annual report
01 January 2020 - 31 December 2020
Contents

List of Abbreviations 2
What is ARINSA 6
President’s Message 7
Project GLOU40 9
Strategic Partnerships 9
Objectives of ARINSA 10
Executive Summary 12
Stories of Change 28

ARINSA Member Countries’ Profiles and Achievements

• Angola 36
• Botswana 38
• Congo 40
• Eswatini 42
• Kenya 45
• Lesotho 47
• Madagascar 50
• Malawi 52
• Mauritius 56
• Mozambique 59
• Namibia 62
• Seychelles 66
• South Africa 69
• Tanzania 72
• Zambia 74
• Zimbabwe 78
# Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACAMS</td>
<td>Association of Certified Anti Money Laundering Specialists</td>
</tr>
<tr>
<td>ACB</td>
<td>Anti-Corruption Bureau</td>
</tr>
<tr>
<td>ACSRT</td>
<td>African Centre for the Study and Research on Terrorism</td>
</tr>
<tr>
<td>AFU</td>
<td>Asset Forfeiture Unit</td>
</tr>
<tr>
<td>AGM</td>
<td>Annual General Meeting</td>
</tr>
<tr>
<td>AML</td>
<td>Anti-Money Laundering</td>
</tr>
<tr>
<td>APA</td>
<td>African Prosecutors Association</td>
</tr>
<tr>
<td>ARID</td>
<td>Asset Recovery Investigation Division</td>
</tr>
<tr>
<td>ARIN-AP</td>
<td>Asset Recovery Inter-Agency Network – Asia Pacific</td>
</tr>
<tr>
<td>ARIN-EA</td>
<td>Asset Recovery Inter-Agency Network – East Africa</td>
</tr>
<tr>
<td>ARINSA</td>
<td>Asset Recovery Inter-Agency Network for Southern Africa</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CARIN</td>
<td>Camden Asset Recovery Inter-Agency Network</td>
</tr>
<tr>
<td>COMESA</td>
<td>The Common Market for Eastern and Southern Africa</td>
</tr>
<tr>
<td>CTF</td>
<td>Counter Terrorism Financing</td>
</tr>
<tr>
<td>DCEO</td>
<td>Directorate on Corruption &amp; Economic Offences</td>
</tr>
<tr>
<td>DPP</td>
<td>Directorate of Public Prosecutions</td>
</tr>
<tr>
<td>EACC</td>
<td>Ethics and Anti-Corruption Commission</td>
</tr>
<tr>
<td>ESAAMLG</td>
<td>East and Southern African Anti-Money Laundering Group</td>
</tr>
<tr>
<td>FATF</td>
<td>Financial Action Task Force</td>
</tr>
<tr>
<td>FCDO</td>
<td>Foreign, Commonwealth &amp; Development Office</td>
</tr>
<tr>
<td>FIA</td>
<td>Financial Intelligence Authority</td>
</tr>
<tr>
<td>FIU</td>
<td>Financial Intelligence Unit</td>
</tr>
<tr>
<td>GPML</td>
<td>Global Program against Money Laundering, Proceeds of Crime and the Financing of Terrorism</td>
</tr>
<tr>
<td>INTERPOL</td>
<td>International Criminal Police Organisation</td>
</tr>
<tr>
<td>LEA</td>
<td>Law Enforcement Agency(ies)</td>
</tr>
<tr>
<td>NCB</td>
<td>Non-Conviction Based (forfeiture)</td>
</tr>
<tr>
<td>NPA</td>
<td>National Prosecuting Authority</td>
</tr>
<tr>
<td>POCA</td>
<td>Prevention of Organised Crime Act / The Proceeds of Crime Act</td>
</tr>
<tr>
<td>PPP</td>
<td>Prosecutor Placement Programme</td>
</tr>
<tr>
<td>ROSAF</td>
<td>Regional Office of Southern Africa of the United Nations Office on Drugs and Crime</td>
</tr>
</tbody>
</table>
Abbreviations

SACJF  Southern African Chief Justices’ Forum
SADC  Southern African Development Community
SARPCCO Southern African Regional Police Chiefs Co-operation Organisation
UNCAC United Nations Convention Against Corruption
UNODC United Nations Office on Drugs and Crime
UNTOC United Nations Convention against Transnational Organised Crime
WLFC Wildlife and Forestry Crime
ZPA Zambia Prosecuting Authority
The purpose of this annual report is to provide an overview of the progress made during the reporting period of 01 January 2020 - 31 December 2020 in meeting the objectives set out in The Regional Facility for Strengthening Transnational Responses to Countering Illicit Financial Flows (CIFFS Facility for Africa) project.
What is ARINSA

The Asset Recovery Inter-Agency Network for Southern Africa, known as ARINSA, is a multi-agency, informal network of practitioners between participating countries for exchanging information, model legislation and country laws in asset forfeiture, confiscation and money laundering. This network plays a crucial role in supporting member countries’ asset forfeiture regimes to remove proceeds of crime and provide a disincentive for committing such crime, thereby contributing to the strengthening of governance measures and anti-corruption policies. The ARINSA network fosters multi-agency partnerships with other ARIN-type networks worldwide as part of a global sphere of influence on asset forfeiture and recovery matters.

ARINSA brings together investigators, prosecutors, judges, magistrates, law enforcement and other professionals to address the recovery of proceeds of crime from its 17 member countries in Southern and Eastern Africa, namely: Angola, Botswana, The Democratic Republic of Congo, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. ARINSA is based on the Camden Asset Recovery Inter-Agency Network (CARIN), which caters to European and North American countries.

The operational secretariat of ARINSA is hosted by the National Prosecuting Authority of South Africa, which processes incoming and outgoing requests of the contact points. The strategic and administrative secretarial functions of ARINSA are carried out by the Regional Office of Southern Africa of the United Nations Office on Drugs and Crime (ROSAF) under its Global Programme against Money Laundering.

Support to ARINSA is based on the global cooperation goals for inclusive and just societies, good governance and the Rule of Law. General Assembly Resolution of 70/1 of 25 September 2015, entitled “Transforming our world. On 20 December 2018, the UN General Assembly further adopted Resolution 73/222 entitled (the) “Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development”. This Resolution shows the global recognition of the threat to sustainable development caused by illicit financial flows and the urgent need to combat this.

UNODC assists Member States to implement target 16.4 that calls on Member States to significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organised crime by 2030. Illicit financial flows and money laundering remain a priority for UNODC, especially within the Decade for Action under the Sustainable Development Goals.
President’s Message

The year 2020 marked the 12th anniversary of ARINSA. It also marked a year that might be considered one of the most challenging years of ARINSA due to the unprecedented influence of the Covid-19 Pandemic. With great pride, I say that ARINSA and its Member States have shown resilience and held our heads high against crime.

I wish to convey a warm welcome from Mauritius, the newly appointed country at Presidency. As a constraint of the “new normal”, this year’s AGM is being hosted virtually, and Mauritius heavy-heartedly regrets forgoing the privilege of hosting the meeting on its lands. On our end, we hope to lead ARINSA, hand in hand with all Member States, to greater heights.

Even during dire times, as the pandemic hit us hard, criminals continued their march, some even finding new opportunities for crime. We commend the Member States who unflinchingly remained on the lookout for criminals despite being in this difficult situation. Collectively ARINSA countries seizing assets valued at USD 8.3 Billion, while final forfeitures orders accounted for USD 1.3 Billion. It is worth mentioning that Angola is responsible for USD 7.4 Billion of the seized assets.

Other notable achievements in the year include Zimbabwe securing its very first assets under its newly-established civil-based asset forfeiture law. At the same time, Kenya received USD 19 Million of recovered proceeds of crime as donations from its newly established Prosecution Fund to strengthen the country’s Covid-19 Emergency Fund. Our partners in South Africa intercepted USD 10.9 Million in eighteen COVID-19 fraud-related cases in which money from the Unemployed Insurance Fund, meant to assist two hundred workers and their families at risk of starvation due to the effects of COVID-19, was fraudulently transferred to criminal accounts. On its part, despite nearly a quarter’s worth of lockdown in 2020, Mauritius managed to restrain properties of a total value of USD 1.6 Million and additionally, recovered USD 0.7 Million.

Being the multi-agency informal network on asset recovery for Southern Africa, ARINSA main aim is to increase the effectiveness of members’ efforts, individually and collectively, in depriving criminals of instrumentalities of crime and illicit profits. Over its existence, ARINSA has seen its member countries grow from 9 to 17, fostering even more collaborations and intra-agency efforts through its network of professionals. However, this is being challenged by
the widespread economic fallout resulting from the COVID-19 pandemic.

Following the global economic slow-down, ARINSA’s funding has become one of its top-most concerns. The shrinking global economy has led to more competition for funds, with ARINSA seeing one of its main sponsors constrained to cease funding and another having to reduce funding. Given the situation, it is of utmost importance that ARINSA develops a strategy for its financial needs. In this endeavour, I appeal for the support of all, as we cannot afford to allow financial strains to impact us in taking proceeds from crime. Reminding ourselves of the Dar es Salaam Declaration, let us stand united and work together for our cause!

One main area of focus for ARINSA this year will be supporting its member countries in the management and disposal of criminal assets by having a better grasp of the subject and developing new, more robust legislation, and secondly, capacity building through ARINSA’s various platforms. Our responsibility is to ensure that seized, or restrained assets are managed systematically and with much care, mainly to protect our governments’ interests while ensuring fair treatment to innocent defendants if assets are returned. Similarly, recovered assets must be realised to protect the interest of aggrieved parties; and promote the availability of funds for asset forfeiture initiatives, whether individual country level or regionally.

I wish to express my gratitude to everyone for contributing towards the vision of ARINSA, especially the United Kingdom’s Foreign, Commonwealth and Development Office (FCDO), US Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL), the UNODC, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, the National Prosecuting Authority (NPA) of South Africa, ARINSA Secretariat, our partners, collaborators and all Member States. I also convey well-deserved special thanks to the outgoing President and the team for their significant efforts in our fight.

As One ARINSA, let us strive towards even more effective tackling of instrumentalities of crime!

Bonjour de l’île Maurice!

Carine Charlette-Katinic
President of ARINSA
Project GLOU40

Project GLOU40 is a global programme against money laundering. This project focuses on regional facilities in Southern and East Africa to strengthen transnational responses to counter illicit financial flows, corruption and organised crime in Africa.

GLOU40 was made financially possible by the government of the United Kingdom of Great Britain and Northern Ireland acting through the Foreign Commonwealth and Development Office (FCDO).

Strategic Partnerships

Through FCDO funding, UNODC has continued to foster many strategic partnerships during this reporting period. These include:

1. In October 2020, UNODC joined the project team working on the ESAAMLG typology study on illicit dealings in gold, diamond and rubies and associated money laundering/terrorist financing in the ESAAMLG region. Other members of the study include Angola, Botswana, Eswatini, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe. UNODC has since contributed to the concept for the study that is expected to be approved at the next meeting to be held at the end of April 2021.

Objectives of ARINSA

1. Establish a network of contact points

   Long-lasting and trusting relationships among members is a thread that keeps the network cohesive and enhances the sharing and exchanging of information. The continuous interaction of contact points through various platforms and ongoing development and training of practitioners’ skills and capabilities is the key to a strong and progressive asset forfeiture network.

2. Focus on the proceeds of all crimes within the scope of international obligations

   The ARINSA network provides technical assistance and expertise to address the proceeds of crime guided by three main instruments, namely Drug Control Conventions (Convention on Psychotropic Substances (1971), United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), Single Convention on Narcotic Drugs (1961), the Convention Against Transnational Organized Crime (UNTOC) and the Convention Against Corruption (UNCAC), as well as the International Convention for the Suppression of the Financing of Terrorism. ARINSA also supports the adoption of global standards developed by the Financial Action Task Force (FATF), the major standard-setter in the field of Anti-Money Laundering (AML).

3. Establish itself as a centre of expertise in all aspects of tackling the proceeds of crime

   ARINSA brings together the most important players and experts to participate and contribute towards building a repository of knowledge and expertise in taking proceeds from crime. ARINSA collects information on the ARINSA website from a broad view to improve processes and the effectiveness of systems for taking the proceeds from crime.

4. Promote the exchange of information and good practice

   The network aims to create an open channel of information exchange and sharing through the creation of a synthesis of data and evidence, peer exchange, publications and various digital platforms such as the ARINSA website, informal WhatsApp groups, regular face-to-face meetings and many other channels to continuously improve and develop good work practices in following the proceeds of crime. These platforms are widely assessable to all relevant stakeholders.

5. Undertake to make recommendations to bodies such as the African Union (AU) and the Southern African Development Community (SADC) relating to all aspects of tackling the proceeds of crime

   ARINSA aims to provide regional governing bodies with recommendations based on good quality data and evidence-based practices in line with current trends.

6. Act as an advisory group to other appropriate authorities

   The ARINSA Secretariat seeks to establish itself as an advisory partner for several authorities within the region and beyond.

7. Facilitate, where possible, training in all aspects of identifying and recovery of the proceeds derived from crime

   ARINSA seeks to develop an inclusive and holistic approach to capacitate member countries through targeted capacity building initiatives directed at emergent challenges in the region. Various technical assistance and training interventions ensure that member countries are brought to speed with the current realities in the region.
8. Emphasise the importance of cooperation with the private sector in achieving its aim

Taking a multi-disciplinary approach is vital in taking proceeds from crime. Public/private partnerships and information exchange are highly effective in preventing and controlling risks posed by money laundering and financing of terrorism.

9. Encourage members to establish national asset forfeiture units, national asset management policies, legal frameworks and asset forfeiture funds

The establishment of legal and regulatory frameworks and infrastructure and skills required is fundamental for asset forfeiture. ARINSA has been instrumental in assisting member countries to establish asset forfeiture units, asset forfeiture funds and asset management units.

“ARINSA strives to reduce poverty by increasing the revenue and resources available to countries in Africa and to make it possible for countries to fund their own development.”
Executive Summary

During 2020, ARINSA countries reported new seizures of USD 8,336,818,451, with Angola alone accounting for USD 7.4 billion of assets, bringing the cumulative total of seizures made by ARINSA countries since the inception of the network to USD 12,469,753,611. Similarly, the value of final forfeiture orders reported by member states amounted to USD 1,284,844,731 bringing the total value of forfeiture orders reported by ARINSA member countries over the years to USD 7,193,407,628.

For the 2020 reporting period, ARINSA contact points reported that USD 31,787,296 was used from forfeited assets for law enforcement and related purposes. This amounts to a cumulative increase of USD 2,044,865,113. The contact points noted that the asset recovery regime has proven to be an important instrument for taking away the proceeds of unlawful activities, and returning properties to the victims of such unlawful activities. For instance, a sum of N$1190,000.00 (USD 79,333,33) was returned to victims of crime in Namibia, while South Africa reported using USD 120,000 in victim compensation.

Mauritius reported that USD 1,355 was used for the development of the investigators working at the asset recovery department. The three investigators are following advanced courses on forensic investigations with the funds.

In the wake of the COVID-19 pandemic, the Office of the Director of Public Prosecutions (DPP) and the Ethics and Anti-Corruption Commission (EACC) presented a donation of Ksh.2 billion (approximately USD 19 million) to the National Treasury as part of efforts to beef up the COVID-19 emergency fund. These funds were mainly a result of forfeitures from plea agreements reached with defendants.

Zambia reported that about USD 120,000 in forfeited funds was allocated to support law enforcement. Twelve forfeited vehicles were assigned to the police to address their serious transportation challenges and enhance their operations. A further USD 45,000 of forfeited money was returned to victims. These sums are highly significant to Zambia, given that asset forfeiture is still in its infancy in Zambia.

Other countries reported that while forfeited funds were made available for their use, they had either not yet been utilised, or were in a consolidated account rather than a designated asset forfeiture fund. For example, the contact point from Botswana reported that their recovered funds feed into the country’s consolidated fund to be used for the good of the country. The contact point explained that it is difficult to isolate the funds once they are in the consolidated fund. No specific law enforcement agency has direct or clear benefit from the recovered funds as the finance minister manages them. The contact person from Eswatini explained that they had not utilised any of their recovered funds. They do not have substantial forfeited funds, but will be auctioning a number of forfeited assets in the near future. The auction has been delayed by the COVID-19 pandemic. It was pointed out that a large portion of the available forfeited funds belongs to a company in South Africa and is due for repatriation.

ARINSA countries launched a total of 1,263 new anti-money laundering investigations during the course of 2020. Contact points have attributed the increase in money laundering investigations to several reasons such as continuing criminal activities during the COVID-19 pandemic.

A total of 785 cases involving asset seizures have been launched by ARINSA countries in 2020. These countries have explained the increase in the number of seizures being due to strategy decisions and political developments. Contact points have noted that the technical assistance received through the network has been instrumental in assisting them to pursue these cases.

Currently, asset recovery components in ARINSA countries include: 16 asset forfeiture units, 14 asset forfeiture funds, and 2 dedicated asset management offices.

During the reporting period, the new asset forfeiture law in Mozambique came into force. UNODC, jointly with its partners within the network, had previously provided legal and policy advice to Mozambique on this law while it was a Bill. One of the key points introduced by this new legislation that UNODC had advised on, is creating an asset forfeiture and asset management office. Article 21 of the law creates a Central Office for Asset Recovery as a multi-sectoral body reporting to the Public Prosecutor’s Office, with investigative powers to identify, trace, seize and recover assets, instruments, products and
gains of any nature related to the practice of illicit or criminal activity both domestically and abroad. An asset management office is created under Article 24 of the law as the State body that oversees the State's management of assets and goods seized or recovered, within the scope of national processes or acts arising from international legal and judicial cooperation. It is expected that both offices will be operationalised in the near future.

In terms of asset management components, during this reporting period, UNODC convened several meetings with the following ARINSA countries participating in the asset management feasibility study: Botswana, Kenya, Mauritius, Namibia, South Africa, and Zambia to assist them in strengthening their asset management functions. Out of these countries, only Botswana reported having a dedicated institution responsible for the management of assets. While carrying out asset management functions alongside other roles, other countries indicated that they do not have a central component dedicated to managing assets.

The asset management feasibility exercise consisted of an introductory meeting with authorities in each of the six focus countries. These jurisdictions were selected as focus countries on the basis of the volume of assets they are managing, as well as their expressed interest or willingness. Following consultations through initial meetings and email exchanges coupled with desk reviews of asset management in each of those countries, UNODC convened two-day workshops for the six countries. The objectives of each of the workshops were to discuss policy and legal frameworks of the focus countries as they relate to asset management, and where each of the countries stand in relation to international best practice in asset management. The two-day virtual workshops covered a variety of topics with the first day dedicated to i) effective asset management frameworks and challenges of asset management; ii) national and international best practices in asset management with particular focus on operational guidelines, inter-agency coordination, facilities and tools available, human capacity and specialization, international cooperation- as well as discussions on centralized institutions leading asset management. The second day of the workshop focused on i) the management of virtual assets and inviting participants to share their experiences dealing with virtual assets and what they feel the main challenges are for their country; ii) international best practices in virtual asset management focusing on the emergence of the cryptocurrencies, tracing and identification, management and disposal, and the emerging challenges and possible solutions in the face of exponential digital platforms. Since these were national workshops, the workshops allowed in-depth review and analysis of the applicable legal framework governing virtual assets in each country.

Following the national workshops, draft reports were compiled by UNODC, shared with each of the individual countries and discussed at subsequent validation meetings. Each report provides an overview of the asset management infrastructure in each country, what happens in practice and makes recommendations, including those relating to implementing an IT system to assist in the tracking and overall management of the assets. These reports were validated by the institutions managing assets in each of the client countries who provided comments. Six gap analyses have been conducted in Botswana, Eswatini, Kenya, Seychelles, Uganda and Zimbabwe. Due to the travel restrictions during this period, the gap analyses for Eswatini and Kenya were conducted remotely with the assistance of contact points from each country.

In Eswatini, capacity needs in following the proceeds of crime cases were identified. Eswatini is currently pursuing its first major proceeds of crime case before its courts. As a result, UNODC organised the provision of advisory support/training related to the drafting of pleadings and provision of case law by the National Prosecuting Authority of South Africa, given that the Eswatini Proceeds of Crime legislation is very similar to that of South Africa. In addition, further support will be provided in addressing money laundering and a review of the pending Cybercrime Bill.

Feedback from previous workshops

During this period, ARINSA embarked on an exercise to gather feedback from all the countries that participated in their workshop from 2018 to date. This exercise is aimed at documenting the success stories that came out of participation on ARINSA-led capacity-building workshops. The exercise focused on all 31 workshops, webinars, high-level meetings and other knowledge-sharing platforms for law enforcement agencies for ARINSA member countries conducted between October 2018 and October 2020. The workshops covered a range of topics relating to money laundering, counter-terrorism financing, civil advocacy, cybercrime, cryptocurrency, wildlife crime and asset management. To understand the effectiveness of the workshop and immediate results, UNODC administered surveys to all workshop participants (1,323) at least six to 18 months post-
workshop. In total, 162 (12 per cent) responded to the surveys across 11 institutions (Figure 1). The response rate was very low. This may potentially be that only those that had some positive outcomes to report would have responded, and acknowledged that some participants may have moved on with their careers and changed jobs. However, positive results have been noted, with more than three quarters (126 or 78 percent) of the respondents reporting changes in work approach. They are using the knowledge, skills and techniques to support policy/legislation development and criminal investigations.

Prosecuting authorities constituted the most number of respondents accounting for (58 or 36 per cent), followed by the financial intelligence institutions and anti-corruption agencies (26 or 16 per cent) (Figure 1).

Of the 31 activities conducted, feedback was received from 14 topics with the highest number of responses from the anti-money laundering course (54). Civil advocacy and anti-money laundering courses for the Judiciary had the least responses (Figure 3).
Survey results show ARINSA member countries are now better equipped to conduct prosecuting and investigating cases. The improved skills and knowledge has allowed for the increased number of convictions, asset seizures and forfeitures.

**Asset management, post-seizure stage: Training of law enforcement officials**

UNODC organised an asset management workshop for law enforcement agencies for ARINSA member countries. The workshop’s objective was for countries to enhance their approaches to asset seizure, management and disposal based on lessons learned from a range of countries, international research and good standards. A survey administered nearly two years since the workshop shows the course has been significant in asset management post-seizure. All six participants who responded to the survey (prosecutors -2, attorneys -2, director - 1 and legal assistant - 1) were performing their work differently due to the gained skills on the cycle of assets recovery, maintaining seized assets, and minimizing costs of assets. The survey respondents were from Madagascar (1), Malawi (1), Tanzania (2), Zambia (1) and Zimbabwe (1).

**What changes are participants making?**

“The previous approach was to leave the management of the asset in the hands of the police without recommending the best ways to preserve the value of the asset. I have now devised a system where I check the assets and recommend the best ways to preserve the value of the asset. I also report to head office on any assets which would have been forfeited to the State” – stated the Chief Public Prosecutor of Zimbabwe.

The ability to preserve proceeds of crime assets is essential, and in any area, most law enforcement officials in Africa had not put much consideration. This is evident by the feedback from the workshop participants who have now come up with different and improved approaches to asset management. Survey respondents found the workshop relevant in their work such that they are:

- Sharing knowledge with colleagues (Tanzania)
- Developing training manuals and taking pictures of money seized instead of the actual cash and using pictures as evidence (Zambia)
- Developing asset management regulations—subsidiary to the Financial Crimes Act (Malawi)
- Using seized property to earn an income instead of locking it up for example renting out apartments (Zambia)
- Involving owners in managing assets to minimize the costs of managing the assets (Tanzania)
- Selling perishable or assets that are difficult to maintain pending the final determination of the main case (Tanzania)

Through the different initiatives, respondents have made strides in protecting assets and case handling. In Malawi for example, the Legal Counsel at the Financial Intelligence Authority ruled against seizing...
a livestock farm realizing that would be a bad asset forfeiture call and opting to restrain it until a final confiscation order could be issued. Since the asset management processes are less developed in the region, respondents have also used the skills to initiate policy development and legislation review with half of the respondents participating in drafting asset management policies. The State Attorney for the National Prosecutions Services (Tanzania) had proposed for the amendment of the Proceeds of Crime Act and prepared directives on asset management. This will see better use of crime proceeds.

The results outlined are directly aligned to the workshop objective on ensuring a reduction in time and costs associated with the storage of assets.

### Cybercrime investigations yielding results following interactive training

At least 140 (F: 55, M: 85) law enforcement officials have benefited from cyber-crime training that was organised by UNODC in 2019 and 2020. The webinars equipped officials with the various types of cyber offences, how to detect cybercrime, the investigation of cases, legal frameworks and the securing of evidence that can be presented in a court of law, and successful prosecution of such.

### What changes are participants making?

Have the officials managed to conduct their work differently? What lessons did the officials learn from the workshop? Have they encountered cyber-crime cases since the training and are there any results? These are the questions participants were asked nearly two years following the training. Overwhelmingly all respondents who had worked in cyber-crime related cases had changed their approach to work since the training. Financial crime investigations in Uganda are now including cyber-crime enquiries, the Principal Asset Recovery Litigation Officer at Directorate on Corruption and Economic Offences (Lesotho) successfully investigated complex cases involving the use of electronic devices resulting in the seizing of the devices and retrieving evidence to support investigations. Similarly, a Principal Investigation Officer in the same office in Lesotho was using the new knowledge on the dark web to successfully track criminals, a technique they did not have before the training.

### Online training for law enforcement officials on financial investigations search and seizures

A survey on financial crime in Sub Saharan Africa in 2020 revealed that at least 66 per cent of the respondents (risk professionals and business people) had experienced some form of financial crime in the last five years (Refinitiv, 2020). These high levels of financial crime coupled with new approaches call for acute responses. United Nations Office on Drugs and Crime (UNODC) with the support of the Foreign, Commonwealth and Development Office continues to provide the much-needed expertise in fighting financial crimes. This support enables UNODC to provide online financial investigation training to 199 (F: 85, M: 114) law enforcement officials from 16 African countries between July and August 2020. UNODC followed up with the participants nearly six months post-training to assess the course relevance in their workplaces and how they have implemented what they learned from the course in the work. While it was still too early to talk of substantial changes, reflections by the 19 respondents showed that participants were using the learnings in their work.

### What changes are participants making?

Since the training, seven respondents have supported financial crime investigation cases. All seven reported using the newly acquired skills in their investigations. Of these, some of the cases had resulted in:

- Tracing and seizing three pieces of land, two television sets, and a refrigerator. The seized goods are believed to have been bought using stolen money. (Drug Enforcement Commission-Senior Investigations Officer, Zambia)
- Seizing trucks involved in the illegal transportation of flora. The case is still ongoing with an appeal and arguments for being submitted at the time of reporting. (National Prosecution Authority-Deputy Chief State Advocate -Head Of Appeals Dept.; Zambia)
- Seizing vehicles and bank accounts were frozen. (ICAC- Chief Investigator, Mauritius)

Despite a few reported cases, 15 (79 per cent) of the respondents have used the skills to introduce new practices in the workplace or perform tasks differently. The respondents identified improved questioning

---

1 Angola, Botswana, DRC, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe
techniques, financial profiling, evidence analysis methods and tips on understanding how criminals channel funds to make them legitimate as some of the many valuable skills the participants were using. While most of the participants were using the skills in financial investigation work, a Senior Customs Officer at the Botswana Unified Revenue Service was also applying the risk management training on the post-clearance audit of customs declarations. Reflecting on the learnings from the course the Senior Customs Officer noted:

“Currently, we are doing a post-audit on second-hand clothing which, of recent, has been gaining popularity in our country, and the lessons I learned have helped me gain an in-depth knowledge of how to identify those importers that pose more risk. On top of that, I also used techniques I learned in Questioning of Persons to interview those involved in second-hand clothing importations. Even though I had prior experience in this field, the course helped me a lot in refining my knowledge on this topic.” (Senior Customs Officer, Botswana Unified Revenue Service)

Equipping Africans with the Anti-Money Laundering Investigation Techniques

ARINSA has been organising a series of workshops to improve the capacity of judges, magistrates, customs, police, tax revenue administrators and law enforcement authorities on financial investigations, money laundering typologies, techniques used in money laundering. The different workshops reached 16 African countries (Botswana, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe). The workshops were organised in 2019 and 2020, with significant results already being noticed. A review with participant’s responses from the follow-up on the Anti-money laundering (54), Trade-based money laundering (8) and Judiciary AML (2) is showing increased knowledge on handling money laundering crimes with new skills being used in investigations. Such results show the relevance of the training and its objectives are realised.

What changes are participants making?

Respondents are using the skills gained to conduct investigations beyond money laundering crimes. A participant from Namibia is using the skills from the Judicial Anti-Money Laundering in cases on fraud and child protection.

- Improved skills and knowledge on financial investigations, intelligence gathering, money laundering investigation techniques
- Non-conviction freezing orders in Zambia and Kenya. Assets were frozen in Kenya pending hearing for an Island worth approximately USD10 million
- Nearly USD400,000 identified that had been over-looked, South Africa
- Better cross-department collaborations resulting in increased convictions (Mozambique, Eswatini)
- 83% of the respondents have changed their approach to work since the training

Convoctions may take time, however, the activities and initiatives that participants reported are all evidence of progress showing they are better equipped to handle the cases. Skills that participants have found useful include interviewing, net worth analysis, intelligence gathering and arguing on money laundering cases for advocates. As a result, most participants have changed their approach to case handling for example, a participant from Uganda working at the Office of the Public Prosecutions and a Prosecution Counsel from Kenya noted that since the training they now have a detailed meeting on the case identifying all the important aspects. As a result of this approach, the investigation time has significantly reduced. Similarly, a participant working for the Financial Intelligence Unit in Lesotho pointed to the reduced time now spent on a case due to a clearer understanding of the documents to request from institutions for example, the bank.
Document review and analysis have improved. Respondents are equipped with skills for further probing and identify potential money laundering cases. A Public Prosecutor from Mozambique understands the role of the Financial Intelligence Unit and Agency Cooperation resulting in improved collaboration across departments. The Prosecutor noted that the approach allows for more supporting evidence gathering for example on tax, bank statements. Eswatini Principal Crown Counsel also alluded to the improved collaborations highlighting how police are now conducting financial investigations alongside other criminal inquiries. According to the Prosecutor, the approach has been useful in their investigations:

“Before attending the course, I had never required that police should conduct a financial investigation during a criminal investigation or side by side with the criminal investigation. I now require that a criminal investigation must be accompanied by a financial investigation. The approach has proven very helpful because during the criminal investigation evidence which is crucial for the financial investigation is usually obtained”. - Principal Crown Counsel, Directorate of Public Prosecutions (Eswatini).

Similarly, the Mauritian Police are conducting parallel investigations on money laundering and intelligence gathering. Evidence collection and evidential prosecution have improved and are systematically used in case handling. A state advocate from Zambia recalled how he has been using the skills on freezing and restraint orders noting that they had made several non-convictions freezing orders. The advocate had successfully convicted a truck that was used in trafficking migrants. Assets have also been frozen pending the hearing in Kenya for an Island illegally acquired estimated at KES 1 Billion (approximately USD10,000,000).

Sharing good practices on managing illicit financial flows

ARINSA, through the financial support from FCDO are supporting illicit financial flow prevention and counter activities in Africa through organised workshops with ARINSA members to share good international and national practices. As a result, ARINSA organized two workshops in November 2019 and February 2020. Prosecutors and ARINSA members’ countries attended these events. The dialogue forums had experts from the region and internationally. A follow-up survey with meeting participants where eight respondents from Kenya, Lesotho, Madagascar, Malawi, Rwanda, Tanzania and Zambia showed increased knowledge gained.

Disruptions of financial flows, strengthening prosecution of economic crimes, proposing amendments to the Money laundering and extradition acts and combating illicit financial flows are some of the many results emerging from these workshops nearly a year later. The workshops provided respondents with basic but important aspects for example, improved understanding of the role of institutions dealing with illicit financial flow, preparation of charge sheets to include in money laundering-related cases, intelligence information gathering techniques.

There continues to be a positive ripple effect from these workshops, with participants sharing the learnings with their colleagues.

• In Malawi, the Compliance and Prevention manager at the Financial Intelligence Authority incorporated information on illicit financial flows in the training she conducted, she also facilitated an International Anti-Corruption Academy workshop sharing the information with participants beyond Africa.

• In Lesotho, a legal expert at ESAAMLG conducted two successful workshops to investigators and prosecutors on how to deal with provisional and confiscation measures using non-conviction-based proceedings.

• Participants of the ARINSA workshops and training are now consulted for expert advice, with the National Prosecution Authority Director (Zambia) indicating they were being sought out for support case prosecution and case law in the country.

• A national prosecutor from Rwanda shared how the information is benefiting the Country’s National
Prosecuting Authority stating; “The workshop organised by UNDOC and the lessons learned contributed much when I shared with the Office of Ombudsman in training their Office investigators in corruption cases, Money Laundering and recovery of crime proceeds. This had to do with depriving suspects of illicit proceeds through effective identification, seizure and confiscation”. -National Public Prosecution Authority (Rwanda)

Redressing Wildlife Crime in Africa

Wildlife trafficking, poaching and smuggling in Southern Africa have been on the rise over the last 10 years. This crime is the fourth most lucrative organised crime in the world (Conservation Action Trust, 2019). It is a threat to Africa’s developmental efforts, causing security and environmental challenges. Realising the detrimental long-term effects this will have on the African economy, ARINSA organised a Training of the Trainer Workshop for practitioners in wildlife, law and the Judiciary. This training provided participants with knowledge and skills on international wildlife money movements and wildlife crime investigation techniques. At least 96 law enforcement officials (F:26, M:70) from nine SADC countries attended the workshop on combatting money laundering in wildlife crime.

The follow-up was through a survey to all workshop participants. In total, 14 people responded to the survey. The survey respondents were from Botswana (2), Eswatini(2), Madagascar (3), Mozambique(1), Namibia (1), South Africa (1), Zambia (1) and Zimbabwe(3). There was a mix of respondents including; law enforcement\(^2\) (9), wildlife management\(^3\) (3) and administrative and management positions (2).

Though there was less feedback provided, there were significant positive results noted. It may also be that those making significant results or who had found the course benefiting, would have likely responded to the survey. Nonetheless, these results show that the course has supported the program in achieving its intended outcomes, equipping law enforcement officials with skills to combat crime in Africa with assets being seized.

What changes are participants making?

Reflecting on the course, respondents generally felt that the training had equipped them with the necessary skills relevant for their work. Most of the respondents (11) indicated that their way of handling wildlife crime had significantly improved because of the training. Areas of improvement included investigative techniques as evident by an increase in convictions and reduction of poaching cases reported. Respondents mostly identified investigation and follow-up techniques as valuable in managing crimes.

- Due to these skills, a Wildlife Officer from Hwange National Park, Zimbabwe noted a reduction in poaching, recording only six elephant poaching. A feat that had not been achieved for the last 30 years.

- 79% using the knowledge and techniques from training in handling wildlife crime.
- 57% of the respondents gained investigative techniques.
- 57% of the respondents had increased responsibilities in wildlife crime case management.
- Recorded seizure of assets used in wildlife crime in Botswana, Namibia, Zambia and Zimbabwe

- Equipped with the relevant techniques and skills to train colleagues, a respondent from Botswana was encouraging staff to use the PEACE framework, an interrogative method that yields results. Previously this was inconsistently used despite its benefits. Further, respondents were applying new approaches gained from the training in their work, and continue to be change agents in their countries.
- Since the training was on a train-the-trainer basis, the respondents have passed the knowledge to colleagues, and are supporting other departments, going beyond what they would ordinarily do. Examples of such support include a Wildlife Officer from Botswana advising police

---

\(^2\) Lawyers, Prosecutors, Investigators and Judges.
\(^3\) Game rangers and wildlife officers
during investigations and providing valuable input on charges, work that was historically for prosecuting authorities.

“As a result of my training with ARINSA, I have confidently advised the police during investigations and not merely waiting to be called to give witness”, noted, the officer from Botswana Department of Wildlife and National Parks.

A common and significant result is that the participants were being recognised for their knowledge and entrusted with more high profile cases. More than half of the respondents (eight) reported convictions in cases they were supporting. Some successful cases include the seizure of assets used in wildlife crime. This includes vehicles, ivory, rifles and animals from Namibia, Zambia and Zimbabwe.

- “I provided guidance to investigators on investigating ownership of a motor vehicle used in ‘dealing’ in wildlife products, which was seized by the police”. Ministry of Justice (Attorney-General: Prosecution) Namibia
- A National Prosecuting Officer from Zambia supported a case that saw a recovery of 85 kilograms of ivory, two pangolins resulting in a five-year sentence for first-time offenders.
- In Zimbabwe, 250 kilograms of ivory was seized from the poachers, six live pangolins recovered, three rifles and 156 rounds of ammunition recovered from poachers. Respondents attributed these significant achievements to the training received.
- Their work is also being recognised. A respondent received an award as the Tusk Africa Ranger of the year in Zimbabwe.

Detection tips, exhibit handling techniques, policy development and multisector engagements are some of the many skills that the participants found useful and have been using in their work since the workshop. Seven participants who responded to the survey administered to participants nearly a year after the training had used the skills to perform work differently when handling money laundering investigations and corruption in wildlife.

- “The course opened my eyes to see that Wildlife crime is much more complex than I thought. It broadened my scope of thinking. Using the detection tips I learnt, I am better able to advise investigators what they should look out for in their investigations. I am also able to advise prosecutors on what areas to look out for as they prosecute the wildlife cases.” – NPA Director, Zambia
- “Expanding the scope of investigations, every time a person is arrested for crimes involving wildlife crime” - Head of Law Enforcement, Department of Parks and Wildlife, Malawi
- “From the workshop, I received insights in Judicial engagements, as such I have incorporated in my course of work continued engagement with Magistrates before whom most cases of wildlife trafficking are hard to consider the importance that should be given to these cases as well as the different facets to be considered.” - NPA Senior State Advocate, Zambia

Cash smuggling training empowers law enforcement officials in Africa

A car that was smuggled in 2016 from South Africa was seized in Zambia in 2020 and USD500,000 cash recovered in Tanzania which was being smuggled to Dubai. These are some of the positive results law enforcement officials across African countries are reporting following training in cash smuggling, where their investigation and asset tracing skills have improved. At least 100 (F:38; M:62) prosecutors and investigators from Botswana, Eswatini, Seychelles, Tanzania, Zambia and Zimbabwe have been equipped with skills on investigations, cross-border money transfers, seizure and confiscation of assets that ARINSA offered.

What changes are participants making?

Responding to a follow-up survey just over a year after the training, nine of the 10 participants who responded had managed to perform their work differently as a
result of the new skills and knowledge from the course. Cash-based money laundering is the most common method that criminals use in money laundering and financial terrorism. As such, increasing knowledge on how to track the criminals is vital in potentially curbing this high-risk crime. Most respondents identified the knowledge on seizure and confiscation of assets, financial investigative techniques, the importance of clear border procedures and customs procedures as some of the useful skills they acquired from the cash smuggling training. In addition to acquiring these skills, participants have also shared techniques with colleagues and supported their teams. This skills transfer is beneficial as the training is now advancing countries' procedures. One example of such is in Eswatini by the Revenue Authority noting:

• “I shared with my SRA colleagues at the borders and airport in Eswatini about what should be vigilant about and look for when people come at the border or airport (for departure or entry). I shared with them that decision making was one of the critical things to do. That, instead of looking for smuggled cash, diamonds, gold or precious articles, they should look for the places where these items can be hidden. Now, the SRA staff check bags, soaps, cavities, boxes for food items etc. to verify whether there are no hidden smuggled items.”

• Using reverse interview skills, the Audit Manager (Seychelles Revenue Authority) noted discrepancies in submissions, resulting in the tax payer being asked to pay the fines for incorrect declarations.

• A conviction-based forfeiture was also being planned for a cash smuggling case in Zambia and Eswatini. The Revenue Authority developed internal guidelines on currency declaration and a reporting template that resulted in an increase in currency declaration, especially from the borders between Eswatini and Mozambique.

Combating financing of terrorism

Terrorism poses a security threat in Africa. The most prominent terrorist groups are Nigeria’s Boko Haram and Somalia’s al-Shabaab. In Africa, terrorism affects human rights, and people are forcibly displaced from their places of origin (Kambela, 2019). Combating terrorism is highly prioritised, and it requires an understanding of how terrorists finance their activities. The UNODC organised a Train the Trainer Workshop in October 2019 for 28 senior prosecutors and financial investigators from 16 Eastern and Southern African countries on terrorist financing threats and vulnerabilities. Seven participants responded to the follow-up survey administered to the workshop participants a year after the workshop. The survey respondents were from Eswatini (1), Madagascar (2), Malawi (2), Kenya (1), and Zambia (1). UNODC further supported Mozambique with a national workshop on the investigation, prosecution and adjudication of terrorism-related offences, including the financing of terrorism in September 2019. This was in response to the escalating terrorism-related activities in the northern part of Mozambique.

What changes are participants making?

Terrorist financing, sources of funds, money laundering financial information and identifying sources of money, are some of the skills and techniques that the participants were equipped with. The workshop allowed participants to appreciate the importance of cooperation and coordination in fighting terrorism. In reflecting on the training, the Attorney General from Malawi noted:

“I attained increased awareness of various methods in which money can be laundered and hidden from public view and the skills that can be used to trace it. In this regard, my office was able to assist and coordinate efforts by the Anti-Corruption Bureau and the Director of Public Prosecutions in their investigations of financial crimes cases”.

All respondents have changed their approach to work, allowing for improved methods of tracking funds. When fighting the financing of terrorism, coordination is very important. The training provided participants with knowledge and understanding of the entities involved in the fight against terrorist financing and collaboration among law enforcement officials. The Eswatini Public Prosecutor’s engagement with the police improved, highlighting that previously the focus was on evidence gathering to prove the occurrence of crime. Such an approach resulted in neglecting other important aspects, which the Prosecutor realised on attending the workshop and these have now since been incorporated in their investigations.

The Malawi Financial Intelligence Unit also shared the same sentiments acknowledging that the workshop was comprehensive and allowed them to broaden the scope of terrorism and money laundering investigations.
Detecting, regulating and investigating cryptocurrency potential crimes

With increased cryptocurrency transactions in Southern Africa and limited knowledge on the risks associated with these trades, online training on risks of cryptocurrencies and their mitigation to law enforcement officials from Mauritius and South Africa came at the appropriate time. UNODC organised two webinars in September and October 2020, reaching 61 officials (South Africa: 31 -F:13; M:18 and Mauritius:30 - F:12; M:18).

“The lessons and techniques of how possible money laundering abuse using Virtual Asset Service Provider(s) can occur have been most enlightening”, recalled the Executive Manager: Compliance and Prevention, Financial Intelligent Centre, (FIC), South Africa. These sentiments acknowledging improved knowledge on cryptocurrency and associated crimes have been shared by all 19 respondents (Mauritius: 14 and South Africa: 5) of the follow-up survey, nearly six months post-training. The use of cryptocurrencies and associated crimes is relatively new in Africa, with limited regulations at present. As such, initiatives that participants have engaged in since the training are related to regulating Crypto Asset Service Providers in line with Financial Action Taskforce standards (South Africa), research on the role of Crypto Asset Service Providers and a possible inclusion process in domestic Anti-Money Laundering/Countering Financing of Terrorism regime in South Africa, drafting legislation and national risk assessment in Mauritius and paying closer attention to crypto currency transactions.

What changes are participants making?

Six months post-training, none of the respondents had been engaged in a case related to cryptocurrency. However, eight of the respondents had changed some of their approaches to work as it relates to detecting and investigating cryptocurrency crimes. “The training helped me to understand the basic techniques of investigating and prosecuting cryptocurrency cases. Even though I don’t specialize in these cases but I found the training very informative and beneficial”, noted the Senior State Advocate at the National Prosecuting Authority, South Africa. Significantly most respondents found the basic information on cryptocurrency valuable including tracing cryptocurrency, alerting investigating officers on the potential use of cryptocurrency and the various available types of cryptocurrencies and how they can be misused.

Civil forfeiture training

The role of civil forfeiture in assets recovery cannot be understated. Thus, gaining the relevant and necessary civil forfeiture mechanisms will support African governments in corruption cases. To support this, 11 lawyers and financial investigators from Botswana, Lesotho, Malawi, South Africa, Tanzania, Zambia and Zimbabwe received the related training in 2019.

Drafting skills, courtroom procedures and trial practice, drafting a preservation order and confiscation proceeding skills have proven very relevant in the work of the Director of Public Prosecutions in Eswatini. The director has used these skills in drafting several asset recovery applications where they have now successfully argued asset recovery cases, and trained other prosecutors and investigators.

In Malawi, the Legal Counsel with the Financial Intelligence Authority, led the first-ever civil asset preservation and forfeiture in the country. The case involved approximately USD 161,465 which was traced to a bank account at the National Bank, allegedly opened by a manager of the Reserve Bank of Malawi. This is such a high case celebrated across the country as the first under the country’s new Financial Crimes Act of 2017. Commenting on the case, the Basel Institute on Governance noted how significant this was for the country in combating corruption, fraud and money laundering.

“• The civil forfeiture mechanism is a huge step forward in Malawi’s fight against corruption, fraud and money laundering. Non-conviction based forfeiture cases are quicker to resolve than criminal conviction based cases, in part because of the lower burden of proof required”, noted the Basel Institute on Governance.

ARINSA asset regime status

Currently, asset recovery components in ARINSA countries include the following: 16 asset forfeiture units, 14 asset forfeiture funds, and 6 dedicated asset management offices. Mozambique was the only country that established their asset forfeiture unit and asset management office during this period with the assistance of ARINSA. The new asset forfeiture law in Mozambique was enforced in November 2020. ARINSA, through its members within the network, had previously provided legal and policy advice to Mozambique on this law while it was a bill. One of the key points introduced by this new legislation, which ARINSA had advised on, is the creation of an asset
forfeiture and asset management office. Article 21 of the law creates a Central Office for Asset Recovery as a multi-sectoral body reporting to the Public Prosecutor’s Office, with investigative powers to identify, trace, seize and recover assets, instruments, products and gains of any nature related to the practice of illicit or criminal activity both domestically and abroad. An asset management office is created under Article 24 of the law as the state body that oversees the State’s management of assets and goods seized or recovered, within the scope of national processes or acts arising from international, legal and judicial cooperation. It is expected that both offices will be operationalised in the near future.

<table>
<thead>
<tr>
<th>Country</th>
<th>Asset Forfeiture Unit</th>
<th>Asset Forfeiture Fund</th>
<th>Asset Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namibia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Seychelles</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Zambia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Malawi</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Lesotho</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Botswana</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Eswatini</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Mauritius</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tanzania</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Madagascar</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Angola</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Kenya</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>South Africa</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Uganda</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>14</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

During the reporting period, ARINSA carried out its activities in the interests of economy of scale, effectiveness, efficiency and equity, while empowering member States to seize, freeze and confiscate illicitly obtained assets.

Member states have reported the following figures in terms of confiscations:

- In 2015 **USD 17 million**.
- In 2016 **USD 23 million**.
- In 2017 **USD 76 million**.
- In 2018 **USD 941 million**.
- In 2019 **USD 4.76 billion**.
- In 2020 **USD 1.28 billion**.

This shows that over **USD 7,193,407,628** in illicit financial flows have been interrupted in ARINSA countries over the past six years with **USD 1.28 billion** recovered and over **USD 8 billion** worth of assets being seized and pending finalisation in 2020 alone. Notably, **USD 31.7 million** of the assets recovered from crime were earmarked to support law enforcement work and various national development projects. This remarkable milestone proves that the ARINSA network continues to grow its footprint and impact in the region, making it a formidable player in the fight against organised crime and a worthy cause for investment and political support.

Based on consultations with UNODC advisers, mentors and contact points, trade-based money laundering was identified as an emerging crime trend and cybercrime and money laundering through cryptocurrencies.

Because the financial system has gradually become a more challenging environment to launder illicit funds, perpetrators are turning to money laundering outside the financial system, especially trade-based money laundering and through the use of cryptocurrencies. Despite this, law enforcement agencies in the region cannot yet detect and prevent trade-based money laundering, cybercrime and money laundering through cryptocurrencies, so this is an area in which UNODC intends to provide future assistance. UNODC has addressed these challenges through the following events during this reporting period:

- Cybercrime investigations and prosecutions webinar was held from 26-28 August 2020 for the National Prosecuting Authority of South Africa (NPA) officials.
- Webinar on cryptocurrency for the NPA, FIC and Commercial Crimes Division of South Africa was held from 16-17 September 2020.
- UNODC hosted a regional cybercrime webinar for ARINSA members on 01 October 2020.
- Webinar on Cryptocurrencies investigations and regulation for Mauritius was held from 28 September to 02 October 2020.
- Regional Trade-Based Money Laundering Webinar held on 19-20 October 2020.
- Webinar on cybercrime investigations and prosecutions for the NPA of South Africa for Western Cape Province officials, held from 27-29 October 2020.
Virtual Steering and Annual General Meetings

For the year 2020, four ARINSA Steering Committee Meetings (SCM) and an Annual General Meeting (AGM) were convened, one in-person and three virtual, due to COVID-19 travel restrictions. An in-person Steering Committee Meeting was held in Zanzibar in February, followed by three virtual Steering Committee Meetings held on 28 May, 17 July and 13 November 2020 respectively, while the AGM was held on 21 August 2020. The SC meetings were attended by steering committee members made up of participants from Botswana, Mauritius, Namibia, South Africa, Tanzania, Zimbabwe and UNODC.

Steering Committee Meeting held in Zanzibar - 10-12 Feb 2020

A Steering Committee Meeting was held in Zanzibar, Tanzania from 10-12 February 2020. It was attended by participants from Botswana, Mauritius, Namibia, South Africa, Tanzania, Zimbabwe and UNODC. The main topics for discussion were the Democratic Republic of Congo’s application to join ARINSA; follow-up on the recommendations agreed upon in Dar Declaration at the ARINSA 10th Anniversary meeting; progress on activities and preparations for the Annual General Meeting. The participants unanimously agreed to support the DRC application to be considered by the AGM. The AGM was scheduled for 22-26 June 2020 but is likely to be postponed due to COVID-19 developments.

Virtual Steering Committee meeting held on – 28 May 2020

A first virtual Steering Committee meeting was held on 28 May 2020. It was attended by participants from Botswana, Mauritius, Namibia, South Africa, Tanzania, Zimbabwe and UNODC. The main topics for discussion were follow-up on progress and results since the previous meeting, update on the CARIN meeting, handover of the Presidency and preparation for the AGM.

Virtual Steering Committee meeting held on 17 July 2020

A second Virtual Steering Committee meeting was held on 17 July 2020. It was attended by participants from Mauritius, Namibia, South Africa, Tanzania, and UNODC. The main topic for discussion was the preparation for the AGM and handover of the Presidency.

Virtual Steering Committee meeting held on 13 November 2020

The main topics for discussion were the new Presidential priorities of Mauritius, the ARINSA work plan and activities for the first year. Mauritius highlighted their priorities, including the adoption of a self-funding model for the network, asset management, working with FATF, ESAAMLG and other regional body assessments and possible measures of improving the Countries’ status and effectiveness. It was agreed, regarding pressing issues for the network, that Steering Committee members were to contribute proposals to (1) address the growing membership of ARINSA and the form it should ultimately take (including criteria for membership, observer status etc.); (2) a funding model for the network (3) a committee to review the responsibilities of members and clear any inconsistencies as well as lacunae in the ARINSA manual.

ARINSA virtual AGM

The virtual Annual General Meeting was held on 21 August 2020. All ARINSA member countries were in attendance, except Zimbabwe. Members of partner networks were also in attendance including ARIN-AP, RRAG, CARIN, ARIN-ECA. During the meeting the Democratic Republic of Congo was formally welcomed to the network as a member. An update was provided from Steering Committee discussions, and member countries were able to provide updates on their specific efforts to fight crime and challenges during COVID-19. The AGM ended with the inauguration of the new President, Guillaume Ollivry, the Director General of the Mauritius FIU for a two-year period.
Legislation and other adaptations

UNODC and ARINSA continued to engage in international policy dialogue on asset forfeiture with a view to advance the development of innovative approaches and practices in pursuing the tracing, recovery and return of stolen assets. In this regard, speaking events at various fora are also intended to continue this dialogue.

One new policy document was prepared for an ARINSA country with UNODC’s assistance in the current reporting period. This brings the cumulative number of laws and policies adopted with UNODC and ARINSA assistance to eight.

Zambia requested UNODC assistance with developing of an asset forfeiture strategic plan as it operationalises its new Asset Forfeiture Department within the National Prosecuting Authority of Zambia. This process involved consultations with Zambian authorities, a review of existing legislative and policy documents, and international and regional good practices in asset forfeiture. Following the development of a draft strategic plan, a multi-stakeholder validation meeting was held with Zambian authorities to discuss the strategic objectives as well as possible activities under the draft strategic plan. The validation meeting was held on 17 February 2021 and was attended by representatives from the National Prosecuting Authority, the Drug Enforcement Commission, the Ministry of Justice/Attorney-General’s Office, the Anti-Corruption Commission, the Financial Intelligence Unit, the National Anti-Terrorism Centre, and the Zambian Police Service.

Following a rich discussion and debate, it was agreed that there is a need to establish an inter-agency coordination mechanism in asset forfeiture/money laundering issues. A WhatsApp group was already established to coordinate responses to the Gap Analysis, which will now be used to coordinate future meetings related to the strategic plan. It was agreed that the Asset Forfeiture Department would present the strategic plan for adoption by the NPA and start implementation. Future support from UNODC/ARINSA to prepare the documents listed in the strategic plan, which include operational manuals, guidelines, and policy formulation will also be discussed in the near future by Zambian authorities, along with capacity-building.

In terms of asset management, UNODC implemented the pilot project to assess the feasibility of strengthening the asset management systems of six ARINSA countries: Botswana, Kenya, Mauritius, Namibia, South Africa and Zambia. Due to the continuing travel restrictions in the region, this project consisted of a series of virtual multi-stakeholder meetings with the pilot countries. The overall findings of these consultations were:

1. Asset management office – only Botswana has an operational statutorily established, dedicated asset management office.
2. National asset management policies and guidelines- none of the six countries have any in place, although Kenya has a draft in place.
3. Central data depository and data management systems for seized, frozen, forfeited, or confiscated assets are generally absent. Botswana has one with the Office of the Receiver; the Namibian Police have a system, although it is not inclusive of all institutions; and the other four countries keep this function at institutional level. In South Africa, the curator bonis is often used for asset management purposes, which brings a public/private aspect to the management of assets, but with little or no oversight.
4. Asset storage- each country has different storage facilities, mostly storing at the police yard, with some items stored at agency level. South Africa uses the curator bonis for most of its storage needs, while Mauritius has in practice designated customs storage facilities for use by their agencies.
5. IT platform/solutions for managing assets- none is in place for all the six countries.
6. Pre-seizure planning and inclusion of all concerned parties – none of the countries are complying.
7. Seizure is physical mostly in all six countries, although South Africa reported seizing virtual assets, thereby being the first in the region.
8. Asset and risk management planning- rarely done by any of the countries.
9. Disposal or sale of seized and forfeited assets – this remains a challenge for all six countries. Only Mauritius is experimenting with an online auction system managed by customs.
10. Disbursement of final proceeds/social reuse - all the countries have an Asset Forfeiture Fund/Account. Rules and guidelines are yet to be developed in Kenya, Botswana, and Zambia, and are operational in Namibia and South Africa. The situation is not clear in Mauritius.
11. Capacity-building on asset management is a priority for all six countries.

Detailed feasibility reports have been produced for each of the six pilot countries, and a manual to guide each country on the management and disposal of frozen, seized and confiscated assets.

After completing the first phase of this engagement with the six focus countries, a formal request was received from Botswana for assistance in strengthening its asset management system as per the weaknesses identified in Botswana’s report.

In previous reporting periods, UNODC had assisted Mozambique with legislative advice on pending proceeds of the crime bill. The bill set out a dedicated asset forfeiture and management system in Mozambique, and procedures relating to the forfeiture of assets. In November 2020, Mozambique informed UNODC that the bill had been adopted into legislation.

Eswatini is undergoing a mutual evaluation exercise in which experts from countries in the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) are scheduled to assess whether the jurisdiction’s anti-money laundering and combating the financing of terrorism (AML/CFT) regime is effective and in compliance with international conventions and standards. As part of the exercise, the experts will review laws underpinning Eswatini’s AML/CFT regime and interview public and private sector specialists tasked with the prevention, detection, investigation and prosecution of money laundering and terrorism financing. The authorities of Eswatini therefore requested UNODC to conduct a mock mutual evaluation preparing public and private sector institutions for the FATF mutual evaluation. Between 30 December 2020 – 11 January 2021, UNODC met with and interviewed officials from the public sector, including the FIU of Eswatini, the Central Bank, the Royal Eswatini Police, the Revenue Authority, the Director of Public Prosecutions, the Financial Services Regulatory Authority and the Anti-Corruption Commission. Similar interviews were held with private sector players, such as real estate, casinos, lawyers, Western Union and Money Gram, mobile money operators, banks and insurance companies.

The outcome of the UNODC intervention resulted in the authorities getting an idea of the nature of questions to expect from the mutual evaluation team and to be prepared for the on-site visit. Secondly, Eswatini received policy and legal advice given that they were able to identify areas that required further development or preparation before the mutual evaluation exercise. It was noted that Eswatini had done some excellent work in the investigation and prosecution of serious and organised crime, but that they did not have strong statistics to substantiate this. The mock mutual evaluation showed them how to present statistics and case summaries more compellingly. It is hoped that this type of assistance will reduce the likelihood of countries in the region getting listed following the mutual evaluations.

UNODC further assisted Zambia in developing its asset forfeiture strategy, as well as Botswana, Kenya, Mauritius, Namibia, South Africa and Zambia in developing their asset management policies.

The UNODC has continued to strengthen partnerships in the Eastern and Southern African regions to advance international and regional policy dialogue, promote regional development through the recovery of assets as well as to raise ARINSA’s profile as an asset recovery network. During this reporting period one joint event was held with the Southern African Chief Justices Forum (SACJF). To advance the money laundering and asset forfeiture agenda amongst members of the judiciary, including for future capacity building, UNODC is working with the SACJF in the development of its strategic plan for the years 2020-2025. As a first step to the development of this strategic plan, on 7 October 2020, a virtual Stakeholders Consultative Meeting was held to identify key issues to be addressed by the plan. Further virtual workshops will be held in the upcoming months to concretize the suggestions and finalize the strategic plan.

On 13 October 2020, UNODC convened a high-level side event at the Conference of Parties to the United Nations Transnational Organised Crime Convention, entitled, “Combatting Illicit financial flows in the Sub-Saharan African Region: A look at regional networks and other initiatives”. Speakers spoke about how countering illicit financial flows through anti-money laundering efforts and strengthening the forfeiture or recovery of assets is key as it bridges law enforcement and development by availing recovered assets to States. The event was attended by more than 140 participants and featured remarks by Ms Ghada Waly, UNODC Executive Director; Mr Hamada El-Sawy, Prosecutor General of Egypt and President of the Africa Prosecutors Association; Adv Shamila Batohi, National Director of Public Prosecutions, National Prosecuting Authority of South Africa; and H.E. Mr Leigh Turner, the United Kingdom Ambassador in Austria. It was moderated by Mr Michiel van Dyk,
Head of the Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism, UNODC.

Some of ARINSA countries have commenced or are in the process of drafting or implementing new or updated laws or policy documents on interrupting illicit financial flows with UNODC assistance.

Seychelles received assistance in enhancing their asset management policy by drafting standard operating procedures for the Seychelles police. Work has also commenced to assist Eswatini with advice on their cybercrime bill, and Zambia on the development of their asset forfeiture strategy for their new asset forfeiture unit.

Three ARINSA countries are currently under the FATF grey list and EU blacklist, namely Botswana, Mauritius and Zimbabwe. During the reporting period, UNODC commenced discussions and work with these countries to address the identified deficiencies in line with the FATF recommendations. Training events have already started for Mauritius, and further events, including Botswana and Zimbabwe are planned in the upcoming months.

Updates to the Casebook on Proceeds of Crime from Southern and Eastern Africa

In 2020 UNODC, with the support of ARINSA contact points, completed work on updates to the Casebook on Proceeds of Crime from Southern and Eastern Africa through a second edition of the publication. It consists of case summaries depicting how asset recovery is implemented in different jurisdictions, highlights good practices, challenges experienced by practitioners and lessons learnt from different countries.

During the reporting period, the second edition of the case law compilations was used in providing training to the Judiciary in the self-paced e-learning modules administered from 8 February to 8 March 2021.

ARINSA and UNODC continue to support tools and information systems that help practitioners gain insight into the regional experience in asset forfeiture. In this regard, UNODC has developed, together with the University of Cape Town (UCT), a short online course for legal practitioners involved in asset recovery. The course is based on local case examples found in the ARINSA Casebook, and will be administered jointly by UNODC and UCT, with participants receiving certificates from UCT upon completion of the course.

UNODC further administers a case law database on the ARINSA website. This database provides a single depositary for concluded judgments, decisions and orders by member countries on money laundering and asset forfeiture. The website was launched in July 2015 and continues to grow in use. The database now contains information on over 100 cases. Relevant statistics in terms of hits and number of users are indicated below:

<table>
<thead>
<tr>
<th>Year (end)</th>
<th>Number of Users</th>
<th>Number of Hits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td></td>
<td>62,346</td>
</tr>
<tr>
<td>2016</td>
<td>620</td>
<td>74,050</td>
</tr>
<tr>
<td>2017</td>
<td>905</td>
<td>292,231</td>
</tr>
<tr>
<td>2018</td>
<td>589</td>
<td>2,999,994</td>
</tr>
<tr>
<td>2019</td>
<td>739</td>
<td>1,896,291</td>
</tr>
<tr>
<td>2020</td>
<td>1680</td>
<td>1,052,593</td>
</tr>
<tr>
<td>2021 (from 1 Jan 2021 to date)</td>
<td>1970</td>
<td>81,143</td>
</tr>
</tbody>
</table>
Stories of change

- Malawi reported its first successful non-conviction-based forfeiture case, led by a former ARINSA trainee who had previously participated in the PPP programme. Malawi passed the Financial Crimes Act in 2017 that introduced NCB forfeiture. However, it was only in 2019 when a case requiring NCB was brought before the courts. The financial intelligence unit of Malawi had received a suspicious transaction report, showing that Mr Charles Mchakulu, who was working at the Reserve Bank of Malawi as Banking Manager had been fraudulently diverting government funds to Lucy Saukila’s business account under the name Ideal Stationery. He would then have Lucy transfer the money back to him. When the suspicious transaction was reported, the account had MWK 120,917,295.60 (approximately USD 157,850). The FIU proceeded to obtain a preservation order to preserve the money, and two residential properties belonging to Mr Mchakulu, believing that the property had been built using criminal proceeds.

Following the granting of the preservation order and various challenges before the Court, on 20 September 2020, the Court then went ahead to make a ruling on the forfeiture application as it involved the money. The court ruled that there was a clear indication that Lucy Saukila’s account received money that she was not entitled to, and that she had failed to offer any explanation of how she came to have this money. As such the money would be forfeited to government and would be in the Confiscation Fund Account which is managed by the Director of the FIU on behalf of the Minister of Finance.

- Eswatini approached UNODC for assistance with their first asset forfeiture case under the new proceeds of crime legislation. It was therefore critical to establish good case law in respect of asset recovery. Due to the nature of assistance sought and the ability of the network members to provide mentorship support to one another (South to South cooperation) UNODC engaged the aid of the National Prosecuting Authority of South Africa. The case raised numerous issues concerning the application of asset forfeiture laws in Eswatini relating to, amongst others; the difference between conviction and non-conviction based forfeiture; the right to proceed on an ex parte basis and for an order to be granted without a rule nisi being issued; the standard of proof; and disputes of facts. Detailed heads of argument were drafted, drawing on case law from other African countries, like Namibia, Botswana and South Africa as well as countries further afield.

The judgement was delivered in December 2020 in favour of the Eswatini government. The judgement clearly set out and clarified numerous issues and now serves as a precedent for Eswatini, given that the judgement emanates from the appellate court. The judgement will further potentially serve as a precedent for other common law jurisdictions.

The case was also of particular significance since it concerned a drug trafficker working between South Africa and Eswatini. Cross border crimes can now be addressed more effectively to the benefit of neighbouring countries. Mentorship support by South Africa to litigation was able to happen expeditiously and quickly because of contacts and relationships that were formed through ARINSA.

- A prosecutor from Uganda informed UNODC that since receiving training, he had applied his knowledge to supervise the tracing of assets. He explains that he now knows how to handle exhibits correctly and efficiently so that they are admissible before court and works more collaboratively with investigators, understanding their roles, to have the best results, and prioritises “following the money”. He explained that what he does differently since the training is that before the investigators carry out investigations, they (both prosecutors and investigators) have a detailed planning meeting to discuss what the case is about, what is required or expected and its purpose. He also makes an effort to explain to investigators why certain decisions are taken to understand their viewpoint. After that, he has made a habit of convening subsequent meetings to thoroughly discuss what transpired in investigations and analyse whether they achieved what they set out to do. This helps shorten the length of investigations, avoid many unnecessary errors and make their interventions more effective. He noted that since the training, he had handled at least one case directly relevant to the principles he learnt during the training. He gave an example of a new investigation case, noting that they have commenced asset tracing
investigations in respect of alleged proceeds of crime including motor vehicles and plots of land.

- One of the Mozambique contact points reported that the greatest lessons learnt during training activities administered by UNODC were the role of the financial intelligence unit (FIU), the usefulness of inter-agency co-operation, and the importance of financial records and financial interviews. She explained that since the last training, what she has done differently is to enhance inter-agency cooperation with their FIU (GIFiM), resulting in her office obtaining intelligence from them that they can use to prosecute their cases. She further pointed out that they changed their approach to interviewing suspects. Rather than interviewing suspects first as they used to previously, they now interview the suspect last as a rule to ensure that they have as much information as possible beforehand. She explained that since the last training, she had handled a number of relevant cases. In one case, using the lessons learnt from the training, she and her colleagues identified some assets by checking the utilities invoices. They also obtained intelligence from their FIU that helped them identify bank accounts and assets bought. In addition, they engaged their tax authority and registration authorities and requested information from them. They are in process of tracing those assets.

The knowledge increase of beneficiaries of ARINSA training events during this reporting period was assessed through event evaluation forms for online activities. A total of 1026 participants have been trained during in 2020, including 441 female participants.

During the COVID-19 travel restrictions, UNODC has also administered its online training events through the ARINSA website. This has included the provision of self-paced e-learning modules, live webinars and workshops, as well as recordings of each webinars to support those with connectivity issues. This has led to an increase in usage of the website which went from 836 users and 496,835 hits at the beginning of the pandemic travel restrictions at the end of March 2020, to 1970 users and 81,143 hits at the end of March 2021. The number of hits to the website decreased in the first quarter of 2021 due to the ongoing upgrade of the e-learning system in UNODC Vienna, which is linked to the ARINSA website.

During this reporting period, a number of revisions were made to improve the functionality of the website. These included the following upgrades:

a) Security upgrade including the installation of a secondary firewall, hardware assurance to ensure business continuity and upgrading bandwidth to 100Mbps to enhance the speed and security of the server.

b) Redesign of the user interface to accommodate the newest functionalities available in the latest version of the operating system.

c) Design and creation of the online real time and dispersed video/discussion forum meeting functionality which is capable of hosting multi stakeholder meetings online, host unlimited number of video meetings, webinar events with a 24-hour limit per meeting.

d) Design a reporting functionality that will make it easier to get custom reports and statistics from the website e-learning activities.
The operating system and system database upgrade to the latest version to cater for new e-learning functionality and specifications

**Capacity building Workshops**

Through the support of FCDO to ARINSA, several national workshops were conducted in different countries, amongst others Botswana and Mauritius to increase knowledge and to ultimately improve the effectiveness of ARINSA, leading to more cases and more recoveries of money, moving assets and fixed assets. These workshops took place in the form of webinars due to COVID-19 restrictions in countries, and were all well attended with a high passing percentage on all courses. Topics were well-selected to emphasise and analyse certain priority areas, such as money laundering, financing of terrorists and the legal framework of specific countries and the components of an effective CFT structure. These webinars were further reinforced by a number of weekly webinars.
### Regional Events

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
<th>City, Country / (Mode of delivery)</th>
<th>Geographical scope</th>
<th>Country(ies) Participating</th>
<th>Female</th>
<th>Male</th>
<th>No. of people trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Prosecutors Association (APA) - UNODC Meeting on Combatting Transnational Crimes and Enhancing Asset Forfeiture</td>
<td>4-6 February 2020</td>
<td>Pretoria, South Africa (In person)</td>
<td>Regional</td>
<td>South Africa, Tanzania, Zambia, Zimbabwe, Namibia, Botswana, Madagascar, Eswatini, Malawi, Mauritius, Mozambique, Angola, Egypt, Morocco, Switzerland, Lesotho, Kenya, Uganda, DRC, Rwanda</td>
<td>19</td>
<td>21</td>
<td>40</td>
</tr>
<tr>
<td>ARINSA Steering Committee Meeting</td>
<td>10-12 February 2020</td>
<td>Zanzibar (In person)</td>
<td>Regional</td>
<td>Botswana, Namibia, South Africa, Tanzania, Zimbabwe, Mauritius, UNODC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Wildlife Crime Train the Trainer Workshop</td>
<td>11-13 March 2020</td>
<td>Pretoria, South Africa (In person)</td>
<td>Regional</td>
<td>South Africa, Tanzania, Zambia, Zimbabwe, Namibia, Botswana, Madagascar, Eswatini, Malawi</td>
<td>8</td>
<td>22</td>
<td>30</td>
</tr>
<tr>
<td>E-learning - Introduction to Money laundering (AML)</td>
<td>May - July 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Angola, Botswana, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe</td>
<td>95</td>
<td>113</td>
<td>208</td>
</tr>
<tr>
<td>ARINSA Steering Committee Meeting</td>
<td>28 May 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Botswana, Namibia, South Africa, Tanzania, Zimbabwe, Mauritius, UNODC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARINSA Steering Committee Meeting</td>
<td>17 July 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Namibia, South Africa, Tanzania, Mauritius, UNODC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Date</td>
<td>City, Country / (Mode of delivery)</td>
<td>Geographical scope</td>
<td>Country(ies) Participating</td>
<td>Female</td>
<td>Male</td>
<td>No. of people trained</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>--------------</td>
<td>------------------------------------</td>
<td>--------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>--------</td>
<td>------</td>
<td>----------------------</td>
</tr>
<tr>
<td>E-learning - AML module for Advocates</td>
<td>Sep-20</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Angola, Botswana, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe</td>
<td>41</td>
<td>53</td>
<td>94</td>
</tr>
<tr>
<td>E-learning - AML module for Judiciary</td>
<td>Sep-20</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Angola, Botswana, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe</td>
<td>9</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Regional cybercrime webinar for ARINSA members</td>
<td>01 Oct 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Angola, Botswana, DRC, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe</td>
<td>17</td>
<td>32</td>
<td>49</td>
</tr>
<tr>
<td>Regional Trade Based Money Laundering Webinar</td>
<td>19-20 Oct 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Angola, Botswana, DRC, Eswatini, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zambia, Zimbabwe</td>
<td>65</td>
<td>55</td>
<td>120</td>
</tr>
<tr>
<td>ARINSA Steering Committee Meeting</td>
<td>13 Nov 2020</td>
<td>virtual/online</td>
<td>Regional</td>
<td>Botswana, Namibia, South Africa, Tanzania, Zimbabwe, Mauritius, UNODC</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## National Events

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
<th>City, Country / (Mode of delivery)</th>
<th>Geographical scope</th>
<th>Country(ies) Participating</th>
<th>Female</th>
<th>Male</th>
<th>No. of people trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-learning - National Training Course on Cyber-Related Investigations and Prosecutions</td>
<td>26-28 August 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>South Africa</td>
<td>7</td>
<td>21</td>
<td>28</td>
</tr>
<tr>
<td>Meeting on facilitating Sustainable Development in Mozambique through Asset Recovery</td>
<td>02-03 Sep 2021</td>
<td>virtual/online</td>
<td>National</td>
<td>Mozambique</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training on cryptocurrency for the NPA, FIC and Commercial Crimes Division of South Africa</td>
<td>16-17 Sep 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>South Africa</td>
<td>13</td>
<td>18</td>
<td>31</td>
</tr>
<tr>
<td>Training on cryptocurrency for Mauritius</td>
<td>28 Sep - 02 Oct 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>Mauritius</td>
<td>12</td>
<td>18</td>
<td>30</td>
</tr>
<tr>
<td>National cybercrime training for the NPA of South Africa (Western Cape)</td>
<td>27-29 Oct 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>South Africa (WC)</td>
<td>7</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>National cybercrime training for Malawi</td>
<td>17-19 Nov 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>Malawi</td>
<td>14</td>
<td>26</td>
<td>40</td>
</tr>
<tr>
<td>Counter Terrorism Financing National Training Course for Mauritius</td>
<td>30 Nov - 04 Dec</td>
<td>virtual/online</td>
<td>National</td>
<td>Mauritius</td>
<td>13</td>
<td>9</td>
<td>22</td>
</tr>
<tr>
<td>Training on cryptocurrency for NPA South Africa</td>
<td>07-08 Dec 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>South Africa</td>
<td>13</td>
<td>19</td>
<td>32</td>
</tr>
<tr>
<td>Counter Terrorism Financing National Training Course for Botswana</td>
<td>14-18 Dec 2020</td>
<td>virtual/online</td>
<td>National</td>
<td>Botswana</td>
<td>12</td>
<td>16</td>
<td>28</td>
</tr>
</tbody>
</table>
A number of additional regional webinars were held to build on the work done in the above E-learning events. No mentor visits were conducted during this reporting period, due to COVID-19 travel restrictions by ARINSA member States.

**International cooperation with other networks**

Regional cooperation frameworks for information sharing and cooperation were established. Contact points established trust and shared information through discussions held at in-person meetings, communication through the ARINSA website, e-mails, telephonic calls and participation in WhatsApp groups. There are currently 57 participants in the contact points WhatsApp group and 29 participants in the Steering Committee WhatsApp group. The current information gathering system is manual with UNODC staff sending emails to and calling the contact points to gather information on the cumulative number of coordination requests. In certain instances, UNODC is contacted for assistance with follow up.

During this reporting period, the secretariat has processed 32 requests for assistance. The cumulative amount of these requests is 75, taking into account the requests reported in previous reporting periods. Money laundering and fraud/corruption were the main underlying crimes for which assistance was sought. Ten (13) of the 32 requests made were regional as they were amongst the ARINSA network members themselves, while 19 entailed international cooperation requests beyond the region, including countries in other networks such as CARIN (Europe), RRAG (Latin America), ARIN-AP (Asia-Pacific), and ARINA-CARIB (the Caribbean).

**Improved policy, legislation and regulations**

The UNODC has continued to strengthen partnerships in the East and Southern African regions in order to advance international and regional policy dialogue, promote regional development through the recovery of assets as well as to raise ARINSA’s profile as an asset recovery network. During this reporting period, one joint event was held with the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) and SADC. This brings the total number of joint events to five. In addition, one joint activity was completed with the Southern African Chief Justices Forum (SACJF).

SARPCCO is the primary force in SADC and Southern Africa for the prevention and fighting of cross-border crime. This regional organisation is supported by the Sub-Regional Bureau of INTERPOL in Harare, which coordinates its activities and programmes. Following a request from SARPCCO, given that cybercrime is one of the numerous challenges that the Police Sector in the region is currently facing, UNODC organised training from 1-4 March 2021. The training, which was conducted remotely, focussed on the largest cryptocurrency - Bitcoin, but also provided an overview of other cryptocurrencies. SADC has requested further joint online trainings with UNODC, through the ARINSA platform, the logistics of which are currently being discussed.

During this reporting period, UNODC assisted SACJF with finalising its five-year Strategic Plan, for the years 2021-2025 through consultative meetings with SACJF and its partners. The objective of this engagement was to advance the money laundering and asset forfeiture agenda amongst members of the Judiciary, including laying the groundwork for future capacity building. The almost finalised Strategic Plan now includes as an objective the promotion of good governance, asset forfeiture and the combatting of corruption, trafficking, money laundering and all forms of illicit financial flows. Activities will therefore be prioritised by the Chief Justices over the next five-year period that are focused on ensuring that the proceeds and instrumentalities of crime are made available to supplement the resources of the Countries in the region. The draft Strategic Plan is in the final stages of adoption, having been agreed to at the level of the SACJF management committee.

**Virtual Mentorship Programme**

14 virtual mentorships were provided to ARINSA countries. During this reporting period, a GAP Analysis were conducted with virtual mentors in Eswatini, Kenya, Mozambique, Namibia, South Africa, and Zambia. Due to the remote nature of consultations held during this period, the mentors encountered various challenges, such as the timely collection of information from various stakeholders. Each GAP Analysis identified challenges and prioritised country-specific interventions. This brings the number of GAP Analysis conducted to 9, taking into account those completed in Botswana, Seychelles and Uganda during previous reporting periods. It is expected that the completion of the GAP Analysis will guide inter-agency discussions on the existing gaps, as well assist in the prioritisation of technical assistance needs. An analysis of the outcomes will be presented in the final
A further GAP Analysis on countering terrorism financing frameworks and operational effectiveness was conducted in 2020 in Botswana and Mauritius. By defining and analysing the gaps, an action plan can be created to close the gap with training or other capacity building initiatives, thus bringing the countries closer to meeting international standards in CFT.

Eswatini received the support of an UNODC adviser, who provided remote mentorship support in preparing Eswatini’s mutual evaluations. Following the mentorship support, Eswatini agreed on a series of planned actions that need to be taken prior to the mutual evaluations. (Due to confidentiality of discussions, it is not presently possible to share the recommendations).

A virtual mentor was provided to Zambia to assist in drawing up a five-year asset forfeiture strategy. The mentor worked in close consultation with the Head of the Asset Forfeiture Department of the Zambian National Prosecuting Authority, then convened a multi-stakeholder validation meeting with institutions involved in the asset forfeiture process. During the asset forfeiture strategy validation meeting, a number of new activities were identified by Zambian authorities as a result of discussions and the strategy was adopted. A key development was the general recognition that a multi-agency team was needed to coordinate issues in Zambia relating to combating illicit financial flows.

Botswana, Kenya, Mauritius, Namibia, South Africa and Zambia received virtual mentorship support through a series of meetings and workshops on their asset management regimes. As a result of these consultations, they received recommendations intended to shape further asset management work in these six countries.
The National Service for Asset Recovery is an institution under the Office of the Attorney-General of Angola whose major duty is to identify, track down and seize all crime-related property, financial assets and products based in Angola or overseas and recover and restore such assets and property to State ownership.
2020 was a year influenced and changed by the worldwide pandemic and the regulations put in place to combat the spread of the virus. Most training and seminars took place via the internet and other digital communication methods. Training and collaboration from ARINSA and other member countries played an important role in the successes for the year.

In light of all the challenges, the National Service of Asset Recovery had several successes to report on this year.

**Assets seized in Angola**

As part of the ongoing lawsuits launched in 2020, the National Service for Recovery of Assets seized real estate and equity interests of USD 2,035,028,227.35 (two billion, thirty-five million, twenty-eight thousand, two hundred twenty-seven USD and thirty-five cents) financial assets and property of USD 5,434,100,000.00 were seized in Angola and executed overseas. These include:

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Switzerland</td>
<td>USD 1,873,000,000.00</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>USD 645,000,000.00</td>
</tr>
<tr>
<td>Portugal</td>
<td>USD 2,051,600,000.00</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>USD 1,000,000.00</td>
</tr>
<tr>
<td>Cyprus</td>
<td>USD 584,000,000.00</td>
</tr>
<tr>
<td>Monaco</td>
<td>USD 29,500,000.00</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>USD 250,000,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>USD 5,434,100,000.00</strong></td>
</tr>
</tbody>
</table>

Financial assets and property of USD 5,434,100,000.00 (five billion, four hundred thirty-four million and one hundred thousand USD) were seized in Angola and executed overseas. These include:

a) 42.5% of equity interest at the EuroBIC bank company;
b) 40% of equity interests at Esperaza Holding BV company;
c) 67.2% of equity interests at Efacec Power Solutions company;
d) 52% of equity interests at NOS SGPS, SA company;
e) 50% of equity interests at ZOPT, SGPS, SA companies;
f) 100% of equity interests at UNITEL HOLDING BV company;
g) 100% of equity interests at KENTO HOLDING LIMITED company;
h) **Four real estate properties** in the UK (Isle of Man and London) estimated at 60,000,000 Pounds Sterling;
i) One recreational boat registered in the UK and based in Monaco;
j) Bank accounts in several countries, including term deposit accounts and other financial applications and bonds, are as follows:

Financial assets, real estate and equity interests of USD 1,227,973,293.36 (One billion, two hundred twenty-seven million, nine-hundred seventy-three thousand, two hundred ninety-three US Dollars and thirty-six cents) whose judicial decisions are final and binding, were recovered from multiple companies to State ownership.

Considering that some of the real estate was closed, unused, and in poor condition or with signs of deterioration as a result of being unused, the National Service of Asset Recovery under the Office of the Attorney General, at the request of the legal guardian, the Justice Fund, issued an order that some of the assets be put to public use, pursuant to article 233 of the Criminal Code. Instructions were issued for such buildings to house the National Ophthalmology Institute, the National Blood Institute, the National Medical Emergency Institute (INEMA), the National Identification, Civil Registration and Notary Public Service, the Court of Audit, the Juvenile Court and further types of courts and services. Pursuant to Article 233.1 of the criminal code, the Prosecutor’s Office is vested with powers to unofficially or under the proposition of a legal guardian to issue an order for seized assets to be put to public use. In allocating such seized assets for the mentioned purposes, consideration was taken in prioritising those services that operated in rented offices, a strategy that has resulted thus far, in government savings of USD 12,540,855.00 (twelve million, five hundred and forty thousand, eight hundred and fifty-five USD) that otherwise would have been spent in annual rent.

As part of the ongoing investigation, nearly USD 80,000,000,000.00 (eighty billion USD) are expected to be recovered within the next eight years though based on existing data, it is estimated that the State has incurred losses amounting to USD 150,000,000,000.00 (fifty billion dollars). Note that this report accounts for the operations conducted by the National Service of Asset Recovery (SENRA) in 2020 alone.
2020 was a challenging year due to the Covid-19 pandemic, which hit the world at large. Measures implemented in response to Covid-19 were working in shifts and working from home. The majority of offices worked with a skeletal workforce most of the time.
This resulted in a slow output of applications and investigations in general, not only on the part of the AFU or AML/CFT, but also on stakeholders during engagement in investigations.

The Anti Money Laundering and Counter Financing of Terrorism Unit, under the Criminal Investigation Department of the Botswana Police, received 18 money laundering cases. The total cases increased to 67, adding to the 49 cases brought forward from previous years. Out of these cases, 12 were closed due to insufficient evidence to prosecute, and another 3, as no further police action was taken, leaving a total of 52 cases under investigation.

Cases resulting from predicate cases of fraud, trafficking in narcotics, drugs or psychotropic substances, unlawful possession of dagga, dealing in foreign currency and hunting protected animals, which are common crimes in Botswana, totalled 16. Another 2 cases of suspicious transactions reported by the Financial Intelligence Agency resulted in 18 cases reported in 2020.

The Asset Forfeiture Unit of the DPP received only 4 cases where property and money at an estimated value of 18 136 580 USD was restrained. One case was discharged before the Court and involved 2 plots and a motor vehicle at an estimated value of 178 000 USD.

Cyber fraud, fraud and dealing drugs are crimes that result in money laundering.

The following are amounts restrained from cases of ML at AML/CFT Unit:

<table>
<thead>
<tr>
<th>Currency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BWP</td>
<td>3 976.95 (397 695 USD)</td>
</tr>
<tr>
<td>USD</td>
<td>9 130.00</td>
</tr>
<tr>
<td>ZAR</td>
<td>220.00</td>
</tr>
<tr>
<td>GBP</td>
<td>60</td>
</tr>
</tbody>
</table>

The following are amounts seized from ML cases during the year:

<table>
<thead>
<tr>
<th>Currency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BWP</td>
<td>2 513 621.03 (251 362.10 USD)</td>
</tr>
<tr>
<td>ZAR</td>
<td>38 110.00</td>
</tr>
<tr>
<td>USD</td>
<td>6 330.00</td>
</tr>
</tbody>
</table>

The total amount confiscated during the year is BWP 592 002.47 (59 200 USD)

Properties worth USD 27 575 893.10 were restrained during the year. These include 8 residential plots, a ploughing field, 3 motor vehicles and some electrical gadgets. The cases are still pending before Courts. The Asset Forfeiture Unit dealt with these restraints and deals with cases from other stakeholders, particularly the Directorate of Corruption and Economic Crimes.

The AML/CFT Unit conducted an awareness workshop for LEA that was unsuccessful to hold with other stakeholders due to the movement restrictions and the working arrangements put in place to help fight the Covid-19 pandemic in Botswana.

The Asset Forfeiture Unit of DPP also went through enormous changes in terms of its leadership. We are hopeful that the Country will engage or seek assistance from ARINSA in 2021.

The following amounts are involved in the 18 cases of money laundering (ML) received during the year:

<table>
<thead>
<tr>
<th>Currency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BWP</td>
<td>5 706 317.82 (570 631.78 USD)</td>
</tr>
<tr>
<td>USD</td>
<td>75 519.00</td>
</tr>
<tr>
<td>ZAR</td>
<td>2 136 680.00</td>
</tr>
<tr>
<td>Angolan Banco</td>
<td>1000.00</td>
</tr>
<tr>
<td>Zambian Kwacha</td>
<td>500.00</td>
</tr>
<tr>
<td>EMLANGENI</td>
<td>50</td>
</tr>
</tbody>
</table>
The year 2020 has been very challenging due to the Covid-19 pandemic that broke out across the world. The Democratic Republic of the Congo (DRC) has been one of the countries that have been affected by the pandemic, and as such many of the activities in all sectors were affected.
The state of emergency declared in the DRC brought a five month standstill, which led to the closure of external borders, the restriction of internal movement between provinces and the cancellation of flights in and out of the country. This downtime had alarming economic consequences, such as price explosions and low cash flow across all industries. This affected the operations of ARINSA in general.

Despite the year’s challenges, ARINSA was able to provide many programs that the DRC benefited from. These included:

- Online Learning Programmes
- Workshops and Training Programmes

**ASSET RECOVERY LEGISLATION**

The DRC has made strides to improve the legislation meant to fight money laundering and terrorist financing offences. The country has the following structures of legislation:

- The Fund for the fight against organised crime (FOLUCCO), which is under the supervision of the Ministry of Finance and who takes care of the management of property confiscated to the State.
- The Commission for the management of seized and confiscated property (COGEBISCO) under the supervision of the Ministry of Justice.

Under the supervision of the Ministry of Finance: FOLUCCO

- Law No. 04/016, of 19th July 2004 – Law on the fight against Money Laundering and Terrorist Financing. (Articles 47 and 48)
- Decree No. 08/22, of 24th September 2008 establishing the fund for the fight against organised crime (FOLUCCO).

Under the supervision of the Ministry of Justice: COGEBISCO

- ORDONNANCE-LOI 79-026 du 26 Septembre 1979 portant création The Penal Code - Decree of January 30, 1940 as amended and completed to date
- The United Nation against Corruption – Asset Recovery (Articles 51-57)

As mentioned above, these two structures FOLUCCO and COGEBISCO have a similar mission and mandate to the management of property and confiscated devolved to the State. To avoid this telescoping and confusion in their roles and to advance the country in this sector, it has been proposed to both ministers to evolve to one structure with a comprehensive mandate which will make it possible to deal with matters of seizures, confiscations or asset recoveries.

**RECOVERED ASSETS, FUNDS AND RESTRAINING ORDERS SECURED**

There have been seizures under AML/CFT. There is, however, a specialised organisation named FOLUCCO, that manages these confiscated resources and property vested in the state, but the prosecuting authorities do not include this aspect in their investigations.

- The lack of implementation of legal provisions providing for dissuasive sanctions by the prosecuting authorities substantially weakens the system’s effectiveness. The prosecution of legal persons is adequately provided for by law, and only one of them has been subject to sanctions. Convictions are, however, virtually non-existent, which contrasts with the risks identified.
- Assets Recovery
- Funds
- Restraining Orders Secured
“If crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means. If the enemies of progress and human rights seek to exploit the openness and opportunities of globalisation for their purposes, then we must exploit those very same factors to defend human rights and defeat the forces of crime, corruption and trafficking in human beings.” - (UNTOC)
Criminals have long eradicated the boundaries that divide countries into their well-organised schemes, thus rendering the measures placed by individual states to fight crime effectively. ARINSA stands as the outstanding network and centre agency for the Kingdom of Eswatini’s international asset recovery process. The asset recovery process in the Kingdom was initiated with the assistance obtained through the ARINSA network and the continuous training of prosecutors, investigators and the Judiciary.

Common crimes such as fraud, drug trafficking, illegal gambling, smuggling and theft by false charades were experienced in Eswatini over the past year. As a result of the effect modern technology has on the world, borders became almost invisible, with persons exploiting globalization, cybercrime emerged and became a fast-growing misdemeanor.

Although Eswatini was also affected by the Covid-19 regulations, many cases were still successfully investigated, prosecuted and in progress. Investigators, prosecutors and judiciary professions conduct daily tasks via electronic communication channels and limited in-person activities.

**Seizures for 2020:** 21 cases  
**Value of seizures:** USD 544,605  
**Recoveries in 2020:** 9 cases  
**Value:** USD 49,588

### CASES

#### Illegal gambling machines raised two hundred and five thousand three hundred and twelve Emalangeni sixty cents

**HIGH COURT CASE NO 243/2020**

Chinese residents placed several illegal gambling machines in shops and other venues around Eswatini. The owners regularly removed the cash generated from these gambling machines and used it to buy vehicles, amongst other items.

The illegal use of gambling machines was reported, and investigators proved that the assets obtained by the Chinese residents were a direct result of the earnings derived from the illegal gambling machines. The case was presented at the High Court, whereupon the illegal gambling machines were confiscated, and the money in possession of the criminals was forfeited. Several vehicles owned by the Chinese residents also proved to result of the money earned from the illegal gambling machines. The Court ruled that the vehicles had to be confiscated.

#### Millionaire’s house forfeited with content

**HIGH COURT CASE NO.1270/2019 4 MILLION RANDS FRAUD**

An employee from a well-known hotel group used the opportunity to steal millions from her employer. With millions to hide, she spent the money by investing in property and constructing a luxurious house on native land.

After the case was reported, investigators found evidence to prove that she could not afford the investments based on her income and that she defrauded the money from her employer. The Court found her guilty and the property with all content were forfeited. The house was valued at 2.2 million rands.

#### Foreigners smuggled into Eswatini for huge amounts

**HIGH COURT CASE NO. 803/2019**

**Dpp v Ricky Sibiya**

The police received information from an informant concerning a syndicate of government officials that were part of this syndicate that illegally issued Eswatini passports to foreign nationals. Whilst the informant was leaving the police station, he noticed the accused and quickly informed the police. The accused was part of the syndicate and acted as an agent for the foreign nationals. The police officers approached and searched him and found R72 000 in his possession, which was proceeds from selling illegal passports to foreigners.

The syndicate was exposed and the persons involved admitted guilt when they were summoned. The amount was forfeited to the state.

#### Suspicious vehicles at border spotted by soldiers led to a summons

**HIGH COURT CASE NO. 697/2019 DAGGA SMUGGLING**

A motor vehicle was abandoned by a single male adult and spotted by soldiers while approaching the
The soldiers handed the vehicle over to the police. The vehicle was loaded with 23 bags of dagga weighing 510.46kg (five hundred and ten point forty six kilograms).

The accused was convicted and the dagga was confiscated while the vehicle was forfeited as instrumentality.

**HIGH COURT CASE NO. 1883/2019 DAGGA SMUGGLING**

A truck was searched at the Ngwenya Border exit checkpoint, where dagga was found in a false compartment of the vehicle. The dagga was vacuum packed and weighed 23.375kg (twenty-three point three seventy-five kilograms). The dagga was seized and the vehicle was forfeited as being instrumentality. Foreigners swindled 7 million from Sanlam in South Africa

**HIGH COURT CASE NO 2395/2020 SANLAM FRAUD**

A Ghanaian and Nigerian who resides in Eswatini swindled R7 million from SANLAM in South Africa. Approximately R4.5 million were paid into a First National bank account in Eswatini, fraudulently presented as the account of a SANLAM client/investor. The majority of the funds were wired out of the country and small amounts were withdrawn. A preservation of Property order was obtained upon receiving information about the fraud from South Africa for the amount of R649 285.35, this being the remainder of the funds in the FNB account. The preservation of property order was based on proceeds of illegal activities. The case is pending forfeiture.

**Employee defrauded her employer and lives a millionaire’s life**

**HIGH COURT CASE NO. 2396/2020 FRAUD**

A preservation court order was obtained for property purchased from proceeds of illegal activity wherein an employee defrauded her employer of E3, 324, 351-10 (three million three hundred and twenty-four thousand three hundred and fifty-one Emalangeni ten cents) over a period of just more than a year. The property that was preserved also included 7 imported motor vehicles, 1 mobile freezer, 1 mobile kitchen, cash in the employee’s bank account amounting to E13, 178-74 (thirteen thousand one hundred and seventy-eight Emalangeni seventy-four cents) and 38 other items all purchased with the money gained from the fraud. The matter is currently pending in court.

**South Africans stand to lose millions as a result of fraudulent activities by Frances Pieter**

**HIGH COURT CASE NO 901/2020**

Frances Pieter Van Ravenswaay, the accused in this case, swindled several South Africans from all cultures in cash amounting to millions of Rands. He transferred some of the funds to Eswatini, where he had multiple accounts with Nedbank Eswatini, as well as other financial institutions. The money form the different accounts amounts to R1.7 million. All the accounts have been frozen pending sentences. The case is still unresolved.
Kenya attained ARINSA membership status in June 2018. It has a population of 54 million. As most countries had to adapt and implement regulations to combat the spread of the deadly COVID-19 virus as a matter of urgency, Kenya was no exception.
ARINSA, through its partners under the UNODC acted fast to ensure that operations were ongoing and as effective as possible. Online training in various fields for different players and stakeholders in money laundering and financial investigations were conducted, which assisted financial investigators, judicial officers, lawyers and advocates. Approximately 40 officers from the Ethics and Anti-Corruption Commission, Asset Recovery Agency, Director of Public Prosecution, Kenya Revenue Authority and Judiciary were trained.

ARINSA has created a forum that enables the Ethics and Anti-Corruption Commission, the Asset Recovery Agency, Kenya Revenue Authority and the Kenya Wildlife Services to pursue evidence held within the southern part of Africa in dealing with asset recovery, money laundering and wildlife and environmental crime.

Legislation covering Asset Recovery, AML and CFT:

i. Anti-Corruption and Economic Crimes Act 2003;
ii. Ethics and Anti-Corruption Act;
iii. Proceeds of Anti-Money Laundering Act, Act No. 9 of 2009 and
iv. Prevention of Terrorism Act, Act No. 30 of 2012
v. Bribery Act, Act No. 47 of 2016

RECOVERED ASSETS, FUNDS AND RE-STRAINING ORDERS SECURED

Kenya, in the financial year 2020/2021 recovered assets worth KES. 6,378,311,795/= (USD 59,058,442.5). In the same year, assets worth KES. 1,038,000,000 (USD 9,611,111) were preserved. Investigations into assets of interest are worth KES. 2,500,000,000 (USD 23,148,148) and matters pending in court are for forfeiture of assets worth KES. 1,701,000,000 (USD 15,750,000)

The Ethics and Anti-Corruption Commission recently recovered land owned by the Metrological Department and the Kenya School of Law worth KES. 5,000,000,000 (USD 50,000,000) and KES. 700,000,000/= (USD 6,481,481.5) respectively. After recovery, the aforesaid properties have been illegally allocated to individuals and were handed over to the Metrological Department and the Kenya School of Law.

HE RECOVERED PROPERTY

Metrological Department Land. This property was illegally allocated to an individual, who bequeathed it to his daughter who resides in the United Kingdom. This property is currently valued at USD 50,000,000.
Lesotho

Corruption, money laundering, procurement fraud and armed robbery are the most common crimes in Lesotho. Corruption and fraud are the crimes from which the most assets are forfeited. Lesotho did not experience a noticeable increase in cases reported to the Asset Forfeiture Unit in 2020.
However, it was noticed that Cybercrime became a criminal factor that will need to be addressed in the near future, hence the tabling of the Computer and Cybercrime Bill in Parliament. Another bill presented to parliament is the Prevention of Corruption and Economic Offensive Bill.

The Asset Forfeiture Unit consists of only two employees of which one person is currently suspended as a result of a charge against him for money laundering and corruption.

Due to the lack of capacity, it resulted in the delay in identifying assets and ultimately to the disposal of evidence. The lack of resources also caused a backlog and a bottleneck in presenting cases and ultimately in the passing of judgements.

4 New AML cases were launched, wherefrom 2 of these cases led to seizures valued USD 1,112,141.42, which were paid into the Asset Forfeiture Fund (AFF).

Cases

High Court Case No. CIV/APN/183/20 DCEO V SOBITA INVESTMENTS (PTY) LTD

Unlawful activities, procurement irregularities and corruption were suspected in awarding a sublease contract of government property (hotel) between the Government of Lesotho and Sobita. The hotel was preserved as instrumentality, and the monies in the accounts as proceeds of a crime. The matter was later dismissed and is pending appeal.
High Court Case No. CIV/APN/342/20 DCEO V LESOTHO STONE ENTERPRISES (PTY) LTD.

Value: LSL 28 000 000 (USD 1,924,445.04)

In October 2020, the DCEO lodged a preservation application involving a mining site, 2 business accounts and 2 immovable properties for alleged corruption by public officials and cheating of public revenue by Chinese citizens. The matter is opposed and pending before the High Court.

HIGH COURT CASE NO. CIV/APN/333/20 (ATTORNEY GENERAL V MAKHA AND OTHERS)

Value:

The property: 2 motor vehicles

Summary of the Facts

Subsequent to a criminal police investigation of armed robbery, 2 vehicles to the value of LSL 135,000 (USD 9,291) were restrained as tainted property in relation to the offence and on grounds that the suspects derived a benefit directly from the commission of that offence. A restraint order was granted and is pending confiscation.
The year 2020 will be remembered in the history books as a year full of change, challenges and uncertainties as COVID-19 brought a pandemic over the entire world. The world we live in had changed which allowed crime to increase and new crimes to develop. To adapt to the regulations brought by COVID-19, personnel started to work remotely from their homes. Internet connectivity is an important factor to consider in the productivity of staff, interaction amongst staff, donors, ARINSA and the UNODC. Positive results were still produced, such as the security tool called GATEWAY and an IT tool named PNC.
GATEWAY is a digital and secure platform that provides financial institutions, reporting entities, LEA’s, supervisory and regulatory authorities and prosecuting authorities the ability to exchange sensitive documents and report suspicious transactions.

PNC was developed in collaboration with COMESA. This tool promotes remote exchanges with LEA’s national investigation units, which have adhered to the charter. This tool can identify whether the suspect is already listed in another investigation service or not. This makes it possible to request information directly from the right partner and to conduct searches more efficiently.

Madagascar has a population of an estimated 26,251,000 in 2020. Weak legislation, poor law enforcement, large geography, dilapidated infrastructure, lack of capacity/resources, and widespread corruption have made Madagascar a haven for illegal activities and businesses, including wildlife trafficking, deforestation, and illegal fishing.

Common crimes reported most this year included human trafficking, illicit gold trafficking, drug trafficking, prohibited employment of currency codes, fraud, terrorism financing, corruption, and abuse of corporate and trust assets.

Emerging crimes in the country are illicit trafficking in gold, illegal trafficking in currency, trafficking in drugs and narcotics.

ARINSA assisted Madagascar through training and the ability to source information and knowledge via the other member countries.

The following regional workshops were hosted:

- Combatting Money Laundering and Corruption in Wildlife Crime
- Combatting Trade-Based Money Laundering
- Virtual workshop on Effective Financial Investigation and Use of Financial Evidence in Prosecution of Trafficking in Human Beings (THB) / Smuggling Of Migrants (SOM)
2020 will be recorded in the history books as a year filled with change and new challenges. COVID-19 regulations affected all operations in the country, and so did the criminal environment also transform. For most Law Enforcement and Judiciary Authorities, it resulted in the slow progress of investigations and asset tracing. Even though the judiciary did not shut down completely, courts were only working in shifts which meant that the courts could only hear limited cases. This resulted in slow progress in trials and the conclusion of other proceedings relating to asset recovery.
Staff mostly worked remotely and received online assistance from ARINSA in the form of training and seminars. The international network amongst ARINSA members was kept alive and cooperation between the countries was vital.

The most common crimes documented in 2020 in Malawi were fraud, corruption, wildlife crimes and theft. Wildlife crime and fraud increased from the previous year’s statistics. New crimes such as environmental crimes and corruption in procurement departments in the public sector emerged this year.

Total recoveries through confiscation orders for the year amounted to USD 240,000.00

Noteworthy cases that were finalised in 2020.

Republic vs Ma Xiao Bing Criminal Case No.571 of 2020

The Chief Resident Magistrate Court situated in Lilongwe, made an order to confiscate nine pieces of machinery for being instrumentalities in the production of banned thin plastics. The machines were seized from a Chinese-owned company called Qingdao, in the plastic and paper manufacturing business. The defendant has since appealed against the confiscation order and the High Court is yet to deliver its judgment on the appeal.

This is the first conviction and confiscation since the ban on thin plastics’ production was imposed in the country. In 2015, Malawi became one of the first countries in Africa to impose a ban on plastic bags, following global concerns about the damage caused by these products. This case showcases Malawi’s seriousness in its quest to combat environmental crimes. The conviction and confiscation, in this case, were pursuant to the Environmental Crimes Act

Malawi’s very first non-conviction-based forfeiture order

In 2020, the Malawi High Court, on the application by the Financial Intelligence Authority (FIA), granted Malawi’s very first non-conviction-based forfeiture order. The order was made for USD 150,000.00, which a senior manager had stolen at the Reserve Bank of Malawi. This case tested the Financial Crimes Act of 2017, which introduced non-conviction-based forfeiture in Malawi’s asset forfeiture regime. The trial for the suspects is still in progress but, most of the realisable property, including those excluded from the civil forfeiture application are now under a restraining order in anticipation of a conviction-based-forfeiture. The criminal trial process is being dealt with by the Directorate of Public Prosecutions (DPP). The pursuit of both the conviction-based and non-conviction-based forfeitures by the FIA and the DPP respectively in respect of the different assets of the suspects is a demonstration of the multi-agency collaboration which ensured that both proceeds of crime and all realisable property is preserved for the meaningful recovery of criminal benefit from the suspect.
Court orders stolen K120m forfeiture

By Jameson Chauluka & Rebecca Chimjeka

The High Court in Lilongwe has ruled that money amounting to K120,917,395.60 found in a bank account allegedly opened by one of Reserve Bank of Malawi (RBM) top managers who is currently answering charges of fraud, theft and money laundering in relation to the money which was found in a National Bank of Malawi account number 1004003113 domiciled at the bank’s Victoria Avenue branch.

The account was being operated under Ideal Stationery owned by Lucy Sukali linked to Mchakulu of RBM where the money was allegedly coming from.

Judge Charles Mkandawire said he was satisfied that the money in question was indeed proceeds of crime stolen from RBM and that therefore it has to be confiscated in accordance with the law.

He noted in his ruling that both Mchakulu and his co-accused Lucy Sukali have not explained the source of the said cash.

“This court is satisfied on the balance of probabilities that K120,917,395.60 was stolen from RBM using the said account, but at the time of Authority has led the way with this case,” Mathera said.

He added that the advantage with civil forfeiture is that once you prove to the court that the money in assets or other assets are more likely than not to constitute proceeds of crime, the burden shifts to the other person to show to the court how he or she got the money and other assets.

According to Mathera, if someone fails to provide evidence, on the source of the money, the court can order that the money or other assets be forfeited to the government.

Mathera said civil forfeiture is what countries like Nigeria have been using for years to forestall huge sums of money and other proceeds of crime.

He said the Financial Crimes Act, a new law, has provided institutions like ACB with an opportunity to quickly fight against financial crimes in Malawi.

Immediately after Mchakulu’s arrest in June last year, then RBM spokesperson Mphoka Ngwira had confirmed that the fraud was discovered through a system of surveillance of transactions in the banking system.

Ngwira had said the suspects had been making unsupported transfers from a government ORT (other recurrent transactions) account to a stationery supplier Ideal Stationery.

Meanwhile, Mchakulu’s lawyer (Listo Kanso) has said...
The abuse of the presidential tax-free privileges of the former president of Malawi, Dr Arthur Peter Arthur Mutharika.

In collaboration with the Anti-Corruption Bureau (ACB) and the Fiscal and Fraud, the Financial Intelligence Bureau froze bank accounts of suspects in a case relating to the abuse of the presidential tax-free privileges of the former president of Malawi, Dr Arthur Peter Arthur Mutharika. The suspects in this case are the former president’s aids and close associates as well as a private business person.

### 2013 Cashgate Fraud Case

Concerning the 2013 Cashgate fraud that Malawi has previously reported, asset recovery work is still in progress. In September 2020, the DPP’s office, in collaboration with the ACB, obtained a restraining order regarding a motor vehicle (Nissan Fuga) and a house purchased by the Cashgate Kingpin and convict, Leonard Karonga. Notably, in typical money laundering style, Karonga bought the house in his brother’s name using proceeds of the Cashgate fraud case. The restraining order was obtained in pursuit of a subsequent confiscation order application.
Mauritius experienced a spike in the dealing of drugs and money laundering activities in the past year, while new emerging crimes, such as cyber offences and corruption also appeared more regularly.
ARINSA and UNODC identified the need for training, and the courses listed below enabled an increase in the success rate of cases investigated in Mauritius.

a. Money Laundering
b. Introduction to Terrorism Finance

The impact of COVID-19 on asset recovery

During the lockdown period from 24/03/2020 to 02/05/2020, due to the Covid-19 pandemic restrictions, all ARID’s stakeholders, including the Supreme Court of Mauritius and banks were not operational. As a result, all the cases under investigation were put on hold. ARID personnel, mainly Police officers on secondment, were all called to reinforce the Mauritius Police Force during this period. This resulted in the reduced outcomes on investigations done by ARID.

The Judiciary was able to resume operations under strict Covid-19 regulations when the lockdown was lifted. Limited access was given to the public, but ARID personnel had full access to apply and obtain relevant orders that were pending during the lockdown period. Meetings were held via video conference, and communication took place, mainly via electronic media.

One of the major challenges experienced was the delay of formal information and investigation results. This was due to the various institutions related to ARID and its staff, mainly working from home.

Cases

Luxury speed boat and land recovered

A plot of land, a luxury speed boat and a house at Avenue des Lauriers in Albion were purchased for MUR 740,000 and MUR 2.4 million. The property was paid in two transactions; MUR 440,000 by a cheque, drawn from the MCB account of Ms A and the remaining MUR 300,000 in cash.

Mr J.N.A, self-employed and residing at Albion, purchased a speed boat for MUR 2.4 million. The boat was not registered in his name, but under at the time, in an unknown name of M.D.B. This caused suspicion and the allegation was made that the purchase of the boat was made using money obtained by illegal means. Moreover, the associates of Mr J.N.A had been arrested in Reunion Island for drug trafficking. It was also suspected that Mr J.N.A acquired other properties through unlawful means.

An investigation was called after which it was discovered that payments were made by nine office cheques from different banks and different amounts, totalling Rs 2.4 million. The deed of sale was registered in the name of Mr M.D.B under the instruction of Mr J.N.A.

During the investigation, Mr JNA claimed that he made an extension to the existing building on the above-mentioned immovable property and refurbished the house, which reportedly costed about MUR 200,000.

M.K.S.A a housewife, residing in Albion declared that she lived with Mr J.N.A since 2000, and that he purchased the plot of land and a house in Albion. Mr A made an extension to the said building. She resides in the said house with her two children.

After research into Mr JNA’s history, Interpol confirmed that Mr M.D.B had been arrested in Reunion Island on 11 November 2016, with two other Mauritian confederates namely, Messrs K.M.O and A.C.R for being in the possession of 40 Kgs of heroin and 6.2 kg cannabis. On 5 February 2017, the Juge d’instruction du tribunal de Grande Instance de St Denis, La Reunion found all of the accused guilty as charged and sentenced them to a term of imprisonment of 8, 4, and 3 years respectively.

A forensic analyst of the financial statements of the above mentioned named persons has given reasonable suspicion that the money used by Mr J.N.A to purchase the property located in Albion, as well as the purchase of the speedboat by M.D.B emanated from unlawful means.

A Restraining Order to seize the pleasure craft and the house was applied for and was obtained by the Honorable Judge in Chambers.

Suspicious transactions lead to the recovery of land and a huge amount of money illegally transferred by a bank employee.

Thirty-four bank cheques have been fraudulently debited from the Palm Limited MCB current account and credited to the MCB account of Emma Stone, an employee of Palm Limited for an amount of MUR 10,304,423.69 (USD 260,708.31). To disguise the crime, money was debited into her ex-boyfriend’s
account and land was bought to hide the large amount of money.

The Asset Recovery Investigation Division (ARID) initiated an investigation following a referral and a Statutory Dissemination Report from the Financial Intelligence Unit.

Mr James Bond, aged 29, Control and Risk Officer at Palm Limited and residing at No 79, Roche Bruno, Rose Hill, made a declaration at the Curepipe police station that 5 suspicious transactions have been discovered. These have been effected in the company’s bank account. He further stated that the said suspicious transactions relate to 5 bank cheques withdrawn drawn in the name of one Emma Stone, an employee of the company.

After an investigation, Emma Stone admitted guilt and revealed that she had used the money to buy a plot of 504 sq meters situated at Flic En Flack for the amount of MUR 3,200,000 (USD 80,961.98) and that she had registered the deed in her ex-boyfriend’s name.

Emma Stone was provisionally charged before the District Court of Curepipe for Forgery by Private Individual of Commercial Writing in breach of sections 108(a), 111 and 121 of the Criminal Code.

Her ex-boyfriend was also arrested and provisionally charged before the District Court of Curepipe for knowingly receiving goods obtained by means of a crime in breach of sections 40 and 108(a) of the Criminal Code.

Miss Emma Stone was convicted by the Intermediate Court for 34 counts of Forgery of Private Writing and 34 further counts of making use of forged private writings, in breach of sections 108(a), 111, 112 of the Criminal Code. She pleaded guilty to all the charges and was sentenced by the learned Magistrate of the Intermediate Court to 30 month’s imprisonment for each count running concurrently.

The Government Assessor evaluated the property against the open market value and documented the value of this property at MUR 3,200,000.

A court order was given to recover the money as well as the property which will be sold to recover the excess money.

**MUR 16,847,618.61 paid back into the Recovered Assets Fund Account, of the Financial Intelligence Unit held at the bank of Mauritius**

Head of Assets, Liabilities & Capital Management & Market Operations at the MauBank Ltd, stated that M.A.K was employed as a supervisor at the bank and during his service he fraudulently effected two wire transfers of MUR 9,848,700 and MUR 8,645,000 on 17 May 2018 and 5 June 2018, respectively, from the funds managed by MBank, in favour of Mrs MS, his late grandmother and himself at the MC Bank Ltd.

The case was reported and investigated by ARID, after which it became evident that Mr MAK did conduct fraudulent transfers into his late grandmothers account where he later further deposited the money through several different transactions into his mother’s account, which was also held at MC Bank.

After a thorough investigation by ARID, all proofs were presented and Mr MAK admitted to his crime. His mother was also questioned and confirmed the account numbers to be hers, but claimed she was unaware of the money being transferred into her account.

ARID applied and obtained a Restriction Order by the court for all moneys in the affected accounts to be frozen.

The Enforcement Authority applied for and obtained a Recovery Order from the Honorable Judge in Chambers.
Mozambique

The number of recent money laundering cases in 2020 were 90, wherefrom 3 cases included corruption related to money laundering.

Seizures in 2020 amounted to USD 834,682,255

Due to the cases not being completed, no forfeitures could be declared for this reported year.
Mozambique has made 12 requests for assistance by other ARINSA members, which all related to assets recoveries.

Crimes which assets were broadly confiscated included: money laundering; tax offences, active corruption, passive corruption for an illicit act, embezzlement, abuse of position or function, concussion, payment of undue remuneration, embezzlement for use, corruption of prosecutors and criminal investigation officers, illicit trafficking of narcotics and psychotropic substances, criminal association, fraud by deception, loan sharking, tax fraud, fraud related to electronic instruments and means of payment, tax evasion, forgery, kidnapping and illicit money export.

New emerging crimes experienced were corruption with prejudice to international trade and influence-peddling in international transactions.

Mozambique was contacted for assistance through the ARINSA network by Botswana and Turkey. Other countries that also reached Mozambique through other networks included Brazil, Switzerland, Lebanon, United Arab Emirates, Turkey, Thailand, China, South Africa and Portugal.

New legislations for 2020 included:
1. Law No. 13/2020, of 23 December, establishes the Special Legal Regime for Extended Asset Forfeiture and Asset Recovery;
2. Law No. 25/2019 of 26 December approving the new Code for Criminal Procedure;
3. Law No. 24/2019, of 24 December, approving the New Criminal Code;
4. Law No. 26/2019 of 27 December, approving the Code of Execution of Sentences;
5. Law No. 21/2019 of 11 November, establishes international legal and judicial cooperation principles and procedures in criminal matters;
6. Decree 17/2020, 15 March, Regulation of Procedures for the Suspension of Monthly Remuneration, and Payment of a Fine to be applied to those who do not submit their income statement or submit it after the deadline.

Other law enforcement institutions with which Mozambique interacted with:
1. Ministry of Justice, Constitutional and Religious Affairs;
Namibia is one of the network’s founding members and has been a member since 2009 when ARINSA was established and together with 9 other countries has a permanent seat in the ARINSA Steering Committee. The Asset Forfeiture Unit within the Office of the Prosecutor General (“OPG”) is mandated to recover the proceeds of unlawful activities either through a criminal or civil process as provided for in the Prevention of Organised Crime Act 29 of 2004 (“POCA”).
“The OPG would like to express their gratitude to ARINSA for the important role it has played in the fight against crime. As times are changing and crime is evolving; it is notable that crime has no borders. The Namibian Asset Recovery Unit was set up with the help of Clive Scott, the first UNODC mentor to Namibia. We are grateful for his guidance and commitment. We are especially grateful to the UNODC and ARINSA for the continued support and commitment to helping us in the fight against organized crime.”


The Namibian law enforcement agencies recognised that COVID-19 negatively impacted the timely completion of investigations and prosecutions during 2020. The President imposed a State of Emergency from 17 March 2020 to 18 September 2020. At the end of the State of Emergency, the Government introduced strict regulations to the Public and Environment Health Act of 2015 in order to retain and lawfully impose some of the restrictions and regulations that the State of Emergency brought in the fight against the Corona Virus.

**BENEFITS FROM ARINSA:**

- Namibia benefited from being an ARINSA member in the case of Shalli v Prosecutor General (POCA 9/2011) [2012] NAHC 112 (02 May 2012), where the Prosecutor General was able to forfeit and recover USD 359,526.27 (NAD 5,752,420.32) that was kept in a Standard Bank account in Zambia. This was done through the ARINSA platform and network where relationships between countries involved in this case formed a key role in the success story of the recovery.

- The training and technical assistance programs were beneficial to capacity building in the asset forfeiture unit and other agencies i.e., the Namibian Police, the Financial Intelligence Centre, the Judiciary etc. Through the ARINSA training on asset management in Cape Town, the Namibian Police was able to set up an Asset Management Sub-Division, headed by a member of the Anti-Money Laundering and Terrorist Financing and Proliferation: A custom asset management manual has also been developed as a direct result of the need being discussed on the ARINSA platform. Training of AFU members and other asset managers by ARINSA had a mammoth impact in the development of this manual.

- The Asset Recovery regime has proven to be an important instrument, for taking away the proceeds of unlawful activities, but also returning properties to the victims of such unlawful activities. In 2020, NAD 1,190,000.00 (USD 79,333.33) was returned to victims of crime.

- Despite the global COVID-19 pandemic, ARINSA offered training that were accessible to Namibian law enforcement agencies. This placed Namibia in an advantageous position because of a fair distribution of capacity building across various agencies in the country.

- Namibia has participated in the following ARINSA capacity building events during 2020:
  - Money Laundering Online Training, May 2020
  - Financial Investigations a Practical Approach – Planning to Action, July 2020
  - Advocates’ Course on Money Laundering, September 2020
  - Trade-Based Money Laundering, 19-20 October 2020
  - Regional Cybercrime Webinar, 1 October 2020

Namibia is currently undergoing the ARINSA Gap Analysis Assessment, which helps technical assistance providers better understand each country’s needs. The assessment is based on the evaluations conducted by FATF and the UNCAC reviews on asset recovery and include questions tailor-made to the region.
2020 HIGHLIGHTS

- Cabinet approved the release of NAD 20,000,000.00 (USD 1,300,000.00) from the Criminal Asset Recovery Fund to be set aside to pay costs that incurred in the Fishrot case.
- Namibia has introduced a Plea-Bargaining Bill to be debated in Parliament during February 2021. If the Act is enacted, it will be one of the legal methods used to strengthen the Asset Recovery processes in the country.
- Namibia is currently working on amendments to POCA, particularly, looking to introduce the unexplained wealth provisions.

ADMINISTRATIVE FORFEITURES OBTAINED DURING 2020

Exchange Control Regulations, 1961

The Exchange Control Regulations provide for two types of forfeiture procedures contained under Regulation 3(5) and Regulation 22B.

Forfeiture in terms of Regulation 3(5) is done by the Minister of Finance and does not require publication in the Government Gazette, while forfeiture in terms of Regulation 22B requires gazetting.

<table>
<thead>
<tr>
<th>Regulation 22B forfeiture in 2020</th>
<th>USD 912,314.83</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Customs and Excise Act 20 of 1998</td>
<td></td>
</tr>
</tbody>
</table>

In terms of Sections 88, 90, 91, 93, 94 98 and 123 of the Customs and Excise Act, customs officials are empowered to make administrative orders to forfeit properties to the State.

The properties that may be subject to forfeiture include, inter alia, counterfeit products, smuggled goods, undeclared and falsely declared goods.

<table>
<thead>
<tr>
<th>Forfeitures in terms of Customs and Excise Act</th>
<th>NAD 12,279,790.60 (USD 818,652.71)</th>
</tr>
</thead>
</table>

Some cases dealt with in 2020

- In the criminal case of S v Ricardo Gustavo and others (a.k.a FISHROT Case)

This is the biggest corruption case in the fishing industry, involving two former Ministers; the Minister of Justice (former Attorney General) and the Minister of Fisheries and Marine Resources. The criminal case is still ongoing; however, the Prosecutor General obtained an unlimited Restraint of Property order against the accused persons properties, valued at over NAD 2 billion.

RESTRAINED AND RECOVERED ASSETS IN TERMS OF POCA

Despite the challenges experienced as a result of the Covid-19 pandemic, the Asset Forfeiture Units within the Office of the Prosecutor General and the Namibian Police, received 21 new cases and recovered proceeds of unlawful activities to the value of NAD 21,369,841.4 (USD 1,424,656.09)

Namibia has two forms of Asset Recovery, namely, conviction-based forfeiture, which is dependent on a successful criminal case and non-conviction based forfeiture, which entails purely civil proceedings that do not require a conviction in a criminal matter.

### Conviction-Based Asset Forfeiture orders

<table>
<thead>
<tr>
<th>Confiscation orders (after conviction)</th>
<th>Restraint orders (before conviction)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAD 161,080.00 (USD 10,738.67)</td>
<td>Unlimited order to the value of NAD 2,179,059,718.10 (USD 14,527,064.7)</td>
</tr>
</tbody>
</table>

### Non-Conviction Based Asset Forfeiture orders

<table>
<thead>
<tr>
<th>Preservation orders</th>
<th>Forfeiture orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAD 18,097,199.40 (USD 1,206,479.96)</td>
<td>NAD 3,111,561.99 (USD 207,437.47)</td>
</tr>
</tbody>
</table>
In the civil forfeiture case of ex parte the Prosecutor General POCA 2019/00454

On 9 December 2020, the High Court of Namibia issued a forfeiture order in respect of a house and vehicles on the basis that the properties are the proceeds of fraud and money laundering. The properties are valued at NAD 1,190,000.00. This amount was also excluded from the operation of the forfeiture order and paid to the victims. An amount of NAD 39,746.00 was paid to the Asset Recovery Fund for costs incurred by the Prosecutor General.

In the civil forfeiture case of ex parte, the Prosecutor General POCA 2020/00470

This case involved the biggest pyramid scheme on forex trading in the country. On 4 December 2020, the High Court of Namibia issued a provisional preservation of property order in respect of properties valued at NAD 17 million on the basis that the properties are the proceeds of fraud, money laundering and tax evasion. The properties consist of money in the bank and luxury vehicles.
Seychelles has been a member of ARINSA for several years and once again experienced positive results in crime based outcomes through the assistance received. Through the GPML Scheme, Seychelles also received assistance and guidance from ARINSA in compiling a SOP Manual based on asset management.
Like most other countries, Seychelles also had to adapt and change under the challenges that Covid-19 brought. Training and other communication were done mostly via internet webinars and other social media channels. Staff mainly worked from their homes, where challenges such as internet connection were experienced.

Common crime trends in Seychelles proved to be burglary and theft, which are often drug-related and drug dealing and trafficking in itself. It further became evident that crime in social media and cyber scams, together with internet harassment and stalking are rapidly increasing.

Total value of Section 3 and Section 4 cases is USD 1,545,184. Total value of Section 5 cases is USD 1,482,443.

Cases

The owners of a superyacht and 4 bedroom mansion led several applications before the Supreme Court, all of which were dismissed in favour of the Government of Seychelles.

**Government of Seychelles vs Radomir Prus & Others**

On 14 September 2020, the Supreme Court of Seychelles granted a disposal order in favour of the Government of Seychelles, to take procession of the proceeds of crime derived from a superyacht and a 4 bedroom mansion, both located on Eden Island.

The criminal conduct was that of subsidy fraud in the Czech Republic of Euros 10,202,440 and Euros 1,800,432,00 some of which ended up being diverted into bank accounts in Seychelles and partly used to purchase the two properties mentioned above.

In November 2018, the Respondents attempted to have the interlocutory order set aside, but in July 2019 the Supreme Court dismissed the application. A disposal order (Section 5) of the POCCCA was granted on 14 September 2020. The estimated value of the mansion is USD 750,000.00 and the vessel Euros 200,000.00.
On 23 September 2020, the Supreme Court ordered that **SCR 260,282.37** and **Euros 330.00** (including vehicles sold by FCIU) be forfeited to the Government of Seychelles.

**Government of Seychelles vs John Joseph Sifflore & others**

The Financial Crime Investigation Unit (FCIU) of the Seychelles Police Force has recorded its first disposal order among 17 cases pursuant to the Proceeds of Crime (Civil Confiscation) Act or POCCCA. All of these cases, which the FCIU has brought before the Supreme Court since 2018, implicated 27 Seychellois citizens and 5 foreigners, with a grand total of **SCR 19,976,791.37** and other assets. It must be noted that most of the 17 cases which are currently before the Supreme Court, are cases which both the Anti-Narcotics Bureau and FCIU jointly investigated and are drug-related in nature.

The case involving John Joseph Siore, Davis Jourdan Lesperance, Meggy Agnes Lawrence Tirant and Marie-Aline Evaline Couchen, all from Praslin, which the Supreme Court, on 23 September 2020, ordered that **SCR 260,282.37** and **Euros 330.00** (including vehicles sold by FCIU) be forfeited to the Government of Seychelles.
Over the past year, the most prevalent crimes in South Africa are drug-related matters, economic crime, which mainly entails fraud, and environmental issues wherefrom the illegal trade and capture of abalone being most prevalent as well as corruption.
As poverty increased in South Africa, a noticeable increase in cash smuggling was observed, while cybercrime and specific Ponzi schemes, which involves Crypto currency, became more common.

Assistance received from ARINSA in 2020 had a positive impact on their successes. Online training on topics such as cybercrime and cryptocurrency equipped investigators, prosecutors and judges with first-hand knowledge. Being an ARINSA member, South African investigators could also obtain intelligence in high profile cases from other networks such as CARIN ie Agrizzi.

As an ARINSA member, South Africa was able to provide Mozambique and Eswatini with technical assistance.

The impact of COVID-19 on Asset Recovery

The pandemic and people working from their homes have affected the finalisation of criminal and financial investigations as it caused delays in obtaining bank statements and related information from stakeholders, including government departments.

Furthermore, delays were experienced in the finalisation of criminal proceedings, which had a knock-on effect on the initiation of convictions based on confiscation proceedings. In an attempt to address the problem, provision has been made for the hearing of urgent ex parte applications remotely by the High Courts. Unopposed and opposed applications have however, been postponed.

Asset Management:

A delay is experienced in the finalisation of curator accounts, which increased expenses in safeguarding assets. The appointment of curators has also been affected and delayed by the pandemic and has a negative effect on stakeholder service delivery. Payments to CARA and/or victims have also been delayed.

In combatting these above challenges, the benefits of modern information technology were explored and utilised to facilitate and finalise investigations, meetings and cases. Urgent matters and cases are prioritised.

Cases that entailed preserved or restrained orders of assets and money accumulated to USD 60.6 million, as cases that lead to assets being forfeited or confiscated amounted to USD 20 million. A total recovery of USD 5.8 million were reported for the year 2020.

Cases

DRUG-RELATED ACTIVITIES

Project Danube

Immovable property and a vehicle were seized as instrumentalities of dealing in drugs from individuals cultivating and dealing in drugs. The value of the preservation order obtained on 27 May 2020 was ZAR 2.4 million.

CORRUPTION

Asbestos Case

Individuals in the Free State were involved in corruptly manipulating a tender to survey houses with asbestos roofing. The accused manipulated the procurement processes of the Department of Human Settlements. As a result, a company was paid ZAR 230 million for a project relating to the audit of asbestos roofs in the Free State. Two officials received undue and corrupt payments. The AFU obtained a preservation order of ZAR 300 million in this matter on 30 September 2020.

Umnotho Matter

Individuals in the Eastern Cape committed tender fraud and corruption. The AFU obtained a preservation order to the value of ZAR 26 million in August 2020.

ENVIRONMENTAL CRIMES

Il SUNWOO Matter

The accused was found in possession of endangered flora and protected plants. The Cape Town Office of the AFU obtained a confiscation order of ZAR 2.48 million against the defendant on 28 January 2020. ZAR 1.9 million was recovered from the defendant.

BYUGSHU KIM

The accused was found in possession of endangered flora and protected plants. The Cape Town Office of the AFU obtained a confiscation order of ZAR 2.4 million against the defendant on 28 January 2020.
To date, ZAR 976,746 has been recovered and was paid into CARA on 24 February 2020. A further ZAR 1 million was recovered in August.

Economic Crime

Cointit Matter
A preservation order of ZAR 106 million was obtained in a Ponzi scheme in October 2020.

Up Money Money
This Ponzi scheme involved the ostensibly to buy groceries. The members had to recruit new members and were compensated for the recruitment of members. The AFU obtained a preservation order to the value of ZAR 18 million on 23 July 2020.

Chibane Matter
The responded worked in the Kwa-Zulu Natal Premier’s Office in Supply Chain. The respondent awarded catering contracts without following SC processes and received undue benefit from his conduct. The AFU obtained a restraint order of ZAR 23.4 million in December 2020.

ADDRESSING FRAUD/ECONOMIC CRIMES

NDPP vs UMNOTHO
The AFU obtained a preservation order for proceeds of tender fraud committed in the Eastern Cape to the value of ZAR 18 million.

BOBROFF MATTER
The matter entailed a father and son, both of whom were practicing attorneys. They overcharged clients they represented for claims against the Road Accident Fund. The perpetrators tried to conceal the origins of the funds and transferred a substantial amount to Israel. The AFU Pretoria Office obtained a forfeiture order for the funds held in Israel on 21 August 2019 of ZAR 103.6 million. The order is currently under appeal.

ADDRESSING MONEY LAUNDERING AND ILLICIT MONEY FLOWS

Also refer to the Up-Money Matter

PEC Matter
The AFU obtained a forfeiture order of ZAR 137.5 million in February 2020 in a Ponzi scheme that involved money laundering.

WU Matter
The AFU obtained a forfeiture order for ZAR 30 million in April 2020 where money was remitted overseas in contravention of exchange control regulations.
2020 has been a very challenging year due to the Covid-19 pandemic that broke out across the world. The pandemic led to the closure of entry points into the country, resulting in the cancellation of flights in and out of the country. Being a member of ARINSA and the global community, Tanzania has an obligation to ensure that crime does not pay. This can only be achieved by removing the incentives accruing from the crime by forfeiting all proceeds and instrumentalties of crime. Tanzania is determined to grow ARINSA as the leading network on asset forfeiture.
All operations of ARINSA and the courts in Tanzania were affected by COVID-19 regulations in some or other manner. Communication methods changed and online webinars, Teams meetings and social media platforms became essential tools to accomplish objectives. Despite the challenges of the year, ARINSA was able to provide many programmes that Tanzania benefited from. These included:

**Capacity building and training**

The country benefited from online training facilitated by ARINSA and UNODC. Officers from National Prosecutions Services greatly benefited from the online training. The said online training were as follows:

- **Trade-Based Money Laundering**
- **Understanding Money Laundering**
- **Financial Investigations a Practical Approach - From Planning to Action.**
- **Taking the Fight to the Criminals: Efficient Cyber Investigations and Prosecutions in Modern Time**

Tanzania also received copies of the second edition of Casebook on Money Laundering and Proceeds of Crime distributed to all 26 National Prosecutions Services regional offices and various stakeholders.

The Prosecutor Placement Programme could not be conducted due to the Covid-19 pandemic.

**ASSISTANCE TO AND FROM ARINSA COUNTRIES**

During the year under review, Tanzania received a request for assistance from Zambia. This case was conveyed and is now in its final stage. Tanzania also sent a request for aid to South Africa.

Money laundering and drug trafficking were common crimes this year, below are some images of properties which were forfeited after the persons involved admitted guilt and summonses were given.

**FORFEITURE (NATIONAL PROSECUTIONS SERVICES - TANZANIA)**

During the year under review, the National Prosecutions Services through Asset Forfeiture and Recovery Section managed to obtain forfeiture orders of various properties. Mentioned below are some of the cases with forfeiture orders:

1. In the case of Republic v. Archard Alphonce Kalugendo & Another, diamond weighing 71,654.56 carats valued at USD 29,509,821.84 were forfeited (https://www.thecitizen.co.tz/tanzania/news/-end-of-the-sh61-96bn-diamond-conspiracy-3233832)

2. In the case of Republic v. Tariq Said Machibya, the cash money amounting to Tanzanian Shillings 5,456,480,459.41 equivalent to USD 2,372,382.81 were forfeited to the Government in a Pyramid Scheme Case.

3. In various cases, NPS managed to obtain forfeiture orders of gold weighing 425.63kg valued at Tanzanian Shillings 34,295,101,922.67 equivalent to USD 14,910,913.89

4. During the year under review, the sum of Tanzanian Shillings 41,793,897,853.91 equivalent to USD 18,171,259.94 were recovered from criminals through plea bargaining procedure. In most of these cases, respondents were involved in fraud related offences including forgery and Money Laundering.

![FORFEITED DIAMONDS (71,654.56 carats)](image-url)
Zambia

The Republic of Zambia is situated in Southern Africa. The capital city Lusaka is located in the south-central part of Zambia. The population of 17 million (2017) is concentrated mainly around Lusaka and the Copper Belt provinces, which are also the core economic hubs of the country. Historically, the Zambian economy is primarily based on the copper mining industry. However, agriculture also plays a vital part in Zambia’s economy and provides more jobs than the mining industry. The country has some of nature’s best wildlife and game reserves affording abundant tourism potential.
Zambia is one of the founding member countries of the Asset Recovery Inter-Agency Network of Southern Africa, having joined the network in 2009. The year 2020 has been very challenging due to the Covid-19 pandemic that broke out across the world, which affected the operations of ARINSA in general.

**Training**

Notwithstanding the Covid-19 epidemic, Zambia, through the Asset Forfeiture Department, conducted local training in seven border districts. This included training on asset forfeiture under the auspices of the Taskforce on Food Security, and topics discussed included smuggling, forfeiture of proceeds of crime, money laundering and many other issues.

Despite the challenges of the year, ARINSA was able to provide online training programmes to officers from Law Enforcement Agencies and the National Prosecution.

These included:

1. Understanding Money Laundering
2. Trade-Based Money Laundering
4. Advocates’ Money Laundering Course
5. Human Rights in the Community
6. Introduction to Anti-Corruption
8. Judicial Money Laundering Course
9. Taking the Fight to the Criminals: Efficient Cyber Investigations and Prosecutions in Modern Time
10. Cryptocurrencies V1
11. Wildlife Crime
12. Introduction to Interdiction Techniques at Airports

Zambia also received copies of the second edition of The Casebook on Money Laundering and Proceeds of Crime which were distributed to the various stakeholders.

**Mentorship Programmes**

Zambia is in the process of developing a framework for Asset Management for seized and forfeited assets. UNODC through the Asset Recovery Inter-Agency Network of Southern Africa provided mentors such as Stephen Scott and Jacinta Oduor to assist the country in Gap Analysis.

**Prosecutor Placement Programme**

The Prosecutor Placement Programme could not be conducted due to the Covid-19 pandemic.

**Assistance to and from Arinsa countries**

During the year under review, Zambia requested assistance from Tanzania.

The country also received a request from the United Kingdom and acted on the request.

**Legislation**

During the year under review, Zambia has made strides in improving the legislation that is meant to fight money laundering offences. The country had a number of Bills presented to Parliament which included amendments to the following legislation:

- The Financial Intelligence Centre Act
- The Anti-Corruption Act
- The Companies Act
- The Patents and Company Registration Act
- The Societies Registration Act

The aim of the proposed changes is to enhance the efficiency of the fight against money laundering in the country.

**Anti-Money Laundering Cases**

During the year under review, the country investigated various money laundering related cases. The Anti-Money Laundering Investigations Unit under the Drug Enforcement Commission received a total of 205 cases. Predicate offences for the cases received included various forms of fraud, embezzlement of public funds, theft and drug trafficking. Both in the public and private sectors.
The figure above shows the cases that were reported to the Anti-Money Laundering Investigations Unit. It is important to note that corruption and related cases are investigated by the Anti-Corruption Commission whilst tax-related matters are investigated by the Zambia Revenue Authority.

The following graph shows the amounts in US Dollars that were involved in the cases reported.

Note that under Tax Evasion, other than what is depicted in the graph, there was also one case reported involving Twenty-Five Million Pounds (GBP 25,000,000.00).
Seizures
Various institutions in the country are mandated to investigate money laundering cases and seized different items during the year under review. The Zambia Revenue Authority seized goods worth **USD 459,380.95** for various offences under the revenue laws in the country.

Amongst the seizures made by the Anti-Money Laundering Investigations Unit was a piece of land.

Forfeitures
The Laws of Zambia provide for Administrative Forfeiture of seized items under various laws. During the year under review, the Zambia Revenue Authority forfeited various properties under the Administrative Forfeiture whose value amounted to **USD 1,000,000.00**.

The National Prosecution Authority was awarded the following forfeiture orders:

1. In the case of The People v Golden Mulapwa, the following items were forfeited to the State:
   - **USD 99,480**
   - **ZMW 81,840.00**
   - 2 Toyota motor vehicles, registration numbers BAE 8301 and BAE 9856 respectively,
   - 1 bag of assorted kitchen utensils,
   - 1 x 4 plate mini cooker,
   - 1 DSTV set,
   - 1 Hisense fridge,
   - 1 Display cabinet,
   - 1 LG music system and
   - 32-inch Hisense TV
2. In the matter of Tomnel Investments & Zamweni Investments: 114 pairs of shoes were forfeited to the State
3. In the case of Henry Tembo VS The People: HPA/04/2019. The High Court ordered that the BMW X5, registration number BAE 7813 and house be forfeited to the State.
4. In the case of Director of Public Prosecutions VS Nachanga Transport: 2019 /HW/05- 100 logs of Mukula and a Fuso truck, registration number ALV 9176 were forfeited to the State.
Zimbabwe experienced, together with the rest of the world, several challenges associated with the Covid-19 pandemic in 2020. As a result, some civil forfeiture cases involving properties worth more than USD 20,000,000 that had been set down for hearing in 2020 could not be finalised. Yet in the uncertainty Covid-19 brought, the country managed to secure significant victories in the fight against crime and corruption. The year under review delivered the Country’s first ever civil forfeitures orders.
Successful forfeitures from two cases

Prosecutor General VS Kennedy Nyatoti

This matter implicated a person who was a former employee of the Zimbabwe Revenue Authority (ZIMRA). During the period of employment, the respondent acquired properties which included a house and two cars worth **USD 160 000**. The court ordered the forfeiture of the house and cars after agreeing with the applicant that the respondent’s known lawful source of income at the time did not justify the acquisition of the said properties.

Prosecutor General vs Russel Tatenda Mwenye

The accused was employed as a pharmacy stores controller at Parirenyatwa Group of Hospitals, a public entity. The accused ordered hospital supplies at inflated prices from a company he had a vested interest in. Some of the company’s money went towards the purchase of a residential stand where the accused subsequently also built a house with the proceeds. The High Court ordered the forfeiture of the house after making a finding that it constituted tainted property that was acquired through proceeds of corruption.

The house forfeited to the State