

SOUTH AFRICA

Abalone poachers surrender R100k in proceeds of crime after arrest, court order

Jail time and cash forfeit comes just two months after arrests

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Reporter



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Mathew Phiri and Patrick Kanyembo were sentenced to effective five-year jail terms for abalone poaching just two months after their arrests.

Image: Hawks

Two abalone smugglers were each sentenced to five years in prison this week, just over two months after they were arrested in a joint police operation on the N1 near the Huguenot tunnel in the Western Cape in June.

Mathew Phiri, 45, and Patrick Kanyembo, 34, were sentenced by the Paarl regional court on Monday after they entered into a plea and sentencing agreement with the state.

They were arrested transporting 14,855 units of dried abalone worth R5.6m by a joint team comprising of members of the Hawks' Serious Organised Crime Investigation Unit, police Crime Intelligence and K9 unit members and department of agriculture, forestry & fisheries officials during a search and seizure operation on June 23.

The team uncovered the abalone concealed in boxes at the back of a hired truck under vegetable bags.

The duo were kept in custody until their arrest.

CRIMINAL ASSETS RECOVERY ACCOUNT

Cabinet in 2006 approved the creation of an account into which money and property are deposited following a judicial forfeiture or confiscation order.

The money is allocated to law enforcement agencies and agencies helping victims of crime.

“Phiri and Kanyembo pleaded guilty on all charges, which included receiving, transporting and possession of illegally poached abalone as well as money laundering,” said Hawks spokesperson Zinzi Hani.

Hani said they were sentenced to 10 years' imprisonment for money laundering of which five years were suspended for five years with “stringent” bail conditions.

“Additionally, they were each sentenced to five years' imprisonment for receiving or possession of illegal abalone, of which four years is suspended, and a further two years' imprisonment for transportation of illegal abalone,” said Hani.

The sentences will run concurrently and the duo are expected to serve an effective five years' direct imprisonment.

The court also ordered that they pay R60,000 into the Criminal Asset Recovery Account. This is over and above the R43,320 which was recovered during their arrest and forfeited to the state.

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