

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 30 SEPTEMBER 2015

RE: ZIMBAWEAN MAN ORDERED TO PAY R700 00 TO THE STATE & FORFEITS TO THE STATE A SAFARI TOUR TRUCK & 40 000 ILLICIT CIGARETTES

A 38 year-old Zimbabwean man has been ordered to pay R738 000 to the state and forfeit the Safari Tour Truck he was driving and 40 460 packets of illicit cigarettes. Sebastian Aicher was sentenced yesterday at the Bluedowns Regional Court after he was convicted on a single charge of possession of illicit goods. Aicher claims that he was approached by a man in Zimbabwe who offered him R30 000 to drive a Safari Tour Truck from Zimbabwe to Cape Town. Illicit cigarettes had been loaded in a secret compartment of the truck which was closed and concealed. He calculated that he would earn between R6 000 and R8 000 after paying for petrol and accommodation.

He entered South Africa through the Ramatlabama border post but did not disclose to the Customs officials that he was transporting the cigarettes. He drove the tour truck to a storage unit at Unit 10 Silver Park, Brackenfell Industrial Area on 15 July 2015 where he was arrested.

After his arrest, Aicher admitted that the cigarettes were illicit goods as the 39 960 packets of "Pacific Blue" cigarettes and the 500 packets of "Mega Red" cigarettes did not exhibit the "diamond stamp" as required by the Customs and Excise Act, Act 91 of 1964. The cigarettes did not comply with the maximum permissible levels of tar or nicotine as set by the Minister of Health in terms of section 3A of the Tobacco Products Control Act, Act 83 of 1993, in that the tar yield of cigarettes marketed in the Republic of South Africa must not be greater than 12mg per cigarette, and the nicotine yield not greater than 1, 2mg per cigarette as from 1 June 2006. The cigarettes found in his possession had a tar yield of 14mg per cigarette and a nicotine yield of 1, 4mg per cigarette.

The cigarettes did not comply with or contain the correct health warning as required by the Tobacco Products Control Act, Act 83 of 1993; and that they contained tobacco. He further admitted that he was not in possession of any proof as to the person from whom any of the cigarettes were obtained or whether the relevant duties in terms of the tax laws of South Africa were paid on the said cigarettes.

The court sentenced him to a fine of R138 000 or 24 months imprisonment. In addition, Aicher was sentenced to direct imprisonment of 3 years which is wholly suspended for a period of 3 years on condition that he is not convicted for possession of illicit goods which is committed during the period of suspension and that he must pay R600 000 into the Criminal Assets Recovery Account (CARA) held at the South African

Reserve Bank. In addition to this, the illicit cigarettes and the Safari Tour Truck in which the goods were transported were forfeited to the state.

Prosecutor, Advocate Margot Jacobs who successfully prosecuted the matter said; "The accused allowed himself to be used by criminals to achieve their own goals. He did this out of greed in order to share in the proceeds of crime. This offence was not committed on the spur of the moment but was carefully and premeditated by the owners of the cigarettes and the driver of the vehicle.

People think if they just play a more innocent role such as being a driver of a truck transporting illicit cigarettes, they are not really guilty of the more serious crimes committed. As is apparent in this case, a person is just as guilty of the offence as the main perpetrator if you choose to participate in such crime in any manner."

The NPA welcomes this heavy sentence as it clearly indicates that the trade on illicit cigarettes is viewed seriously as it has a very negative effect on our economy and can lead to job losses.

Kind Regards,

Eric Ntabazalila

DPP: Western Cape

0730621222

entabazalila@npa.gov.za