



agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

## Media Statement

21 July 2017

### Immediate Release

#### **DAFF SUCCEEDS IN GETTING A FORFEITURE ORDER OF ABOUT R500 000 MILLION IN THE AMERICAN COURT PROCEEDINGS OF THE FAMOUS BENGIS CASE**

The determination of the Department of Agriculture Forestry and Fisheries of the Republic of South Africa to obtain redress for illegal fishing in South African waters has borne fruits as United States District Judge Lewis Kaplan in New York on Wednesday 19 July 2017 ordered Arnold Bengis to forfeit \$37,200,838. and also ordered Mr Bengis to a prison term of 57 Months. On 12 July 2017 DAFF had appeared before the American Court to argue and convince the Court to order forfeiture of proceeds that he acquired as a result of poaching West Coast Rock Lobster from the South African ocean and illegally exporting that rock lobster to the United States of America in violation of both U.S. and South African law. Apart from this new decision by Judge Kaplan,

Mr Bengis's company, Hout Bay, was convicted in South Africa in 2002 of violations of South Africa's Marine Living Resources Act. and Mr Bengis and his son David Bengis were convicted in 2004 in the United States for violations of U.S. criminal law in connection with the imports of the rock lobster into the United States. As part of his U.S. conviction, Mr Bengis previously served 48 months of imprisonment (he therefore faces an additional 9 months imprisonment) and was ordered to pay South Africa over \$22 million in restitution. In the decade since that order, Bengis has refused to pay, instead shielding his assets in foreign trusts. Judge Kaplan's order on 19 July served as punishment for Bengis's failure to comply with his earlier restitution obligations.

In addition to the funds mentioned above that are the subject of the 19 July forfeiture order, the American Court is set to release to DAFF a separate \$3 million in restitution payments that Arnold and David Bengis had previously committed to pay in connection with their criminal convictions but that had not previously been paid to South Africa.

We believe that these payments, and the additional penalties, will serve not only as a specific deterrence to Mr Bengis and his family and colleagues, but also as a general deterrence to anyone who may think of stealing the South African Marine Living Resources which are a source of livelihood to the South African communities.

DAFF also notes that the American Court has deferred judgment on any additional restitution. We are therefore looking forward to that Restitution judgement which we believe will play a bigger role in ensuring that South Africa, as a Victim of Mr Bengis' poaching scheme, is maximally compensated for the damage it has suffered.

Again, we would like to reiterate that the South African Fisheries Resources belong to the South African communities and DAFF will spare no effort in fighting the scourge of Illegal Unregulated and Unreported Fishing. We are committed to promote the rule of law and to send a message to anyone out there that poaching of the Marine Living Resources does not pay. DAFF will stop at nothing to ensure that the full might of the law is applied against anyone who is found to be robbing the South African communities by stealing their invaluable fisheries resources.

**For further information contact:**

Chief Director (acting): Monitoring Control & Surveillance  
Thembaletu Vico  
Contact: 079 692 7122 or 021 402 3074  
E-mail: ThembaletuV@daff.gov.za

