



MINISTER
AGRICULTURE, FORESTRY AND FISHERIES
REPUBLIC OF SOUTH AFRICA

MEDIA STATEMENT

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IMMEDIATE RELEASE

JUDGMENTS IN THE WESTERN CAPE HIGH COURT AND IN THE ROYAL COURT OF JERSEY

The Honourable Minister of the Department of Agriculture, Forestry and Fisheries (DAFF), Mr. Senzeni Zokwana issues the following Departmental victories in countering corruption within the fishing industry both at home and in the international circuit.

SAISIE JUDICIAIRE ON THE REALISABLE PROPERTY OF ARNOLD MAURICE BENGIS

Following the order instructing convicted international fishing kingpin, Arnold Bengis to pay an amount of \$ 67 million to South Africa, as the victim of his crimes in overfishing; a legal delegation led by the DAFF Acting Director General Mr Ramasodi and the Deputy Director General: Fisheries Management Ms Ndudane and attorneys from B Xulu and Partners Incorporated attend to stay a Saisie Judiciaire freezing order on assets in amount of \$ 22 million held trusts associated with Bengis.

The trusts are held by a complex system of commercial structures and the delegation's inter-governmental co-operation assisted in equipping the Jersey Attorney General in the unravelling of the evasive trust configurations.

The monies held by the Trusts in Jersey indicate how organised fisheries crime deprives the people of South Africa of economic benefits which could be used for the promotion of domestic coastal initiatives and compliance measures.

The continued efforts made by the South African government were supported by the judgment out of the Royal Court of Jersey, which on 23 March 2018, dismissed the application to have the freezing order set aside.

The department will now be triggering its diplomatic channels and legal remedies to have the funds held in the trusts returned to South Africa, and it will furthermore be pursuing the balance of funds in fulfilment of the total sum of \$67 million due to the country.

The Minister is pleased with the progress made thus far and is appreciative of the co-operation of the Jersey and United States government in setting the stage that over-harvesting of South African marine resources will not be tolerated.

WILLJARRO (PTY) LTD APPLICATION FOR LEAVE TO APPEAL, CASE NUMBER 1309/07

The Department has been involved in lengthy litigation proceedings wherein it sought to withdraw an unlawfully awarded tender for 90 tons of abalone. The contract in dispute was awarded to a company named Willjarro (Pty) Ltd.

On 24 November 2017, the Western Cape High Court decided on the main application and ruled in the Department's favour, ordering that the contract between the Department and Willjarro was unlawful and should accordingly be set aside, with Willjarro ordered to pay the legal costs.

Subsequent to the finalisation of legal proceedings, Willjarro filed an application for leave to appeal. On 26 March 2018, Judge Baartman ordered that Willjarro's application for leave to appeal be dismissed and that they pay the legal cost of two counsel.

This matter has been highly publicised by the media, with representatives related to Willjarro making false accusations against some members of our Department, however, the order herein once more vindicates the Department against any wrongdoing in respect to the process followed in withdrawing Willjarro's abalone tender.

The Department remains committed to, and will deal decisively with any and all allegations of corrupt activities, the Department will take equal measures both internally and externally in rooting out those who perpetrate acts of corruption.

ISSUED BY THE MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES