

**IN THE HIGH COURT OF SOUTH AFRICA
[WESTERN CAPE DIVISION, CAPE TOWN]**

In the matter of:

THE STATE

versus

- 1. IRSHAAD LAHER**
- 2. ALAN ROBERT RAVES**

**AMENDED SUMMARY OF SUBSTANTIAL FACTS IN TERMS
OF SECTION 144(3)(a) OF ACT 51 OF 1977**

During **September 2013** the Ballistic Unit of the Forensic Science Laboratory in the Western Cape reported that they had received unlicensed firearms for examination that have been altered in such a manner that all traces of the ballistic history were obliterated. The alterations were done in such a professional manner that even IBIS (*Integrated Ballistic Identification System*) could not detect the prior examinations of a specific firearm. The South African Police Service (SAPS) concluded at that stage that the person(s) involved had to have intimate knowledge of the SAPS Ballistics and Armory, such as a police officer, as changes were made in areas where ballistics experts were trained to identify firearms and traces left on ammunition. These changes would include identification by IBIS.

This phenomenon was discovered during 2010 and steadily increased in such a manner that most of the unlicensed firearms seized by the police exhibited these traits. By 2014 SAPS reported that most of the illegal firearms seized by them, exhibited a similar pattern of obliteration of its identifying markings. The ballistic experts also uncovered partial or complete serial numbers and or laboratory numbers on some of the firearms.

With this discovery it was, the investigation showed that some of these firearms were already sent for destruction to the Confiscation Firearms Store at Silverton prior to their recovery in the Western Cape. The firearms were meant to be destroyed by Head Office: Confiscated Firearms Store.

The majority of the firearms that were seized were used in matters where the offences were gang related.

Ex- Colonels Christiaan Lodewyk Prinsloo and David Charles Naidoo Prinsloo were employed as Colonels in the South African Police Services were in charge and in control of the destruction of confiscated firearms at the Confiscated Firearms Store.

Prinsloo and Naidoo stole the firearms and ammunition and sold plus minus 2400 firearms and an unknown amount of ammunition separately to two markets to wit accused no 1 that resided and worked in the Western Cape and accused no 2 an arms dealer and private collector who worked and resided in Vereeniging in Gauteng.

Prinsloo subsequently pleaded guilty and was sentenced to 18 years imprisonment. Both Prinsloo and Naidoo will testify in this matter.

A. THE ENTERPRISE:

The State alleges that an “enterprise”, as defined by section 1(1)(xi) of Act 121 of 1998, in the form of a legal entity, to wit **FLASH** of **SAPS**. **FLASH** (the Firearms, Liquor and Second Hand Goods Department) were responsible for the destruction of forfeited firearms in terms of the standing orders, directive and prescripts of SAPS. **FLASH** regulates the administration of firearm licenses, liquor legislation and the regulation of second hand goods. The **FLASH** Department of the South African Police Service ensures compliance and enforcement of firearm, liquor and second hand goods control legislation.

The State alleges that the “enterprise” existed since 2007/2008 and is ongoing.

The State alleges that the core function of this criminal enterprise was to steal firearms and ammunition destined for destruction and provided the firearms and ammunition to criminals, including the accused, for their own benefit and for other such as members of criminal gangs on the Cape Flats that displayed a continued and considerable demand for illicitly obtained firearms and ammunition to further the gang war that raged in the Western Cape since 2006.

The State alleges that between the period 2007/2008 and September 2015 the accused and other persons, known and unknown to the State, directly or indirectly participated in the conduct of the affairs of the "enterprise" through a pattern of racketeering activity, as set out in counts 2-23 and thus committed the offences in the execution or furtherance of a common purpose.

B. THE ACCUSED:

Irshad Laher is a 41 year old adult male residing at 4 Herold Street, Rondebosch. He is self-employed and has business interests in two Spur Restaurants, to wit Twin Peak Spur, Ottery, and Eagle Eye Spur, Observatory, as well as a Nandos Fast Food outlet in Athlone.

He is 50% owner of a close corporation that owns five immovable properties in Lansdowne, valued at more than three (3) million rand. He is married with two children. He previously worked as a police reservist at De Deur Police Station where Prinsloo was stationed as a police officer. He is also a dedicated shooter and belongs to the SA Hunters Association. He serves as a councillor on WPPSA, a local shooting club in Kenwyn, Cape Town.

Allan Raves is a 51 year old adult male residing at 11 Duggie Morkel Street, Unitas Park, Vereeniging. He is self-employed and a Category "A" firearms Collector in terms of Regulation 2 (read with Section 17) of the Firearms Control Act 60 of 2000 as well as a Heritage Inspector in terms of the National Heritage Resources Act 25 of 1999. By virtue of his appointment, as a SAHRA (South African Heritage Resource Centre) heritage firearms expert and inspector, he had to access firearms destined for destruction in order to identify firearms which had potential heritage value prior to its destruction. Once he identified such firearms, he had to inform SAHRA of its existence. He is also a firearms dealer and the sole director of Gama Arms CC. He met whilst he was still the Provincial Designated Firearms Official for the Vereeniging Area.

C. THE OFFENCES:

OFFENCES REALTING TO RACKETEERING ACTIVITIES:

COUNT 1:

The accused, whilst employed by or associated with the “enterprise”, conducted or participated in the conduct, directly or indirectly, of such “enterprises” affairs through a pattern of racketeering activity, including the offences as set out in counts 2-23.

OFFENCES IN RESPECT OF CORRUPT ACTIVITIES:

COUNT 2:

Accused 1 directly or indirectly gave monetary payments to Prinsloo whilst he was a police officer in order to act personally in a manner that (a) amounts to the illegal, dishonest, unauthorized, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or other obligation; and/or (b) amounts to (i) the abuse of a position of authority, (ii) a breach of trust and/or (iii) the violation of a legal duty or a set of rules; and/or (c) is designed to achieve an unjust result; and/or (d) amounts to an unauthorized or improper inducement to do or not to do anything, by stealing and selling firearms and/or ammunition, that was in the possession of SAPS and destined for destruction, to him.

COUNT 3:

Accused 2 directly or indirectly gave monetary payments to Prinsloo and Naidoo whilst police officers in order to act personally in a manner that (a) amounts to the illegal, dishonest, unauthorized, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or other obligation; and/or (b) amounts to (i) the abuse of a position of authority, (ii) a breach of trust and/or (iii) the violation of a legal duty or a set of rules; and/or (c) is designed to achieve an unjust result; and/or (d) amounts to an unauthorized or improper inducement to do or not to do anything, by stealing and selling firearms and/or ammunition, that was in the possession of SAPS and destined for destruction, to him.

COUNT 4:

Accused 1 stole 2000 firearms as well as an unknown amount of ammunition which was the property or in the lawful possession of SAPS.

COUNT 5:

Accused 2 stole 350-400 rifles as well as 15 000 – 20 000 rifle cartridges which was the property or in the lawful possession of SAPS.

CONTRAVENTIONS OF THE FIREARMS CONTROL ACT

COUNT 6:

Accused 1 sold 2000 firearms as well as an unknown amount of ammunition to persons known and unknown to the State.

COUNT 7:

Accused 2 sold 350-400 rifles as well as firearm parts to persons known and unknown to the State.

COUNT 8:

Accused 1 had in his possession 2000 prohibited firearms the serial numbers or identification marks of which had been changed or removed without the Registrar's permission or possessed these firearms without a licence.

COUNT 9:

Accused 2 had in his possession five (5) prohibited firearms the serial numbers or identification marks of which had been changed or removed without the Registrar's permission or possessed these firearms without a licence.

COUNT 10:

Accused 1 possessed an unknown amount of ammunition without being the holder of a licence or permit to possess such ammunition.

COUNT 11:

Accused 2 was found in possession of 15 000 – 20 000 rounds of ammunition without being the holder of a licence or permit to possess such ammunition.

COUNT 12:

Accused 2 possessed firearm parts which were stolen from the firearm stores of SAPS.

COUNT 13:

Accused 2 erased, altered or tampered with the serial number or identification marks of the manufacturer on the firearms mentioned above with the intention of changing its identity.

OFFENCES RELATING TO PROCEEDS OF UNLAWFUL ACTIVITIES:

COUNT 14:

Accused 1, whilst knowing or reasonably ought to have known that the firearms and ammunition specified in count 4, was or formed part of the proceeds of unlawful activities engaged in arrangements or transactions with Christiaan Prinsloo in connection with firearms and ammunition belonging to SAPS, which had or was likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said firearms and ammunition or the ownership thereof or any interest which anyone may have in respect thereof, and/or enabling or assisting the accused and/or persons known and unknown to the State, who had committed or were committing an offence to avoid prosecution, and/or to remove or diminish the said firearms and ammunition acquired directly, or indirectly, as a result of the commission of the said offence or acted in the furtherance of a common purpose in acquiring, using, or possessing the said firearms and ammunition.

COUNT 15:

Accused 2, whilst knowing or reasonably ought to have known that the firearms and ammunition specified in count 5, was or formed part of the proceeds of unlawful activities engaged in arrangements or transactions with Christiaan Prinsloo and D C Naidoo in connection with firearms and ammunition belonging to SAPS, which had or was likely to have had the effect of concealing or disguising the nature, source, location, disposition or movement of the said firearms and ammunition or the ownership thereof or any interest which anyone may have in respect thereof, and/or enabling or assisting the accused and/or persons known and unknown to the State, who had committed or were committing an offence to avoid prosecution, and/or to remove or diminish the said firearms and ammunition acquired directly, or indirectly, as a result of the commission of the said offence

or acted in the furtherance of a common purpose in acquiring, using, or possessing the said firearms and ammunition.

OFFENCE RELATING TO THE MILITARY BASE DLI

COUNT 16:

Accused 2 stole eighteen (18) firearms which was the property of SANDF.

COUNT 17:

Accused 2 stole sixteen (16) firearms which was the property of SAPS and/or SANDF.

COUNT 18:

Accused 2 obstructed, damaged, removed, destroyed property, to wit firearms, used for the protection or safeguarding of the Republic, which was the property of the SANDF.

COUNT 19:

Accused 2 disposed of articles, to wit firearms, which was the property of SANDF, without the necessary authority.

COUNT 20:

Accused 2 obstructed, damaged, removed, destroyed property, to wit firearms, used for the protection or safeguarding of the Republic, which was the property of the SANDF.

COUNT 21:

Accused 2 obstructed, damaged, removed, destroyed property, to wit firearms, used for the protection or safeguarding of the Republic, which was the property of the SANDF.

COUNT 22:

Accused 2 defrauded the SAPS into registering thirty three (33) firearms belonging to the SANDF and/or DLI to the name of his dealership, GAMA ARMS.

COUNT 23:

Accused 2, being a firearms dealer, failed to keep proper registers of person from whom he acquired firearms or sold firearms to as is required from him in terms of the Firearms Control Act.

EVIDENCE

The State will primarily rely on the evidence of Prinsloo and Naidoo, ballistic evidence, cellular phone evidence and monitoring in terms of the Monitoring Prohibition Act 127 of 1992.