



**NATIONAL PROSECUTING AUTHORITY:  
HUMAN TRAFFICKING STATISTICS AND CASE ANALYSIS**

Presentation to the Justice and Constitutional Development Portfolio  
Committee

**NATIONAL PROSECUTING AUTHORITY**

16 November 2010

Consolidated- - Departmental State of Readiness Matrix

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## HUMAN TRAFFICKING STATISTICS SOUTH AFRICA

NR.	PROSECUTOR	PLACE	CAS NR	ACCUSED NAME	NR ACC	NATIONALITY TRFCKR	GENDER TRFCKR	EXPL TYPE	VICTIM'S COUNTRY	ADULT/ JUVENILE	VICTIM GENDER	NR VTM	CASE Outcome	NR. CNVCT	SENTENCE	Status	AFU
1.	Adv. Geo Wasserman	Ortia	49/04/06	Inayat Patel Hasim Mulla Siddique Goder (OPERATION COPTINE)	3	Indian	Male	Labour	India	All Adults	Male and Female	106	Trial – Acc 1 & 2 Acc. 3- Guilty Plea	1 (Acc. 3)	5 yrs impr, 3 yrs susp.	Trial start 26/07/10 remanded 13/09/10 for new counsel to peruse docket	2 Prsv Ordr & 1 Forf Ordr to be filed
2.	Adv. Geo Wasserman	Sandton	86/02/2000	Andrew Lionel Phillips	1	SA	Male	Prostitution	Thailand; Rumania Russia Bulgaria	Adults	Female	50	Acquitted State filed Appeal papers	NA	NA	Appeal as soon as NPA prosecutes crt rcrd. State Att agreed to pay for crt rcrd	R50 m Asses under Rest.
3.	Adv. M Bhayat	Kempton Park	954/5/10	Bunghaa Anono Klanghimin Reno	2	Thai	Both Female	Prostitution	Thailand	Adults	Female	18	Declined on roll. S 252A reg at DPP Jhb, Investigation stage State intends to bring Racketeerin g charges	NA	NA	The accused had first apprn ce on 31/08/10  Still under invstgt n	Repr td to AFU

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1.	Adv. A De Klerk (DPP Jhb)	Linden	701/6/00	Emeka Nwadiogbu Debbie Nwadiogbu	2	Nigerian	Male	Prostitution	Nigerian and South African	Adults	Female		Bail opposed and Further Investigation	NA	NA	On the roll for further investigation	To be repr d
5.	Adv. G Wasserman			Operation Laduma (No Acc yet)									Investigation Stage Project Reg. S252 authrsd	NA	NA	Invstgt n o/s Office hd plannin g session on 30 - 31 Aug 10 Plan Racktr ng charge s Next Mtng 18/10/ 10	AFU is on board
5.	Ms. Carina Coetzee, SPP Johannesburg	Booyens	386/07/10	Ogbanna Igwebuke Victor	1	Nigerian	Male	Prostitution	South Africa	Adult	Female		Further Investigation	NA	NA	Postponed for further investigations	Refr d to AFU on 31 Aug 10
7.	Adv. Val Lotan	Point 480/12/06 Durban Central 1252/12/06	41/890/07	K Mudaly H Suwannakoop L Johnstone (THAI 1)	3	SA Thai SA	Male Female Male	Prostitution	Thailand	Adults	Female		Pending for Trial Jan 2011	NA	NA	Trial start Jan 2011	N Saye d Durt an
3.	Adv. Val Lotan	Umbilo 491/04/07	41/2713/08	B Sayed S Chuchumporn (THAI 2)	2	SA Thai	Male & Female	Prostitution	Thailand	Adults	Female		Convicted May 2010	2	Conviction – Sentence pending	Senten ce 14/09/ 10 Interpreter	N Saye d Durt an

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3.		Greenwood Park 88/09/09	41/1229/09	M Mansaur (OPERATON MIDNIGHT BANG)	1	SA	Male	Prostitution	Thailand	Adult	Female		Pending	NA	Investigation Ongoing	NA	N Saye d Dur an
10.	M Dhlamini monitored by Adv. Lotan	Tongaat 176/01/09	23/1543/09	Sunningdale	2	SA	Female Male	Sexual	SA	1 Juvenile	Female	1	Pending	NA	Investigation Ongoing	-	-
11.	Adv. Val Lotan	GWP	41/2045/08	S Sawatkan B Thawinan C Ratsuwor N Lada A Huetkampang  (THAI 3)	5	All Thai	Female	Prostitution	Thailand	Adult	Female	3	Convicted - Plea Guilty i.t.o. S105A  Used Sexual Offences Act as no HT legislation at time of arrest.	5	S105A Fined R2000.00 or 6 mths impr, wholly susp for 5 yrs on condition Acc not found guilty of c/s 49 (1)(a) of Immigrations Act	Finalise d	-
12.	Adv. Val Lotan	Durban	317/02/09	C Wiphatawaitha ya	1	Thai	Female	Sexual	Thailand	Adult	Female		Convicted Plea Guilty i.t.o. S105A Used Sexual Offences Act as no HT legislation at time of arrest.	1	Fine and suspended sentence	Finalise d	

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13.	Adv. Isabet Erwee	Ermelo		Jude Obinah and 8 Others	9	Nigerian	Male	Prostitution	South African	Adults	Female		Bail Application part heard for two accused. Charges of c/s 71(1) and (2) investigated. 7 Statements obtained		On the court roll	30 Apr 10 Cont of Bail Appl. 4 Witnesses in Witnesses Protctio n Program	
14.	Adv. Adinah Van Deventer	Pretoria		Aldinah Hermenegildo Dos Santos ('Diana')	1	Mozambican	Female	Prostitution	Mozambican	Minors (16 and 17 yrs)	Female	3	Partly-heard Pretoria RC	Pending	10 – 13 August 2010 for further trial		
15.	Charmaine Labuschagne	Welkom	SH599/08	Ronel Eloff Antoinette Godfrey	2	South African (Mother & Daughter)	Female	Prostitution	South African	Adults	Female	6 2 White & 4 African	Matter finalized i.t.o. Section 105A Plea Agreement	2 Convicted	Acc. 1 Susp Sentence & Correctionl Suprvsn for 5 yrs (House Arrest & Rehab) Acc. 2 Sntncd to 16 yrs impr susp for 14 yrs	Convicted and Sentenced	Mov abIP pert in Brothel forfeitd to State i.t.o. s35 of Act 51/197.



HUMAN TRAFFICKING CASE ANALYSIS

Number of Cases	Status	Sentence on Finalized Cases	Type of Exploitation	Nationality of Trafficker	Gender of Trafficker	Nationality of Victims	Gender & Age & Number of Victims	Role of Organized Crime Networks
19	Investigation=7 On the roll = 9 Finalized = 4 In the case of State vs Andrew Phillips the State intend appealing against the outcome. In this case after the closure of the State's case the accused was acquitted for the reason that the Prosecutor does not have <i>Locus Standi</i> (Jurisdiction to Prosecute)	State vs Patel = 5 Yrs Impr of which 3 yrs suspended State vs Sawatkan (Prosecuted in terms of the New Sexual Offences Act = fined R2000 or 6 months imprisonment suspended for 5 years State vs Wiohatawathava (l.t.o the New Sexual Offences Act )= Fine & Suspended Sentence Welkom Case (State vs Eloff & Godfrey) Suspended Sentences Acc. 1 Keeping a Brothel = 5 years totally suspended; Human Trafficking = 16 yrs impr susp for 5 yrs; Engaging Sexual Services = 12 yrs susp for 5 yrs; Procurement = 12 yrs susp for 5 yrs; Assault 2 ½ yrs susp for 3 yrs, Living of Earnings of Prostitution = 8 yrs susp for 5yrs, Money Laundering = 5 yrs susp for 5 yrs & furthermore sentence = Correctional Supervision for 5 yrs with conditions of House Arrest and Rehabilitation Programs Acc. 2 Sentenced 16 yrs impr wholly suspended for 14 yrs on Keeping a Brothel, Engaging Sexual Services & Living of Earnings of Prostitution	Prostitution = 18 cases (89 Victims – adult & minors) Labour = 1 Case of 106 victims Unidentified =1	SA = 11 Indian = 1 Thai = 9 Nigerian=16 Mozambican=1	Male = 19 Female=13	SA Indian Thai,Russian, Bulgarian &Rumanian= 50 Thai Mozambican Nigerian (1 case)	Male & Female (Adults = 186) Children = 10 (7 South African & 3 Mozambican)	In 4 of these cases Single Offenders were identified (e.g. State vs Andrew Phillips & State vs Dina Dos Santos) Other cases show that 3 or more perpetrators worked together. The Ermelo case identified 9 Offenders who worked together and in other cases the number is 4 or 5 or 6 syndicate members. <u>Definition of Organised Crime according to the UN Convention on Transnational Organized Crime:</u> "A structured group of three or more persons, committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or material benefit."