the ivory. <sup>36</sup> He was acquitted almost seven years later.	KRA head of verification James Njagi was implicated in evidence as the facilitator of this shipment and another (see case 10). <sup>37</sup>



Case number	Seizure location	Seizure date	Volume of ivory seized (kg)	Description	Link to Kromah
6	Hong Kong	January 2013	1 323	The container was shipped from Mombasa via Malaysia. Covered by architectural stone plates, the ivory tusks were packed in 40 sacks inside five wooden crates. Clearing agent Fredrick Mungule, KRA official James Kassiwa and Kenya Ports Authority employee Gideon Nyangau were charged. The case was merged with case 7 below and Kassiwa and Mungule were convicted in March 2022.	The same logistics companies, drivers and vehicles were used to deliver seized ivory in other cases linked to Kromah not included in these selected example cases. <sup>38</sup>
7	Mombasa	January 2013	3 828	Several days after the Hong Kong seizure was made, this shipment was seized in a container in Mombasa, covered in the same flat stones. The cases were merged and Mungule and Kassiwa convicted. <sup>39</sup>	As above.
8	Singapore	January 2013	1 833	This ivory was shipped using the same method as cases 6 and 7 and the same three people were charged, with the addition of another KRA employee, Nelson Ayoo. The court ruled in February 2022 that the prosecution had not proved a prima facie case and the accused were acquitted. <sup>40</sup>	As above.
9	Mombasa	May 2013	1 478	Dubai customs officers located the ivory in a container, declared as wooden furniture, during a routine X-ray scan. <sup>41</sup> The ivory originated in Kampala and was transported to Mombasa for export to Malaysia. No arrests were made or charges filed.	Two tusks were genetic matches to tusks in the shipment in case 7. Two further matches were made to the shipment in case 11.
10	Singapore	March 2014	1 004	Hidden in a cargo of coffee beans, this shipment was seized in Singapore, having originated in Kampala and transited Mombasa port. Charges were filed in April 2017 against six defendants, with assistance from the Freeland Foundation and the Lusaka Agreement Task Force. The case is ongoing; the prosecutions case concluded in April 2022. <sup>42</sup>	KRA head of verification James Njagi was implicated in testimony as being the facilitator of this shipment and another (see case 5). The same logistics companies, drivers and vehicles were used to deliver the ivory as seen in other cases linked to Kromah.
11	Nairobi	April 2014	784	The ivory was seized from a vehicle in Nairobi. Kenyan national Kenneth Maina (see case 2) and Guinean N'faly Doukoure were arrested. Doukoure was deported mid-trial for unknown reasons. <sup>43</sup> The progression of the case against Maina is unknown.	Doukoure is known to have been linked to several associates of Kromah.
12	Mombasa	June 2014	2 152	Police made the seizure at the premises of Fuji Motors, Mombasa. Feisal Mohammed Ali was initially convicted, while several co-accused were acquitted, but the conviction was overruled on appeal. The appeal judge cited irregularities with the presentation of evidence. <sup>44</sup>	Feisal Mohammed Ali was known to have contacts to Kromah and the Akasha drug-trafficking network. <sup>45</sup>
13	Bangkok port	April 2015	3 127	The ivory was found in a shipment of tea leaves destined for Laos. The clearing agent was Siginon Freight Services Limited, owned by a son of former Kenyan president Daniel Arap Moi, and the exporter was Potential Quality Supplies, run by brothers Nicholas and Samuel Jefwa (see case 14). <sup>46</sup> Nine people – including three members of the same family, the Sheikhs – have been charged and the case is now in its seventh year.	There were phone numbers in seized cell phones linked to Moazu Kromah, and the Kenyan Office of Director of Public Prosecutions stated that it had received intelligence from the US justice system linking the Sheikhs to the Kromah cartel and that the US believed that the cartel was behind the ivory shipment to Thailand. <sup>47</sup>
14	Singapore	May 2015	4 600	Singaporean authorities seized a container declared as tea leaves but found to contain 1 783 pieces of ivory, five rhino horns and 23 lion's teeth weighing approximately 4 600 kilograms in total. <sup>48</sup> There were no charges brought in Kenya, but Xie Xingbang, member of the notorious Shuidong cartel, was charged and convicted as the buyer for this seizure in China. <sup>49</sup> Brothers Samuel and Nicholas Jefwa were sought in connection with the contraband. <sup>50</sup>	The same clearing agent and exporter as in case 13.
15	Mombasa	December 2016	1 097	The ivory was hidden in hollow wooden logs sealed with wax and declared as ceramics bound for Cambodia via Singapore. Some was identified as leaked from a Burundi government stockpile. Ephantus Gitonga Mbare was charged in December 2016 and acquitted in 2019. <sup>51</sup>	This shipment contained ivory from a Burundi state stockpile. Ivory from this stockpile had also been identified in several other seizures thought to be linked to Kromah, including from the 2017 raid on Kromah's address in which he was arrested. <sup>52</sup>

**FIGURE 1** Key wildlife-trafficking cases linked to Kromah in prosecution in Kenya since 2010.



**Feisal Mohamed Ali in August 2018 during the appeal of his 20-year sentence for ivory-trafficking offences. The appeal was successful.** Photo: Andrew Kasuku/AFP via Getty Images

Many more linked cases, some including smaller seizures of ivory and other wildlife products, are known to be in progress, in Kenya and in other East African countries. These 15 were selected to demonstrate the large-scale logistical capacities of the Kromah network and the typical modes of trafficking used. All 15 relate to a seizure of over (or, in one case, close to) one tonne of ivory.

Collectively, all of these prosecutions have so far resulted in the conviction of only two people: Fredrick Sababu Mungule, a clearing agent, and James Ngala Kassiwa, a Kenya Revenue Authority (KRA) officer. Mungule and Kassiwa were convicted in March 2022 in relation to two seizures, one of over three tonnes of ivory seized in Mombasa in 2013, the other of over a tonne seized in Hong Kong, shipped from Mombasa several days before.<sup>53</sup> They received two-year sentences and it is understood that they will not appeal.<sup>54</sup> The fact that these convictions came at the same time as Kromah's guilty pleas in New York suggests that Mungule and Kassiwa may have chosen not to appeal for fear that evidence provided in the plea bargain could result in much longer sentences in an appeal procedure.

Mungule and Kassiwa's convictions are currently the only successful major prosecution of international wildlife-trafficking in Kenya. The 2016 conviction of Feisal Mohamed Ali, a transporter and facilitator

suspected to be linked to Kromah,<sup>55</sup> was overturned on appeal. The appeal ruling cited several trial irregularities, such as the prosecution providing no witness testimony linking the truck that Feisal supposedly was driving to the seized ivory, and no testimony or forensic evidence linking Feisal to the ivory.<sup>56</sup> Yet the seizure for which Feisal was originally convicted demonstrates clearly how interlinked major ivory seizures have been: DNA analysis of this seizure found genetic matches with 24 others.<sup>57</sup>

Many of these cases have seen considerable delays and adjournments. The conviction of Mungule and Kassiwa took nine years: a third accused died in the interim. Their conviction came just months after the same pair were acquitted in relation to another 2013 ivory seizure.<sup>58</sup> In another case, which has now entered its seventh year,<sup>59</sup> the court sat 29 times before the first witness testified, over two years after the first arrests.<sup>60</sup> These adjournments arise for a variety of reasons, including issues with evidence disclosure, absent witnesses and frequent changes of prosecutors assigned to cases.

Similar courtroom delays are seen in other jurisdictions. A seizure of over three tonnes of ivory and over 400 kilograms of pangolin scales in Kampala in January 2019, linked to Kromah, has likewise faced numerous obstacles in the Ugandan courts.<sup>61</sup> As hearings were repeatedly postponed, the prosecution process dissolved, in part due to the COVID-19 pandemic but also because interpreters and court officials were

unavailable. The accused, released on bail, absconded, and prosecutors were compelled to adjourn the case indefinitely pending their re-arrest.<sup>62</sup>

In none of the 15 cases reviewed was the ultimate owner of the seized ivory ever established. The prosecutions, such as those of Feisal, Mungule and Kassiwa, have primarily targeted facilitators with more minor roles, such as clearing agents and transporters. In one case, a shipping agent named Ephantus Gitonga Mbare was prosecuted in relation to a tonne of ivory seized in Mombasa in 2016.<sup>63</sup> 'It is astounding that the only person charged in relation to the seizure was a lowly shipping agent,' reported Wildlife Direct, an NGO that runs a court-monitoring programme recording the prosecutions of wildlife cases in Kenya.<sup>64</sup> Mbare's peripheral role in the case was what secured his acquittal, as it could not be proven that he knew that the shipment contained wildlife products. The trial magistrate noted that the prosecution had failed to identify other people involved in the case.<sup>65</sup> In three of the cases reviewed for this analysis, no one has been charged.

There are several links between the accused in different cases. Mungule, one of the two people convicted, was linked to two other previous ivory shipments. James Njagi, former KRA head of verification at Mombasa Port, was implicated in two separate prosecutions. Njagi was charged in relation to a 2014 seizure made in Mombasa. A witness testified that Njagi's ID was used when releasing the container holding the ivory for shipment.<sup>66</sup> Similarly, in relation to a 2011 seizure in Mombasa, Njagi's name was identified on a verification form for the shipment found to contain ivory.<sup>67</sup> Njagi argued that the document was a forgery.<sup>68</sup>

In several cases, the same vehicles and drivers, clearing agents and methods of smuggling crop up repeatedly.<sup>69</sup> In two cases, the clearing agent used was Siginon Freight Services Limited, a company owned by the son of former Kenyan president Daniel Arap Moi.<sup>70</sup>

In the view of Wildlife Direct, the number of links between the accused in different major ivory cases prosecuted in Kenya suggests the existence of 'a cartel controlling major shipments of ivory out of Kenya'. Their report concluded that based on the rate of convictions in major ivory cases, 'this cartel, if it exists, remains beyond the reach of the law.'<sup>71</sup>

## SYSTEMIC CHALLENGES IN THE PROSECUTION OF COMPLEX WILDLIFE-TRAFFICKING CASES

Kromah's conviction in New York is just one part of the longer-term, often far less publicized work of untangling the networks of his associates and facilitators. For some commentators, the delays experienced in prosecuting these cases are an unavoidable consequence of prosecution authorities – some of them institutions still in their infancy – being restricted in terms of personnel, resources and capacity.<sup>72</sup> Shamini Jayanathan, an advisor on environmental crime prosecutions at the UN Office on Drugs and Crime, argued that 'failures in prosecution disclosure, lack of organization of witnesses, exhibits and lack of coordination with investigators are inevitable in the context of such limited prosecution resources.'<sup>73</sup>

There is also the potential influence of corruption in delaying – and, in some cases, derailing – court processes, as is suspected to have been the case in the initial Ugandan prosecution of Kromah.<sup>74</sup>

In this context, NGOs often play a role in assisting and monitoring prosecutions, including in the prosecution of Kromah and his associates. Court-monitoring programmes – in which trained observers record the outcomes of wildlife-crime cases, identify potential issues in court proceedings and help build prosecutorial capacity – have had a demonstrable impact in some East and southern African countries.<sup>75</sup>

Such programmes can follow two different approaches. First, some NGOs have taken on a role of monitoring the progress of wildlife-crime cases in courtrooms, publicizing the outcomes of these prosecutions and attempting to prevent corruption or weak prosecutions through public pressure. The work of Wildlife Direct's 'Eyes in the Courtroom' project and the sharing of public information about ivory prosecutions through SEEJ-Africa (Saving Elephants through Education and Justice) both follow this first model.<sup>76</sup> Second, other NGOs have taken on more of a capacity-building role, working closely with prosecuting authorities to identify where prosecutions are weakest and to tackle these shortcomings.

Outside of the courtroom, other NGOs are providing support to investigations and have been instrumental in gathering evidence on wildlife-trafficking networks.<sup>77</sup> This has been influential, for example, in the role of the

Natural Resource Conservation Network in investigating Kromah before his 2017 arrest, as well as in the investigations of other major wildlife traffickers, such as Yang Feng Lan (the 'Ivory Queen') in Tanzania and Lin Yunhua, a major trafficker in Malawi.<sup>78</sup>

As prosecutions of Kromah's associates continue to face stumbling blocks, NGOs and governments can consider how these partnerships may help overcome the challenges that lead to many prosecutions being delayed or ultimately unsuccessful.

## 2. Months of elevated gang violence reached crisis level in Grassy Park, Cape Town, in April.

For residents of Grassy Park, an area in the south of Cape Town, April's Easter celebrations and the holy month of Ramadan were marred by a spate of shootings in which four people were killed and two injured.<sup>79</sup> What was not widely recognized in the media coverage of these shootings is that the Easter weekend was not an isolated event, but the latest flareup in a period of elevated gang violence that has been harrying this close-knit community over recent months.

Between 24 October 2021 and 17 May 2022, there were 38 murders and two attempted murders within the jurisdiction of the Grassy Park police station, many of them gang related. In an area of under 20 square kilometres, this is a shocking concentration of violence. Cape Town has, for many years, reported some of the highest homicide rates of any city in the world.<sup>80</sup> Yet city-wide statistics do not show in detail the fact that violence is particularly acute in gang-affected suburbs such as Grassy Park. For comparison, these few months

in Grassy Park saw almost the same number of murders recorded in the entirety of Switzerland in 2020.<sup>81</sup>

Many of these murders are retribution killings among the area's warring gangs. These groups jostle for control of territory for local drug sales, often assassinating rivals in drive-by shootings. This is shown in the geography of the violence: when murders are mapped against the contours of local gang territories, the vast majority of killings have taken place within identified gang territories or along borders between the turf of two gangs.

What is happening in Grassy Park is one, currently particularly volatile, example of the kind of gang dynamics seen elsewhere in Cape Town and several other areas in South Africa. Mapping out these killings can help understand the hidden dynamics and drivers of violence.

### EASTER WEEKEND GANG VIOLENCE, GRASSY PARK

#### Thursday, 14 April 2022

A 32-year-old man whom police identified as affiliated with the Mongrels gang was shot and wounded near a shopping mall on Ottery Road. Three members of the rival Yuru Cats gang were subsequently arrested on firearms charges.<sup>82</sup>

#### Monday, 18 April 2022

An 18-year-old school student, Tamika Solomons, was killed in a drive-by shooting as she walked to a local shop.<sup>84</sup>

#### Friday, 15 April 2022

Two people were killed and a third injured in a shooting incident on Good Friday. One of the deceased victims was identified as 26-year-old Monique Cottle. Monique's four-year-old daughter Scarlett had also been killed several months earlier, caught in the crossfire in a gang shooting.<sup>83</sup>

#### Tuesday, 19 April 2022

A 33-year-old man was shot and killed on Strandfontein Road, Ottery. Of four suspects who were brought in for questioning by police, one man was arrested in connection with the murder.<sup>85</sup>



Yet, over the Easter weekend, several people thought to be unconnected to gangs became victims of gang shootouts. Among them was 26-year-old Monique Cottle, who had lost her four-year-old daughter Scarlett several months earlier when she was caught in the crossfire of a gang shooting.<sup>86</sup>

As the tragic case of Monique Cottle shows, the cost to the community is immense. The ripple effects of these shootings are far-reaching: from the intergenerational trauma inflicted on the families of those killed, to how insecurity and the threat of violence affect governance in the area.

Several gangs claim territory in Grassy Park. These include the widely known Americans gang, the Mongrels, a splinter group of the Mongrels known as the Dog Pounds, the Yuru Cats, the Junky Funky kids and the Six Bob gang, for which Grassy Park is the main base.

The Six Bob gang – reportedly under the leadership of Desmond Swartz and his older brother Alfonso ‘Fonny’ Swartz<sup>87</sup> – has, since the early 2000s, been aligned with the Young Gifted gang as the Young Gifted Six Bob.

Since around 2015, the Young Gifted Six Bob has been aggressively taking over territory across the city, killing key opponents to wrest control of turf for the street-drug trade. The group now controls territory across other areas such as Hanover Park, and has a reputation for ruthless violence.

The Six Bob stand out among Cape Town gangs for stealing vehicles and carrying out drive-by shootings. This aggression and the success with which the gang has been expanding its territory attest to its growing power. According to a recent police estimate seen by the GI-TOC, Swartz is thought to command up to 700 boys and young men as part of the gang, though we estimate that the true figure may be closer to 1 000.

There had been an uneasy ceasefire among these rival gangs in Grassy Park, which was broken when 17-year-old Sayed Johannes was killed on 5 April.<sup>88</sup> This set off a spiral of retribution killings over the following weekend.

Grassy Park’s Community Policing Forum reported that 51 people had been killed in the Grassy Park area as a result of gang violence in the financial year before April 2022.<sup>89</sup> With 40 murders and attempted murders recorded since late October 2021, it seems that the frequency of violence has picked up in recent months.

At a meeting of the community policing forum in February 2022, local police chief Colonel Dawood Laing acknowledged that gang violence had erupted in the precinct and led to an increase in shootings – an increase that has not yet abated.<sup>90</sup>

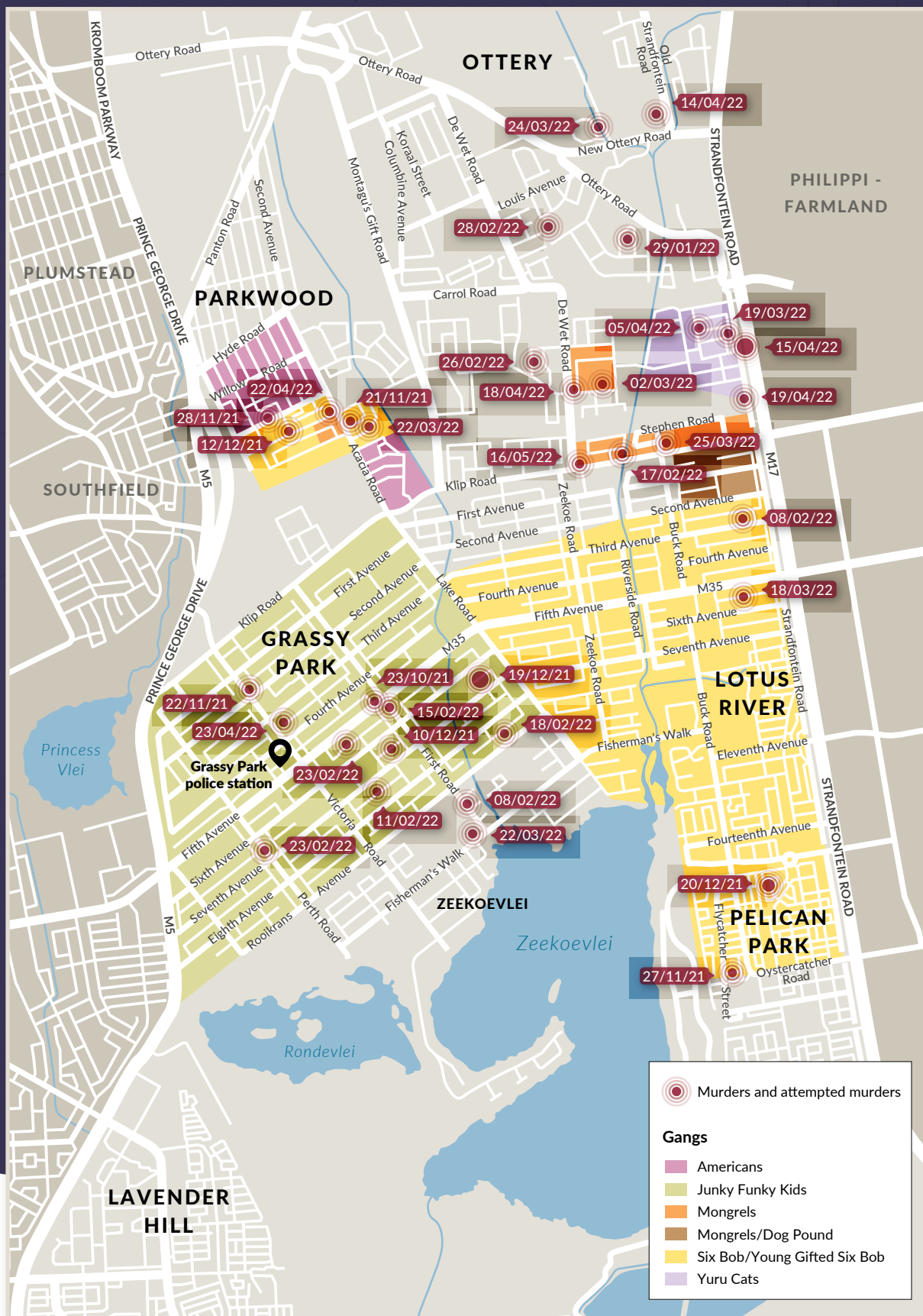
City authorities have deployed specialist personnel from city-wide law enforcement agencies in response to the latest spate of violence, to support local police.<sup>91</sup> This includes personnel from the specialist Anti-Gang Unit,<sup>92</sup> who have made use of stop-and-search powers on the streets and conducted raids of houses identified by local police as hotspots of gang activity.<sup>93</sup> These searches prompted complaints at a recent Community Policing Forum meeting, as at least one resident protested that her home – misidentified by police as a gang hideout – had been subject to repeated searches.<sup>94</sup> Officers from the Law Enforcement Advancement Programme Reaction Unit have also been deployed to Grassy Park.<sup>95</sup> This unit was established in February 2022 and has been operating in areas where gang violence is seen as most acute.<sup>96</sup>

At the time of writing, arrests have only been made in relation to one of the Easter weekend shooting cases. Three members of the Yuru Cats gang were arrested on firearms charges after the shooting of an alleged member of the Mongrels gang on 14 April.<sup>97</sup> However, in relation to the multiple shootings that claimed two lives and left a third injured, no arrests have yet been made. Although several witnesses were at the scene, none have come forward to identify the shooters to police.

Securing witnesses who can testify in gang-related shootings is a perennial, countrywide obstacle to successful prosecutions, not just localized to Grassy Park.<sup>98</sup> While there has been widespread community outcry in response to the recent killings, individual witnesses fear that they could be targeted for speaking out. Grassy Park police have publicly called for more community cooperation and for witnesses to come forward,<sup>99</sup> but fear still ensures widespread silence.

In February, Alderman J. P. Smith, a member of the Mayoral Council for the City of Cape Town responsible for safety and security, acknowledged at a meeting in February that the lack of convictions relating to gang shootings in Grassy Park is a concern, saying that the South African Police Service (SAPS) is planning to recruit and train more detectives to address the backlog and deal with the low rate of convictions.<sup>100</sup>





**FIGURE 2** Gang territories and murders in Grassy Park from October 2021 to May 2022.



Residents of Grassy Park staged a protest outside the local police station calling for the dismissal of the branch's police chief, Colonel Dawood Laing. Others took to social media in his defence. Photo: This image was first published in Southern Mail and is used with the permission of Africa Community Media.

Grassy Park police have also told the community that they are aiming to implement South Africa's Prevention of Organized Crime Act (POCA) more frequently in instances of gang-related murders, rather than prosecuting these cases as common-law offences. However, police also warned that prosecuting under POCA can be very challenging, owing to the type of evidence required to prove that the violence is related to organized crime. From a practical point of view, police argue that proving a POCA offence may take significantly more time and resources.

The community's view of the police response is a microcosm of the conflicted relationship that residents in gang-affected areas have with government and law enforcement. These essential services have a front-line role in stemming gang violence but are often crippled by corruption and service-delivery failures.

Police in Grassy Park face significant violent backlash when carrying out their work, as evidenced by recent incidents in which officers attempting to carry out arrests have been attacked and stoned.<sup>101</sup> A group of residents picketed the Grassy Park police station in late April calling for the dismissal of Grassy Park SAPS commander Colonel Laing in light of the recent violence and corruption within the precinct.<sup>102</sup> Six officers in

the Grassy Park precinct have recently been dismissed (including a detective working on many gang-related cases).<sup>103</sup> Another four are currently suspended on the outcome of a corruption-related disciplinary hearing, making up a not-insignificant proportion of the area's police force.

Yet while some picketed the station, many others took to social media to express support for Laing, arguing that the commander cannot be held responsible for the chronic, systemic causes of gang violence, and claiming that he has in fact led a firm stance against corruption in the precinct.<sup>104</sup> Others have called for more radical action such as deployment of the army, as seen in July 2019 in response to a wave of gang violence. Laing himself has opposed the allegations against him, stating that he is 'going nowhere' and telling local newspaper the *Daily Voice* that 'many of the people making these claims are just covering for the gangsters.'<sup>105</sup>

Local communities also took matters into their own hands during the outbreak of violence, for example by building roadblocks in order to control the movement of vehicles passing in and out of key areas, in an attempt to prevent more drive-by shootings. However, these roadblocks have also made it more difficult for law enforcement vehicles to move around the area.

The violence and insecurity in Grassy Park are not just a challenge for police. The area has been designated by police as a 'red zone', referring to the fact that ambulances cannot freely travel into the area without a police escort.<sup>106</sup> Ambulances and paramedics have been the target of attacks: in some cases, these have simply been robberies, but in other cases, gang members have deliberately prevented ambulances from reaching the victims of gang-related shootings. This affects the ability to deliver life-saving care to people in these 'red zones'.

Additionally, agencies such as social services were suspended during the pandemic and have yet to restart operations in Grassy Park, meaning that the essential work these agencies do to support vulnerable families, including those affected by gang violence and drug use, is not taking place.

There is no sign that the violence will abate soon. Instead, gangs are already on a recruitment drive in Grassy Park, bringing in more young children to make up for lost gang members (those who have been killed and those who have been arrested). More bloodshed is expected as new recruits are initiated into the gang by carrying out their first shootings. Gang members in

the area report an increased demand for firearms, and an increase in the number of car theft cases has been seen in the courts, reflecting the increased frequency of drive-by shootings.

As gangs have members spread across different Cape Town areas, a spillover of retribution killings into other areas could be expected. The killing of 23-year-old Esa Manuel, aka 'Hadjie', an alleged gang leader in Hanover Park (another area heavily affected by gang violence) in late April,<sup>107</sup> supposedly in connection with the Grassy Park violence, suggests that this may already be happening.

We have monitored the number of killings in Grassy Park, mapped gang territories and looked at the correlations between the two. Yet this data cannot capture the impact that these killings have on the victims' families and immediate communities. Gang violence affects all aspects of life in Grassy Park, including local security and social cohesion, and the provision of essential services and governance. The recruitment of younger gang members to repeat the same inter-generational cycles of violence sustains these dynamics and leads to communities such as Grassy Park becoming further marginalized.

### 3. The emergence of a 'bulk commodity illegal industry' in South African chrome mining.

Military helicopters descended on a mine in South Africa's North West province earlier this year to disrupt a massive illegal mining operation. Soldiers rappelled down ropes as police and security guards encircled the property. One miner, recording the raid on his cellphone, yelled, 'Things are looking bad here!' Another suspect fled the scene in his pickup truck, ramming through a gate before being captured in a shootout.<sup>108</sup>

The miners had been excavating chrome ore, an essential mineral for manufacturing stainless steel. Taking advantage of loopholes in South African law, they had posed as legitimate companies, operating with heavy machinery in broad daylight. Investigators estimated that the syndicate was making off with R1 million of ore per day. Police confiscated 20 machines, including trucks, excavators and diesel tanks, as well as more than 2 000 tonnes of chrome.<sup>109</sup>

This was not an isolated case but part of an insidious and hugely lucrative illicit economy that has flourished in South Africa in recent years. By some estimates, South Africa – the world's biggest producer of chrome ore – now loses around 10% of its production each year to illegal mining, amounting to 600 000 tonnes of stolen material.<sup>110</sup> This chrome is exported in bulk, primarily to China, without generating tax revenue in South Africa. Its relentless extraction has devastated rural landscapes, in some cases practically swallowing entire villages, and is increasingly associated with reports of violent control.

For the most part, this harmful trade has gone unpoliced, although the raid in April showed that the authorities may be adopting a firmer stance against illegal chrome mining. Much of the damage, however, has already been done. 'The state relinquished control' of the industry, one analyst explained to the GI-TOC. 'Now it's the law of the jungle.'<sup>111</sup>





An artisanal miner gathers chrome ready to be sold in Atok, Limpopo. Photo: Lucas Ledwaba/Mukurukuru media

## AN AGE OF CHROME

In a country notorious for its problems with illegal mining, from gold and diamonds to coal, it might seem inevitable that chrome ore is being targeted.<sup>112</sup> South Africa is home to around a third of the world's chrome reserves, mostly occurring in the north-eastern parts of the country.<sup>113</sup> But South Africa's illicit chrome trade only became possible due to a series of recent events in the chrome industry.

Chrome mining began in South Africa in the 1920s.<sup>114</sup> During the apartheid years, buoyed by access to cheap electricity, the country developed a major chrome-refining industry. By the early 2000s, 90% of the chrome ore mined in South Africa was being smelted locally into ferrochrome, an alloy of chromium and iron vital in the manufacture of stainless steel.<sup>115</sup>

Over the past decade, global demand for stainless steel has doubled, driven primarily by urbanization in China. As a consequence, the market for chrome ore has boomed. To feed this growing industry, South Africa initially provided China with ferrochrome, smelted locally. But in the first decade of the 2000s, South Africa's chrome-refining industry suffered a major setback with the onset of power shortages. Owing to government corruption and mismanagement, the country's power plants could no longer keep up with demand.

Refining chrome ore is exceptionally energy-intensive; furnaces typically reach temperatures exceeding 1 700 Celsius, and the ferrochrome industry consumed around 5% of South Africa's entire electricity budget. As the power crises deepened, many smelters shut down. Some were paid by the national power utility not to operate — an attempt to free up electricity for other users.<sup>116</sup> At a moment of surging demand for ferrochrome, the world's major producer was in serious trouble.

China, meanwhile, started producing its own ferrochrome. By 2016, its output had overtaken South Africa's.<sup>117</sup> This meant that China's import needs shifted towards chrome ore — which some producers in South Africa began exporting directly, rather than using to supply local refineries.

During this period, China also switched to using lower-grade chrome ore to manufacture ferrochrome and stainless steel. South Africa has ample surface deposits of this material, both naturally and as a byproduct of platinum mining, which produces so-called 'fine' chrome during the refining process. For decades, platinum producers had simply dumped fine chrome at the surface, but now it became feasible to re-mine those areas. Legitimate companies began mining surface chrome in its various forms — as did illegal mining syndicates. 'People with nefarious goals took the gap,' an expert on chrome production explained.<sup>118</sup> The foundations for a new illicit trade had been set.

## THE RISE OF CHROME SYNDICATES

South African investigators first became aware of illegal chrome mining in 2016. In a parliamentary briefing the following year, police officials said that ‘unemployed youths and elderly women’ had begun mining in harsh conditions, equipped with inadequate tools.<sup>119</sup> Reports soon followed of powerful equipment, such as front-end loaders and cargo trucks, being used to illegally mine and transport vast amounts of chrome ore.<sup>120</sup> Industry analyst Paul Miller recalls ‘double-decker trucks stealing chrome.’<sup>121</sup> According to Miller, entire valleys were taken over by ‘pirate miners’.<sup>122</sup>

These miners were able to operate, in part, by exploiting weaknesses in South African mining policy, which had created new provisions for small-scale and artisanal miners – an attempt to address long-standing problems of racial exclusion in the industry. These permits were intended for mines smaller than five hectares and less burdensome to apply for, requiring, for example, no environmental or social plans. But in practice they provided a veneer of legitimacy for illegal chrome miners. Flouting permit conditions – mining beyond the boundaries of a concession or digging too close to homes – came with few consequences. Disputes were treated as civil, rather than criminal, matters.<sup>123</sup>

Sensing an economic opportunity, some traditional leaders began granting permission for chrome mining on communal lands. Chaos ensued. One ward councilor in Limpopo posted pictures on Facebook of excavators digging close to buildings in pits deeper than 10 metres.<sup>124</sup>

In an interview for local television, a village headman in North West province said: ‘The land has been turned upside down.’<sup>125</sup> But the mines had grown too big to control. ‘We are afraid to complain,’ one villager explained, ‘because when we do, they use force to silence us.’

Heavily armed guards have appeared at some sites. According to some in the industry, Chinese chrome buyers have been providing miners with weapons to defend their turf, although it is unclear how common this practice has become.<sup>126</sup> Miller described ‘Congoese men with AK-47s’ standing outside illegal chrome mines. ‘It’s crime organized on a major level,’ he said, ‘but if you go there, there’s a permit.’

There have been signs of more serious criminality encroaching on the trade, including hostile invasions of legal chrome mines – ‘mine hijacking’, as the Mineral Resources Council described it – and reports of chrome ore being stolen at gunpoint.<sup>127</sup> For miners, meanwhile, the work is perilous. One miner died in 2017 during a rockfall, with another death in similar conditions barely a month later.<sup>128</sup> In 2018, a woman in her fifties died when, according to a police spokesperson, ‘a huge rock and rubble collapsed and buried her alive.’<sup>129</sup> Another miner died in an explosion in the same year.<sup>130</sup> Further deaths were reported in 2019 and 2020.

Investors in this wildcat industry included a former apartheid assassin who was later implicated in stealing military weapons and dealing illegally in uncut diamonds.<sup>131</sup> After he struck a deal with residents of one



Trucks wait to transport chrome in Atok, Limpopo. Unlicensed artisanal miners mine chrome in the area and sell it to dealers on the black market. Photo: Lucas Ledwaba/Mukurukuru media



village in Limpopo, 'there were at least 100 trucks leaving this area every day, filled with chrome,' a community member recalled. Industry insiders speak of 'scary Afrikaners you don't want to mess with' controlling the flow of ore.

#### 'A BULK COMMODITY ILLEGAL INDUSTRY'

To facilitate the flow of illegally mined chrome, an entire new infrastructure has developed, connecting mines in Limpopo and North West with deep-water ports in South Africa and Mozambique. First, the ore is processed at aggregators known as spiral plants. A recent mapping exercise identified at least 20 of

these facilities in areas with no legal mining operations, which suggests that they are processing stolen ore.<sup>132</sup> From the spiral plants, upgraded chrome is trucked to Mozambique or inland to Johannesburg, where it is warehoused, containerized and delivered to Durban or Richard's Bay for export.<sup>133</sup> Along the way, this chrome vanishes into the legal supply chain, leaving no trace of its illegitimate provenance. 'It's a bulk commodity illegal industry,' Miller said.

There are no restrictions in South Africa on the transport, sale or processing of chrome ore, leaving little recourse for the authorities beyond controlling



**FIGURE 3** Chrome-mining operations in South Africa.

SOURCE: Data from AmaranthCX

the mines. In 2017, police recorded 42 arrests and confiscated 22 trucks and 14 excavators, and more seizures have been reported since then.<sup>134</sup> However, even stricter enforcement will do nothing to reverse the damage wrought by illegal chrome mining, visible in satellite imagery as vast scars on the earth. Halfway across the world, this material has been fed into blast furnaces and cooled into metal, feeding the expansion of Asian cities.

If there is an end to this story, it may come with the exhaustion of surface chrome deposits, which have declined rapidly. But there are concerns that mining syndicates, enriched by chrome, may already be turning their focus to other commodities, such as coal and sand. 'You've capitalized these pirate miners,' Miller said. 'If they exhaust the resource, they'll find others.'

#### 4. Data on assassinations shows stark reality of violence in KwaZulu-Natal

KwaZulu-Natal (KZN) stands out among South Africa's provinces for having the greatest frequency of politically linked assassinations. According to veteran activist and violence monitor Mary de Haas, the high levels of violence have created a climate of intimidation that threatens to throttle democracy: 'People are terrified. It is layer upon layer of violence that involves thugs, mafia, drug dealers, corrupt politicians and taxi hitmen ... In KZN, might is right. The bullies hold sway and it is getting worse.'<sup>135</sup>

The comments by De Haas are seen against data collected by the GI-TOC since 2000, which shows a marked increase in the number of assassinations, especially since 2015. Of the 418 political hits recorded nationwide between 2000 and 2021, 213 took place in the last seven years, and of that number, 118 were in KZN. Observers warn that violence and intimidation are warping the political landscape of the region, allowing strongman politics to flourish.

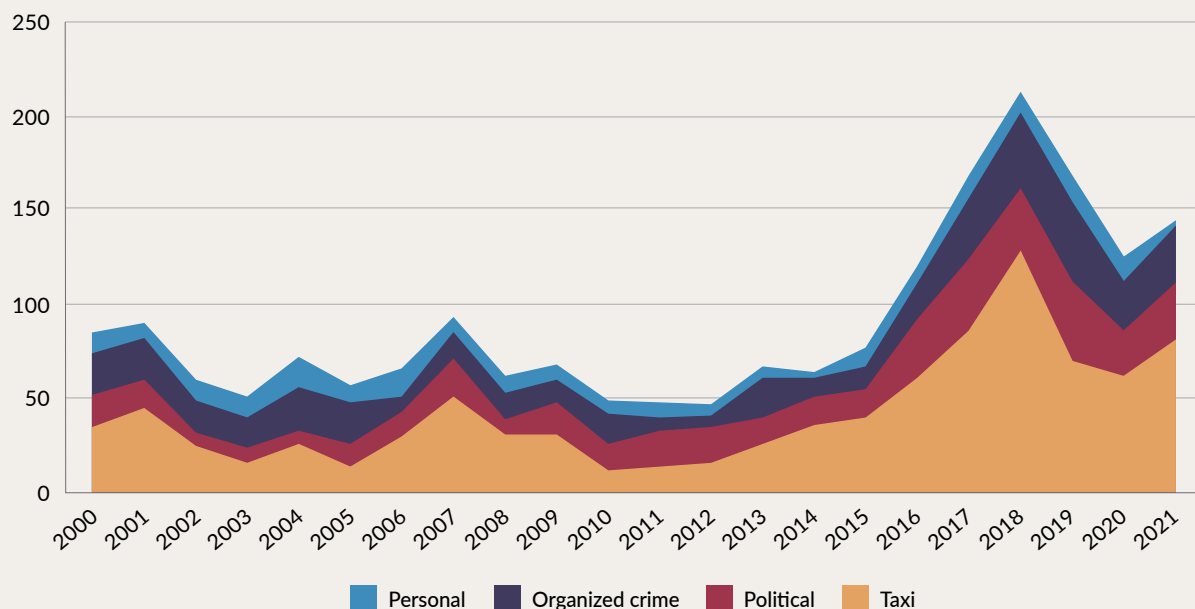
##### NATIONAL PICTURE OF ASSASSINATIONS IN SOUTH AFRICA

Through an analysis of public and media reporting from 2000–2021, we have compiled a database of 1 971 assassination cases in South Africa.<sup>136</sup> These have been broken down into four categories: political motivation, organized crime, hits taken out to settle personal feuds and hits relating to the taxi industry. Assassinations reached an all-time high in 2018 and have increased significantly since 2000 overall.

Taxi-industry related incidents were given their own category as the South African taxi industry is uniquely violent, with feuds between taxi associations and disputes over who controls routes regularly spilling over into violence. This is reflected in the data: 46% of all assassinations recorded were related to the taxi industry, 22% of the hits were linked to organized crime, 21% were politically motivated and 11% were personal.<sup>137</sup>



Port Shepstone taxi rank, KwaZulu-Natal. Of all assassinations recorded since 2000, 46% were related to the taxi industry, with KwaZulu-Natal being the most affected province. *Photo: Africa Media Online/Alamy*



**FIGURE 4** Assassinations in South Africa by year, 2000–2021.

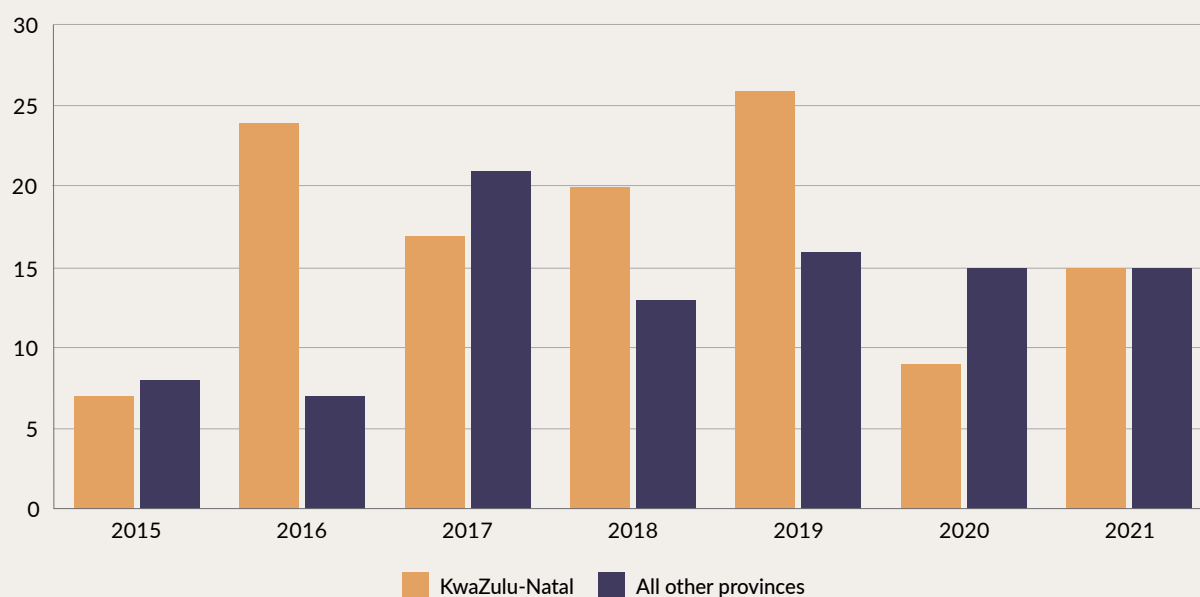
The overwhelming majority of assassinations (98%) were carried out using firearms,<sup>138</sup> reflecting the widespread availability of illicit firearms and those diverted from legitimate sources such as the police force and private security companies.

South Africa's hitmen are brutally effective – 87% of recorded assassination attempts resulted in the death of the victim – not forgetting that some incidents also result in bystanders being caught in the crossfire.<sup>139</sup>

Almost half (49%) of assassinations take place at the victim's home, often when leaving for work or arriving home. The killing of Sibusiso 'S'bu' Maphumulo in 2018 is a typical case.<sup>140</sup> Maphumulo was a ward councillor in Umlazi, KZN, and was shot several times as he arrived home from a meeting.

#### KWAZULU-NATAL: THE VIOLENCE HOTSPOT

For three of the last six years recorded in the GI-TOC's assassinations database, politically linked assassinations in KZN were as high, or higher, than all of South Africa's other provinces combined.



**FIGURE 5** Trends in political assassinations in South Africa, 2015–2021.

KZN also scored high in other categories. Of the 521 taxi killings recorded nationally since 2015, 173 were in KZN. This was followed by 129 in Gauteng, though there are strong links between the two provinces in terms of taxi associations, which have business in both areas and control over long-distance taxi routes. The KZN figures for organized-crime hits are also the highest of all the provinces, at 58 of 202 total since 2015.

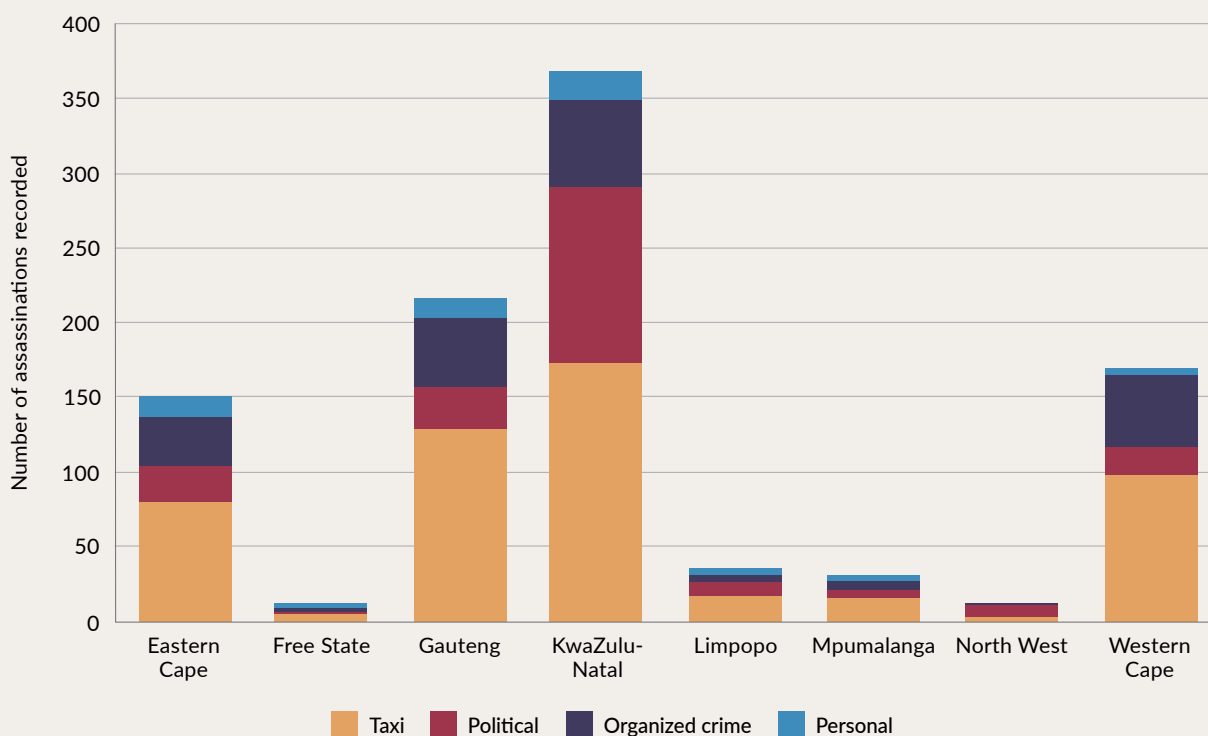
For Xubera Institute political analyst Xolani Dube, KZN's political, taxi and organized-crime hits are inextricably linked: 'The underworld runs the ANC [the African National Congress, South Africa's ruling party],' said Dube. 'KZN is submerged in underworld killings that bear the hallmark of mafias. People who dispense patronage through councillors, mayors and ministers are gangsters, mainly involved with the taxi industry. And there is a convergence with private security companies that protect politicians and who run the construction industry. You can't divorce these elements.'<sup>141</sup>

'Construction mafias' – linked to the ANC's Radical Economic Transformation (RET) faction, in which former president Jacob Zuma was a key figure – have become notorious for extorting major construction projects in KZN with heavily armed men, threatening

violence and demanding large fees (usually 30% of the total value of the project) in return for allowing work to proceed. In 2019, Webster Mfebe, CEO of the South African Forum of Civil Engineering Contractors, said that armed gangs had forced the abandonment of 84 infrastructure projects in South Africa worth more than R27 billion in total.<sup>142</sup>

According to Dube, the murder of at least nine ANC members in KZN – whether councillors or party officials – since September last year speaks to the intensity of conflict within the party. Murders, he said, are often directly related to the outcome of state tenders or internal ANC elections: 'There is a lot of money flowing in [the] ANC and people entrusted with dispensing that are vulnerable, especially in a party that is indistinguishable from gangsters and taxi bosses who control contract killers.'<sup>143</sup>

Both Dube and De Haas agreed that the intersection of politics and violence has wider implications for policing and the rule of law in KZN. De Haas argued that shambolic investigations and corruption have 'a devastating impact on the morale of good cops. Even they are scared. You cannot have democracy while people live in terror.'<sup>144</sup>



**FIGURE 6** Assassinations in South Africa, per province, 2015–2021.



## RECENT POLITICAL KILLINGS IN KWAZULU-NATAL



Dube also pointed to increased drug-related violence in the province as evidence that police cannot ensure the rule of law in the region. In January 2022, four people were killed in a shooting in KwaMakhutha, with a further eight people shot dead in Richmond and six in Inanda. Police suspect all three incidents were drug related.<sup>145</sup>

### BEYOND ASSASSINATIONS: HOW PATRONAGE AND INTIMIDATION SHAPE KZN'S POLITICAL LANDSCAPE

For many observers, the politics of KZN have become characterized by intimidation and patronage. In April 2022, former eThekweni mayor Zandile Gumede was elected as the region's ANC chairperson.<sup>146</sup> Gumede is an ally of former president Jacob Zuma – whose supporters are rallying against a second term for current ANC and country president Cyril Ramaphosa – and is seen as a key figure in the RET faction.

Gumede faces a raft of corruption charges relating to an irregular municipal-waste tender worth R320 million that was awarded in 2017. The charges include theft, money laundering, fraud, corruption and racketeering. Gumede and her 21 co-accused will face a total of

2 793 charges, including contravention of the Prevention of Organised Crime Act.<sup>147</sup>

At Gumede's election, S'bu Zikode, president of the shack dwellers' movement Abahlali baseMjondolo, summed up the view of many ANC critics of Gumede: 'She puts the party before the country [...]. What does this say about the people who voted her in, given the serious charges she faces? When she was mayor the city was characterized by high levels of gangsterism, violence and corruption, not to mention service delivery failures.'<sup>148</sup>

Gumede's reign as mayor earned her the moniker 'Iron Lady of Inanda', with the rise of mafia-like 'business forums' under the banner of RET.<sup>149</sup> Characterized by violence and armed intimidation, these groups invaded and disrupted construction sites and extorted money. In 2018, the then-Auditor General withdrew an audit team from the city after its members received death threats.<sup>150</sup>

At the time of Gumede's election, political commentator and University of KwaZulu-Natal research fellow Imraan Buccus referred to the mayoral appointment



as indicative of a predatory elite showing disdain for constitutional democracy: '[Gumede's] people have secured the patronage network. Now it is about how the spoils are dispensed. Local government has become the focus of looting even if it means killing other people. [...] These people have flourished in an era of thuggery, violence and villainy.'<sup>151</sup>

### **POLICE RESPONSE TO KZN ASSASSINATIONS**

While the SAPS has received considerable criticism for its failure to effectively respond to assassinations, Police Minister Bheki Cele told a press conference in February 2022 that a special state task team probing political murders since 2018 had investigated 258 dockets, resulting in 289 arrests. Cele said this meant that 32 more murder investigations had taken place since a previous media briefing on political killings eight months earlier.

According to Cele, the primary motive for killings was intra-political and taxi conflict. Cele claimed that political violence was on the decrease, saying, at the time, that only nine people had been murdered in the run-up to the local government elections of 2021, compared with 29 preceding the 2016 poll.<sup>152</sup>

Yet observers such as De Haas have been scathing of Cele's task team and its results.<sup>153</sup> '[The task team] claims success, but we have yet to see a breakdown of how many political murder cases are even in court, let alone any convictions achieved,' said De Haas.

Not everyone shares this view, however. Among the cases Cele counted as a victory at his February 2022 press conference was that of hitman Fisokuhle Ntuli, now behind bars for six murders, including the 2016 killing of an ANC councillor. Ntuli is also regarded as a person of interest by police in 14 other cases, including the murder of national soccer star Senzo Meyiwa. The case of this seemingly prolific hitman demonstrates Dube's argument that political and organized-crime hits are inextricably linked.

After Ntuli's conviction for murdering ANC councillor Thami Nyembe, the prosecutor Cyril Selepe said the work done by the task team had helped to 'significantly reduce' political violence.<sup>154</sup> 'For us, it's a huge milestone,' said Selepe. 'It couldn't have come at a better time, particularly in light of what is happening around the country with the so-called incidents of political killings, taxi violence and gang violence that is taking place. This conviction for us is going to send a very clear message to the potential anarchists that are lurking out there of the consequences of their actions.'

### **SYSTEMATIZATION OF VIOLENCE**

According to Cheryl Potgieter, head of Gender, Justice, Health and Human Development at Durban University of Technology, political violence – a result of power, patronage and systemic corruption – is 'leading to a fractured state becoming a failed state.'<sup>155</sup> Potgieter was one of three commissioners who were part of the state-appointed Moerane Commission, which probed political killings in KwaZulu-Natal in 2017. Upon the release of the Commission's report, Willies Mchunu, then premier of KZN, said: 'The recruitment of criminal elements by politicians to achieve political ends, resulting in a complex matrix of criminal and political associations, inevitably contributes to political murders.'<sup>156</sup>

Potgieter also argued that there are other ways of analyzing and understanding political violence – for example, as a systemic, social phenomenon: 'The role of patriarchy and violent masculinity has often been overlooked when analyses are done on what has been constructed or labelled as political killings,' she said.<sup>157</sup>

Our data collection showing the frequency of assassinations in KZN and across South Africa reveals how targeted violence has increasingly become a systemic, embedded problem. Across the three different but clearly interlinked categories of violence – political, organized-crime related and taxi-industry related – the systemic issues identified by the Moerane Commission remain in place in KZN.

# Notes

- 1 The investigation of Kromah's network and the role of US investigators was covered in a previous issue of this Bulletin; see GI-TOC, Observatory of Illicit Economies in Eastern and Southern Africa Risk Bulletin, Issue 3, <https://globalinitiative.net/analysis/esaobs-risk-bulletin-3>.
- 2 Case 1:19-cr-00338-GHW Document 137 Filed 04/28/22, US SDNY vs. Moazu Kromah, Consent Preliminary Order of Forfeiture as to Specific Property, 30 March 2022. Available via the US PACER system.
- 3 Rodney Muhumuza, Uganda seizes ton of ivory, arrests 2 West African suspects, AP News, 18 February 2017, <https://apnews.com/ebd7c6990d52412f85c2fe29dc36c7f0/uganda-seizes-ton-ivory-arrests-2-west-african-suspects>.
- 4 Saving Elephants through Education and Justice (SEEJ-Africa), 1.3 tonnes of ivory seized from West African (Kromah) syndicate, 17 February 2017, <https://www.seej-africa.org/linked-ivory-seizures/43-feb-2017-kampala-1-3-tonnes-of-ivory-from-west-african-syndicate>.
- 5 The NRCN conducted this investigation as part of the EAGLE Network (Eco Activists for Governance and Law Enforcement), a coalition of NGOs working on investigating wildlife crime. See EAGLE Network, 1.3 ton of ivory seized in a crackdown on a West African criminal syndicate, 19 February 2017, <https://www.eagle-enforcement.org/news/-A280>.
- 6 Chris Morris, Moazu Kromah and the case of the West African ivory cartel, International Policy Digest, 24 August 2019, <https://intpolicydigest.org/2019/08/24/moazu-kromah-and-the-case-of-the-west-african-ivory-cartel>.
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