

Media Statement



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TO: ALL MEDIA

DATE: 27 MARCH 2018

RE: HEAVY SENTENCES HANDED TO ABALONE POACHING SYNDICATE

Last week, the Western Cape High Court handed heavy sentences to four high-ranking members of an abalone poaching syndicate in a case that has run for more than eleven years.

The court sentenced Phillip James Miller, 57, to four years direct imprisonment and sentenced Willie Jacobus van Resnburg, 45, to 8 years direct imprisonment. Gavin Wildschutt, 42, and Tony Peter Du Toit, 62, were sentenced to 15 years direct imprisonment. Johannes Emil Liebenberg was sentenced to 1-year imprisonment fully suspended for 5 years.

The accused were part of a syndicate that ran a complicated poaching scheme, which raided the shores along the Gansbaai coast and exported the loot to the Far East. The state argued that exports were done through two companies, Rapitrade and Syroun, and by men who were intelligent as exporting involved planning, financing, processing, packaging, storage and transportation of these vast quantities of abalone to the preferred destinations. During the investigation, members of the Hawks returned two containers with 11 pallets destined for Hong Kong which contained dried frozen abalone. Inside the containers were boxes of abalone concealed as pilchards, some containing frozen abalone and some containing dried abalone.

Initially, the accused were Richard Chao, Miller, Van Rensburg, Wildschutt, Du Toit, Liebenberg, Rodney Onkruid, Stanley Sifiso Dlamini and Desmond David Pienaar. The master of the syndicate and main benefactor, Chao skipped bail and fled to China while Dlamini fled to Swaziland. After the sentencing, the court granted prosecution amnesty to six co-accused who turned state witness; Salvin Africa, Adam Wildschutt, Lydia Wildschutt, Jacobus Botha, Percival Clack and Harold Bauchop.

The court found that the five accused had different levels of blameworthy hence the different sentences. Miller supplied pilchards to help mask the illegal export of 44 tons of frozen abalone worth around R11m and he earned a commission which amounted to about R600 000 for the year in question (2005/ 2006). He did not acknowledge his guilt and showed no remorse, the court found.

Van Rensburg has four previous convictions for common assault and contraventions under the erstwhile Sea Fisheries Act. He was in illegal possession of shucked abalone in September 1988. He was 16 years old at the time. The total amount of abalone involved in respect of this case is 28, 5 tons of frozen abalone.

Wildschutt has a previous record involving possession of abalone. He was involved with a substantial amount of live abalone-232, 6 tons with a commercial value of R58,16m.

Du Toit was responsible for processing more than 74 tons of frozen abalone during the period of January 2005 to September 2006. This equates to about 247 tons of live product valued at around R61,9m. He was paid R30/ per kg for his services and he earned around R2, 4m over a 20-month period. That equates to about R120 000 a month.

Despite this damning evidence, the legal representatives of the accused asked the court to impose non-custodial sentences. The state opposed that. Advocate Jolou van der Merwe and Advocate Aradhana Heeramun argued for tougher custodial sentences.

"It is the state's respectful submission that this is a case in which the element of deterrence should play an important role when considering a suitable sentence. In particular, the sentence should serve as a deterrent to those who may consider the poaching of abalone as an easy way in which to enrich themselves. The damage done to abalone stock by syndicates exporting illegal abalone can hardly be overemphasised. As the Total Allowable Catch decrease so would the livelihood of people in the legal abalone trade. The government must use scarce resources to police coastal areas and prevent the poaching of abalone. Abalone poachers act with impunity. They are not afraid of the police and /or DAFF officials. It can no longer be accepted that a part of our society lives as if laws and law abiding people do not matter", they argued successfully.

Immediately after the sentencing, legal representatives of Van Rensburg, Wildschutt and Du Toit informed the court that they intended to apply for leave to appeal the conviction and sentence. Bail was granted to all three accused. Van Rensburg was released on R50 000 while Wildschutt and Du Toit had their original bails of R30 000 and R20 000

extended. The state will oppose the applications. The case is postponed to 16 April 2018 for arguments.

Kind Regards,

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