

# Media Statement



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**TO: ALL MEDIA**

**DATE: 01 APRIL 2020**

**RE: AMERICAN SENTENCED AND BANNED FROM SOUTH AFRICA FOR THEFT OF PROTECTED PLANTS**

The Cape Town Magistrate's Court sentenced American citizen, Kalman Kaminar, to two years direct imprisonment wholly suspended for five years on condition that he is not convicted for illegal possession of succulent plants during the period of suspension of his sentence.

Earlier the court convicted Kaminar on two counts of illegal possession of succulent plants declared as protected. The South African Red Plan List declared some of the plants as vulnerable and endangered. Following a confiscation order overseen by the Asset Forfeiture Unit, the court ordered the accused to pay R500 000 to the state – R250 000 to be paid into the Criminal Assets Recovery Account and R250 000 to be paid to the Western Cape Nature Conservation Board.

Advocate Aradhana Heeramun successfully argued for the court to declare Kaminar, an undesirable person and ban him from entering South Africa.

This successful prosecution and sentence emanates from an arrest made by CapeNature officials on 6 November 2019 after catching Kaminar and his succulent plant tour guide, David Cummings near Moordkuil. At the time of their arrest, he had 354 plants with him – 337 were protected and 17 were unprotected. Other plants were found at a guesthouse he was staying in in Robertson.

Further investigation revealed that the accused arrived in the country on 29 October 2019 on a guided tour for various succulent plants. His registered address was in Sea Point, Cape Town, before he and Cummings drove to the Winelands region. He had a detailed itinerary with multiple stops in the area where the plants are found, detailed

information on plant localities, place names and GPS coordinates of specific plants. He had a five-page price list titled 'Kal Kaminar – Never Enough Cactus. Hunting Fall Plant Sale 2019 Labels' that listed various South African succulent plants.

In argument for aggravation of sentence, Advocate Heeramun told the court that the accused is linked to a nursery named 'Never Enough Cactus in Los Angeles, California. He also has a Facebook page by the same name. She added that the 738 plans valued at R780 902 were obtained without permission. "Illegal trade in wild fauna and flora is one of the five largest activities in the world along with illegal drug trade, illegal weapons smuggling and human trafficking. Environment crime is one of the most damaging, high profile and economically significant fields of global criminal activity. He planned his entire trip. There is a recent increase in cases involving the trafficking of succulent plant species," she argued.

The matter was set for a plea and sentencing agreement on 31 March 2020 but Advocate Heeranum made an urgent application for the matter to be heard today after the defence approached her, advising that the accused heard that there was a chartered flight for all Americans wanting to return home. This is in line with the Disaster Management Regulations, which allows urgent matters to be heard.

Cummings will be advised of his next court appearance through a summons, as per the directions issued by the Minister of Justice and Correctional Services.

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