

NOTES

1. At inception, the research team consisted of the author, Antoinette Louw (ISS), Martin Schönteich (ISS) and Darwin Franks of the NPA. Ted Leggett (ISS) assisted with one interview. Anton du Plessis (ISS) assisted in finalising the monograph.
2. Five researchers conducted the interviews; the author conducting 56 of these (72%), including all of the interviews with DSO personnel.
3. The name “Scorpions” will be used when referring to the period prior to the promulgation of the legislation bringing the Directorate of Special Operations, or DSO, into existence. Thereafter the official name will be used.
4. South African Press Association (SAPA) 1 September 1999.
5. The Directorate of Special Investigations was the name first mooted for what ultimately became the DSO.
6. SAPA 1 September 1999.
7. SAPA 1 September 1999.
8. Percy Sonn was a deputy national director of public prosecutions. Sonn practised as an attorney for 12 years, focusing primarily on defending accused against the state. He was admitted as an advocate in 1989 and practised at the Cape Bar for six years. Thereafter he joined the office of the attorney-general of the Western Cape rising to the position of deputy attorney-general. In November 1998, he was appointed to head the investigating directorate: organised crime and public safety (IDOC).
9. National Prosecuting Authority Amendment Act 61 of 2000.
10. The Act provides that the Committee comprises—
 - “(a) the Cabinet members responsible for—
 - (i) the administration of justice, who is the chairperson thereof;
 - (ii) correctional services;
 - (iii) defence;
 - (iv) intelligence services; and
 - (v) safety and security; and
 - (b) any other Cabinet member designated from time to time by the President.”The Committee may conduct its business and proceedings at its meetings as it deems fit.

11. King Commission of Inquiry into Cricket Match-fixing, presided over by Judge Edwin King, established May 2000. Advocate Botohi was Leader of Evidence for the Commission.
12. The “arms deal” is the arms procurement package concluded by the South African government in 1999, then valued at R43.8bn, which has been dogged by allegations of corruption.
13. On 29 July 2003, SAPA reported that president Mbeki said talks on a resolution of the tension (between the SAPS and the DSO) had focused on finding ways to rationalise work between the two organisations, should they remain separate entities, and that a possible alternative was the Scorpions becoming a specialised police unit. Mbeki said: “The function, the task and the specialisation that was required of the Scorpions has not gone away. But how to locate them, where to locate them, how to manage the relationship between the two is an issue. It was inherent from the beginning that there would be this tension.”
14. The Act provides as follows: “s31. Ministerial Co-ordinating Committee.—(1) There is hereby established a committee, to be known as the Ministerial Co-ordinating Committee (hereinafter referred to as the Committee), which may determine—
 - (a) policy guidelines in respect of the functioning of the Directorate of Special Operations;
 - (b) procedures to co-ordinate the activities of the Directorate of Special Operations and other relevant government institutions, including procedures for—
 - (i) the communication and transfer of information regarding matters falling within the operational scope of the Directorate of Special Operations and such institutions; and
 - (ii) the transfer of investigations to or from the Directorate of Special Operations and such institutions; and
 - (c) where necessary—
 - (i) the responsibility of the Directorate of Special Operations in respect of specific matters; and
 - (ii) the further procedures to be followed for the referral or the assigning of any investigation to the Directorate of Special Operations.”
15. Hefer Commission of Inquiry into allegations of spying against the national director of public prosecutions, Mr BT Ngcuka, presided over by Judge Joos Hefer, established September 2003. The terms of reference were altered on a number of occasions, before reaching this formulation.
16. The “war on drugs” refers to the criminalisation of the trade in drugs and the enforcement of that criminalisation.
17. The mostly Muslim organisation People Against Gangsterism and Drugs (PAGAD) was implicated in the more than 20 bomb blasts which occurred in the Cape

Town metropolitan region in 1998–1999.

18. On 11 September 2001 suicide terrorist attacks destroyed the twin towers in New York, USA, by hijacking and flying passenger jets into the buildings. Another hijacked passenger jet flew into the Pentagon.
19. Transitional states are those making the transition from a non-democratic form of government to one of democracy; South Africa, as well as the former communist countries of the former Eastern bloc, are included in this definition.
20. Transnational organised crime refers to the existence of criminal groups engaging in organised crime which are not based exclusively nor operate exclusively in any one country.
21. Article 2(a) *United Nations Convention against Transnational Organised Crime*.
22. For example, the *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*; the *Council of Europe Convention on Laundering, Search Seizure and Confiscation of the Proceeds of Crime*; the *United Nations Convention against Transnational Organised Crime* (Palermo Convention). The *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* adopted by the UN in 1988 already required of signatory states that they adopt anti-drug laws, money-laundering laws, laws against criminal gangs, and forfeiture laws.
23. See for example US Border Security Assessment of South African Ports of Entry/Exit, submitted by US Customs Service, Office of International Affairs, February 12, 1997.
24. See for example, Shaw, M. *Organised Crime in Post-Apartheid South Africa*. ISS Paper No. 28, January 1998.
25. U.S. Department of State 1996 International Narcotics Control Strategy Report, March 1997. United States Department of State. Bureau for International Narcotics and Law Enforcement Affairs.
26. Callahan, TJ. Why South Africa can't go it alone in the fight against crime. Africa Policy Information Center (APIC) document. 26 January 1997.
27. According to Callahan (see above), in addition to the opening of Drug Enforcement Administration (DEA) and FBI offices in 1997, US-sponsored activity in South Africa prior to 1997 included: the US Customs Service conducted several courses in border, air and seaport control for South African and neighbouring country police; the US Marshal's Service provided technical assistance for South Africa's witness protection program; the US Department of the Treasury held several courses on methods to thwart money laundering; and the DEA conducted several drug enforcement seminars and has helped SANAB establish a trafficker database.

28. The Prevention of Organised Crime Act 121 of 1998, which replaced the Proceeds of Crime Act 76 of 1996.
29. The Racketeer Influenced Corrupt Organizations Act of 1970 is contained in Title 18, Chapter 96, of the *United States Code*.
30. The contents of this section are drawn from an unpublished book "Papering over the cracks: the law and organised crime" written by the author, in her capacity as contract researcher at the Institute for Human Rights and Criminal Justice Studies at TechnikonSA.
31. South Africa had already begun to address the issue of terrorism because of the spate of bombings in Cape Town and the bombings allegedly by a conspiracy of the far right. The former was investigated largely by the DSO and the NIA; the latter by the SAPS, largely for pragmatic reasons as to who had the better intelligence at their disposal.
32. All demographic information about the DSO was obtained directly from the DSO.
33. UK Foreign Office Daily Bulletin, 18 May 2000: UK/South Africa Bilateral Forum.
34. *Ibid*.
35. Fact Sheet: US Assistance to South Africa, Office of the Spokesman, US Department of State, Washington, DC, September 3, 2002.
36. All demographic information about the DSO was obtained directly from the DSO.
37. In s30 (2) National Prosecuting Authority Act 32 of 1998.
38. See s37 Criminal Procedure Act 51 of 1977.
39. See Chapter 2 Criminal Procedure Act 51 of 1977.
40. *Ibid*.
41. See Chapter 5, ss39-53, Criminal Procedure Act 51 of 1977.
42. See Chapter 2 Criminal Procedure Act 51 of 1977.
43. See s38 Criminal Procedure Act 51 of 1977.
44. See s13 (8) South African Police Service Act 68 of 1995.
45. See s13 (11)(a) and (b) South African Police Service Act 68 of 1995.
46. See s29 National Prosecuting Authority Act 32 of 1998.
47. See s19B National Prosecuting Authority Act 32 of 1998.
48. See s19A National Prosecuting Authority Act 32 of 1998.

49. See s19B (3) National Prosecuting Authority Act 32 of 1998.
50. Compare *Government Gazette* No. 25450, 9 September 2003, Notice No. R1298 with *Government Gazette* No. 23671, 26 July 2002. From July 2002 the salary range was from R89 598 to R325 653. In July 2003, the range was from R66 330 to R296 175. The 2002 range included CIO's salaries.
51. See *Government Gazette* No. 24988, 28 February 2003, Notice No. R331. This implies, that as of 1 January 2003, that CIO salaries range from R410 112 to R472 017.
52. For prosecutor's salary ranges, see *Government Gazette*, No. 25450, 9 September 2003, Notice No. R1299. Prosecutors' salaries range from R71 967 to R296175. For Deputy Directors, see *Government Gazette* No. 24988, 28 February 2003, Notice No. R331. Deputy Directors' salaries range from R410 112 to R536 547.
53. See s18(2) National Prosecuting Authority Act 32 of 1998.
54. In at least one group in Gauteng, the group operated such that individual matters are not assigned to any particular prosecutor in the group. Projects are instead assigned to each investigator, such that one investigator will have at least two projects which he or she will lead. The prosecutors are not assigned to any matter; instead they assist on all the projects of the group. When a matter is court-ready, then it is decided which prosecutor will go to court. Therefore all prosecutors in the group are aware of and able to do all the cases. The group meets once a week to co-ordinate, and it is then that each investigator says what assistance is needed with their matter. Then the matters are prioritised and it is decided where to put all the resources.
55. See NPA Policy Directive Part 45 (Investigating Directorates), A (Inquiries by Investigating Directorates) B.107.1; while this directive appears only to refer to categories of offences proclaimed by the President in the *Gazette* (see *Mandate*), in practise all inquiries have to be authorised by the Investigating Director.
56. NPA Policy Directive 45.A. B.107.4.
57. In terms of s252A of the Criminal Procedure Act 51 of 1977.
58. The Office of the Head of Operations: DSO. Circular:1. Effective Date 8 November 2001. Signed: Acting Investigating Director Adv. LF McCarthy 7-11-2001.
59. In terms of the Interception and Monitoring Prohibition Act No 127 of 1992.
60. The Office of the Head of Operations: DSO. Circular:1. Effective Date 8 November 2001. Signed: Acting Investigating Director Adv. LF McCarthy 7-11-2001.
61. NPA Policy Directive 45.A. B.108.

62. Office of the Head of Operations: DSO. Circular One. Effective Date 8 November 2001.
63. The DSO does not own its vehicles but hires them.
64. For a detailed discussion of forfeiture, see Redpath J. in *Forfeiting rights? Asset forfeiture and rights African Security Review* July 2000.
65. See *Government Gazette* No. 23242, 15 March 2002, Proclamation No 24, 2002.
66. See *Government Gazette* No. 24876, 23 May 2003, Proclamation No 46, 2003, 24 March 2003.
67. The Rome Statute of the International Criminal Court, which entered into force on 1 July 2002, established the International Criminal Court.
68. Collins English Dictionary.
69. The Concise Oxford Dictionary.
70. For example, in 2001 the Serious and Violent Crime Unit of the SAPS was mandated, *inter alia*, to investigate murders involving prominent persons, the judiciary, politicians or members of the SAPS.
71. For a detailed analysis, see Redpath J in *Leaner and Meaner? Restructuring the Detective Service*, ISS Monograph No 73, May 2002.
72. National Prosecuting Act 32 of 1998, s7.(1)(a): There is hereby established in the Office of the National Director an Investigating Directorate, to be known as the Directorate of Special Operations, with the aim to—
 - (i) investigate, and to carry out any functions incidental to investigations;
 - (ii) gather, keep and analyse information; and
 - (iii) where appropriate, institute criminal proceedings and carry out any necessary functions incidental to instituting criminal proceedings, relating to—
 - (aa) offences or any criminal or unlawful activities committed in an organised fashion; or
 - (bb) such other offences or categories of offences as determined by the President by proclamation in the Gazette.
73. National Prosecuting Act 32 of 1998, s7.(1)(b): 'For the purpose of subparagraph (aa), "**organised fashion**" includes the planned, ongoing, continuous or repeated participation, involvement or engagement in at least two incidents of criminal or unlawful conduct that has the same or similar intents, results, accomplices, victims or methods of commission, or otherwise are related by distinguishing characteristics.'
74. Prevention of Organised Crime Act 121 of 1998, s1: "**pattern of racketeering activity**" means the planned, ongoing, continuous or repeated participation or

involvement in any offence referred to in Schedule I and includes at least two offences referred to in Schedule 1, of which one of the offences occurred after the commencement of this Act and the last offence occurred within 10 years (excluding any period of imprisonment) after the commission of such prior offence referred to in Schedule 1'

75. Prevention of Organised Crime Act 121 of 1998 s1: **“pattern of criminal gang activity”** includes the commission of two or more criminal offences referred to in Schedule 1: Provided that at least one of those offences occurred after the date of commencement of Chapter 4 and the last of those offences occurred within three years after a prior offence and the offences were committed—on separate occasions; or on the same occasion, by two or more persons who are members of, or belong to, the same criminal gang.
76. See s2 Prevention of Organised Crime Act 121 of 1998 for the racketeering offences.
77. See s9 Prevention of Organised Crime Act 121 of 1998 for the criminal gang offences.
78. National Prosecuting Act 32 of 1998, s26(2): Nothing in this Chapter or section 7(1), or any proclamation issued in terms of section 7, derogates from any power or duty which relates to the prevention, combating or investigation of any offences and which is bestowed upon the South African Police Service in terms of any law.
79. National Prosecuting Authority Act 32 of 1998, s31(1): There is hereby established a committee, to be known as the Ministerial Co-ordinating Committee (hereinafter referred to as the Committee), which may determine—
 - (a) policy guidelines in respect of the functioning of the Directorate of Special Operations;
 - (b) procedures to coordinate the activities of the Directorate of Special Operations and other relevant government institutions, including procedures for—
 - (i) the communication and transfer of information regarding matters falling within the operational scope of the Directorate of Special Operations and such institutions; and
 - (ii) the transfer of investigations to or from the Directorate of Special Operations and such institutions; and
 - (c) where necessary—
 - (i) the responsibility of the Directorate of Special Operations in respect of specific matters; and
 - (ii) the further procedures to be followed for the referral or the assigning of any investigation to the Directorate of Special Operations.
80. The Office of the Head of Operations: DSO. Circular:1. Effective Date 8 November 2001. Signed: Acting Investigating Director Adv. LF McCarthy 7-11-2001.

81. See Chapter 5 National Prosecuting Authority Act 32 of 1998, read with the definition of “specified offence” contained in s1.
82. National Prosecuting Authority Act 32 of 1998 s27: Reporting of matters to Investigating Director.—If any person has reasonable grounds to suspect that a specified offence has been or is being committed or that an attempt has been or is being made to commit such an offence, he or she may report the matter in question to the head of an Investigating Directorate by means of an affidavit or affirmed declaration specifying—
 - (a) the nature of the suspicion;
 - (b) the grounds on which the suspicion is based; and
 - (c) all other relevant information known to the declarant.
83. National Prosecuting Authority Act 32 of 1998 s28(1)(a): If the Investigating Director has reason to suspect that a specified offence has been or is being committed or that an attempt has been or is being made to commit such an offence, he or she may conduct an investigation on the matter in question, whether or not it has been reported to him or her in terms of section 27.
84. National Prosecuting Authority Act 32 of 1998 s28(1)(b): If the National Director refers a matter in relation to the alleged commission or attempted commission of a specified offence to the Investigating Director, the Investigating Director shall conduct an investigation, or a preparatory investigation as referred to in subsection (13), on that matter.
85. National Prosecuting Authority Act 32 of 1998 s28(13): If the Investigating Director considers it necessary to hear evidence in order to enable him or her to determine if there are reasonable grounds to conduct an investigation in terms of subsection (1) (a), the Investigating Director may hold a preparatory investigation.
86. Detail on the cases mentioned by DSO members was also obtained from the DSO Annual Report 2003, Draft 2.
87. Commission of Inquiry into the Road Accident Fund, presided over by Judge Kathy Satchwell.
88. Schönteich, M. *Criminal Justice Year in Review*: 2001. 24 June 2002. ISS.
89. Programme 4, Vote 24 (Justice and Constitutional Development).
90. Sub-programme of National Prosecuting Authority, Programme 4, Vote 24 (Justice and Constitutional Development).
91. *Ibid.*
92. Sub-programme of Auxiliary and Associated Services, Programme 5, Vote 24 (Justice and Constitutional Development).
93. Vote 23 (Independent Complaints Directorate).

94. Programme 4, Vote 25 (Safety and Security).
95. Sub-programme of Detective Service, Programme 4, Vote 25 (Safety and Security).
96. Ibid.
97. Schönteich, M. *Criminal Justice Year in Review: 2001*. 24 June 2002. ISS.
98. Ibid.
99. Ibid.
100. See SAPS Annual Report 2002/2003, p60, for SAPS comments in this regard.
101. If we are to berate the NPS for the high number of withdrawals of cases from court, we also need to look at the role the detective service plays in this regard. The prosecution service claims it in turn cannot be held responsible for cases which are poorly investigated by the detective service and therefore cannot go to court and must be withdrawn. Nevertheless, given the backlog in the courts, it is not clear that even if the detective service were to present more and better prepared dockets to the prosecution, that there would be a capacity on the part of the NPS to take up these cases.
102. For more on the restructuring of the units, see Redpath, J, Leaner and Meaner? *Restructuring the Detective Service*, ISS Monograph No.73. May 2002.
103. 2003 Budget Review, Vote 25 (Safety and Security), p575. Note that the more recent SAPS Annual Report 2002/2003 says there are 828 FCPU detectives.
104. SAPS Annual Report 2002/3 p62.
105. Ibid, Table 23, p63.
106. For a complete breakdown of the crime types, see Table 23, SAPS Annual Report 2002/3 p63.
107. SAPS Annual Report 2002/3 p57.
108. Ibid, p60.
109. South African Police Service Act 68 of 1995; see Chapter 10.
119. The full mandate of the ICD covers deaths of persons in police custody or as a result of police action; involvement of SAPS members in criminal activities; prohibited police conduct; poor police service; failure by the police to assist domestic violence victims; offences by members of the Municipal Police Services.
111. See ICD Standard Operating Procedure (SOP), SOP 4, Effective 1 May 1999.
112. ICD Annual Report 2002/2003 p31.
113. Ibid.

114. Ibid.
115. Special Investigating Units and Special Tribunals Act 74 of 1996.
116. *Business Times* June 1999.
117. South African Association of Personal Injury Lawyers v Heath 2001 (1) SA 883 (CC); 2001 (1) BCLR 77 (CC).
118. Government Gazette Vol. 433, No. 22531, 31 July 2001, Regulation Gazette, No. 7128, Proclamation No. R. 118, 2001.
119. The full terms of reference are: Serious maladministration in connection with the affairs of any State institution; improper or unlawful conduct by employees of any State institution; unlawful appropriation or expenditure of public money or property; unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property; intentional or negligent loss of public money or damage to public property; corruption in connection with the affairs of any State institution; or unlawful or improper conduct by any person which has caused or may cause serious harm to the interests of the public or any category thereof.
120. Department of Public Service and Administration: Corruption Assessment Report 2003.
121. Sherman, T. Issues facing management of the prosecution, transcript of a speech contained in a report of the proceedings: Empowering prosecutors for effective and responsive prosecutions in the new millennium, 9–12 November 1999, Regency Hotel, East London, pp. 22–23.
122. *Prosecution-lead Investigation: A practical overview*. Presented by Bulelani Ngcuka, National Director of Public Prosecutions. 2nd World Conference on Modern Criminal Investigation, Organised Crime and Human Rights, Durban South Africa 5 December 2001.
123. Ibid.
124. Ibid, p13.
125. The Goldstone Commission of Inquiry regarding the prevention of public violence and intimidation (the Goldstone commission), 1991 to 1994.
126. The Investigation of Serious Economic Offences Act, No. 117 of 1991, repealed by the National Prosecuting Authority Act 32 of 1998.
127. See s7(1)(a)(aa) National Prosecuting Authority Act 32 of 1998.
128. See s199(1) Constitution of the Republic of South Africa Act 108 of 1996.
129. See s199(3) Constitution of the Republic of South Africa Act 108 of 1996.

130. See s205(3) Constitution of the Republic of South Africa Act 108 of 1996.
131. See s179, Constitution of the Republic of South Africa Act 108 of 1996. The Constitutional Court confirmed this provision of the Constitution at paragraphs 140 and 141 in CCT 23/96, Certification of the Constitution of the Republic of South Africa, 1996.
132. See s179(5)(d) Constitution of the Republic of South Africa Act 108 of 1996 also contained in s22(2)(c) National Prosecuting Authority Act 32 1998.
133. See s12(6)(a) National Prosecuting Authority Act 32 of 1998. Parliament must confirm the removal of the national director, or restore him or her to office.
134. Because Mandela stepped down after only one term as president, in 1999, this timing means that each national director's tenure will overlap with presidential terms such that the national director will be appointed by the incumbent president's predecessor, assuming subsequent presidents win elections and take the two full terms allotted them by the constitution, and assuming the national director does not vacate office before his time is up.
135. The chief whip of a political party is responsible for maintaining discipline among, securing attendance of, and giving necessary information to party members; as such, intricately involved with the party.
136. The three are Sipiwe Bholo, Titi Ndweni and Sipho Gavin.
137. The three were released from Johannesburg Prison in November 1999.
138. Madikizela Mandela was convicted on 43 charges of fraud and 25 of theft on 24 April 2003. The following day she was sentenced to five years imprisonment, with one year suspended for five years. The sentencing magistrate said she should serve eight months in prison, and the remainder in community service. On conviction, she announced she would resign as member of Parliament, chairperson of the ANC women's league, and member of the ANC's National Executive Committee. At the time of writing, her appeal against conviction and sentence had not yet been heard.
139. Yengeni was found guilty of fraud on 13 February 2003, and acquitted on corruption charges, in terms of a plea bargain agreement. He was sentenced to four years in prison, without the option of a fine, on 19 March 2003. Yengeni was chief whip of the ANC before resigning as chief whip on being charged and arrested for crimes on which he was ultimately convicted. He resigned as member of Parliament on being convicted. At the time of writing, his appeal against sentence had not yet been heard.
140. Whether the national director has acted impartially or not, the point to be made is that the ultimate decision on whether to prosecute or not remains with the national director and not with the DSO. This would be the case also if the SAPS had investigated the matter and handed it over to the NPA for prosecution.

Where an investigation has been carried out by the SAPS, the national director would still decide whether to prosecute, but the National Commissioner of the SAPS would have influence over how the investigation was to be conducted.

141. The national director's removal from office by the president is theoretically possible should the Hefer Commission find that he was a spy or that he has abused his office, as this would allow the president to find that that he is not a fit and proper person for the position of national director. Such a removal must be confirmed by Parliament.
142. See Paschke, R. *Conviction rates and other outcomes of crimes reported in eight South African police areas*, Research paper 18, Project 82, South African Law Commission, Pretoria (undated) which showed only 11% of cases tracked resulting in either a conviction or an acquittal.
143. See s35(1) of the National Prosecuting Authority Act 61 of 1998. The Constitution also provides in s55(2)(b)(ii) that Parliament must maintain oversight over any organ of state. The Minister of Justice and Constitutional Development has political responsibility over the prosecution, in terms of s 179(7) of the Constitution of the Republic of South Africa Act 108 of 1996.
144. Van Aaken, Salzbuger & Voigt. *The Prosecution of Public Figures and the Separation of Powers: Confusion within the Executive Branch*. German Working Papers in Law and Economics. Paper 11, Volume 2003.
145. Information not otherwise footnoted on the FBI in this section is drawn from the US Department of Justice website, www.usdoj.gov
146. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.
147. US Attorney's Manual 1-2.101.
148. These are detailed in Schedules 4 and 5 of the Constitution of the Republic of South Africa Act 108 of 1996 (as amended).
149. S205 of the Constitution of the Republic of South Africa Act 108 of 1996.
150. Title 28, United States Code, Section 533, authorises the Attorney General to appoint officials to detect and prosecute crimes against the United States. Title 18, United States Code, Section 3052, specifically authorises Special Agents and officials of the FBI to make arrests, carry firearms, and serve warrants. Title 18, United States Code, Section 3107, empowers Special Agents and officials to

make seizures under warrant for violation of federal statutes. Title 28, Code of Federal Regulations, Section 0.85, outlines the investigative and other responsibilities of the FBI, including the collection of fingerprint cards and identification records; the training of state and local law enforcement officials at the FBI National Academy; and the operation of the US National Crime Information Centre and the FBI Laboratory.

151. Information in this section is drawn largely from the UK Police Service Act 1997, the ACPO website <http://www.acpo.police.uk>, the UK police service portal <http://www.police.uk>, and the National Crime Squad website <http://www.nation-crimesquad.police.uk>
152. *The Guardian* 9 July 2003.
153. *The Guardian* 8 July 2003.
154. *The Guardian* 9 July 2003.
155. *The Guardian* 8 July 2003.
156. *Ibid.*
157. *The Guardian* 9 July 2003.
158. *The Guardian* 8 July 2003.
159. The 44 regional police forces are the Avon & Somerset Constabulary, Bedfordshire Police, Cambridgeshire Constabulary, Cheshire Constabulary, City of London, Cleveland Constabulary, Cumbria Constabulary, Derbyshire Constabulary, Devon & Cornwall Police, Dorset Police, Durham Constabulary, Dyfed Powys Police/Heddlu Dyfed Powys, Essex Police, Gloucestershire Constabulary, Greater Manchester Police, Gwent Constabulary/Heddlu Gwent, Hampshire Constabulary, Hertfordshire Constabulary, Humberside Police, Kent County Constabulary, Lancashire Police, Leicestershire Constabulary, Lincolnshire Police, Merseyside Police, Metropolitan Police (New Scotland Yard), Norfolk Constabulary, Northamptonshire Police, Northumbria Police, North Wales Police/Heddlu Gogledd Cymru, North Yorkshire Police, Nottinghamshire Police, Police Service of Northern Ireland, Scottish Police Forces, South Wales Constabulary/Heddlu De Cymru, South Yorkshire Police, Staffordshire Police, Suffolk Constabulary, Surrey Police, Sussex Police, Thames Valley Police, Warwickshire Police, West Mercia Police, West Midlands Police, West Yorkshire Police, Wiltshire Police. The non-geographic police forces in the UK are the British Transport Police, Ministry of Defence Police, UK Atomic Energy Constabulary, Port of Dover Police, The National Crime Squad.
160. The ACPO's members are police officers who hold the rank of Chief Constable, Deputy Chief Constable or Assistant Chief Constable, or their equivalents, in the 44 forces of England, Wales and Northern Ireland, national police agencies and certain other forces in the UK, the Isle of Man and the Channel Islands, and cer-

tain senior non-police staff. There are presently 280 members of ACPO. The ACPO has the status of a private company limited by guarantee. As such, it conforms to the requirements of company law and its affairs are governed by a Board of Directors. It is funded by a combination of a Home Office grant, contributions from each of the 44 Police Authorities, membership subscriptions and by the proceeds of its annual exhibition.

161. The UK Police Service Act 1997 provides in s2(2) that: The functions of NCIS shall be—
 - (a) to gather, store and analyse information in order to provide criminal intelligence,
 - (b) to provide criminal intelligence to police forces in Great Britain, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies, and
 - (c) to act in support of such police forces, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.
162. s48(2) UK Police Service Act 1997.
163. s48(3) UK Police Service Act 1997.
164. Office for Serious Economic Offences Act 117 of 1991.
165. National Prosecuting Authority Amendment Act 61 of 2000.
166. s47 UK Police Act 1997.
167. s3 *Constitution of the Federal Republic of Nigeria, 1999*. The states are Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa, Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe and Zamfara. The territory is the Federal Capital Territory of Abuja.
168. Part 1 of the Second Schedule of the *Constitution of the Federal Republic of Nigeria* lists the exclusive legislative competencies of the National Assembly. Listed in the schedule are, among others, matters relating to drugs and poisons, and rules of evidence.
169. s4(5) *Constitution of the Federal Republic of Nigeria, 1999*.
170. Nigeria is about 40% Christian and 50% Muslim, according to the CIA's World Fact Book.
171. See s214(1) *Constitution of the Federal Republic of Nigeria, 1999*.
172. See s214(2) (c) *Constitution of the Federal Republic of Nigeria, 1999*.
173. Information obtained from Innocent Chukwuma, the executive director of the

Nigerian “Centre for Law Enforcement Education” (CLEEN).

174. Ibid.

175. Ibid.

176. See for example Odion Okeida “Wanted: a new police force” *Niger Delta Congress* March 2002: www.nigerdeltacongress.com; Isioma J Madike “What a friend in police” *Daily Independent Online* September 12, 2003: www.dailyindependentng.com; Abdulrazaque Bello-Barkindo “Ralph Ige’s Bunkum and the Despicable Family” www.gamji.com

177. Information obtained from Innocent Chukwuma, the executive director of the Nigerian “Centre for Law Enforcement Education” (CLEEN).

178. Since democratic government came to Nigeria in mid-1999 under President Olusegun Obasanjo, it was decided that all decrees made up to 1990 would become Acts. Decrees after 1990 will have to be assessed and passed by the Nigerian Federal Parliament.

179. Uwiagbo Alab. NDLEA: A decade of drug law enforcement in Nigeria.

180. Ibid.

181. Hallet, R. Nigeria: Politics and Corruption. Lecture. UCT Summer School. January 2001.

182. The information in this section is largely taken from the Australian Federal Police website <http://www.afp.gov.au>

183. The states and territories are New South Wales, Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia and the Australian Capital Territory. [see note on page79]

184. New South Wales, Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

185. On 12 October 2002 a bomb blast in Bali killed 2002 people, many of them Australians. At the time of writing, 18 people had been convicted in Indonesian courts for their roles in the bombings, with a further 12 awaiting trial.

186. The information in this section is largely taken from the Botswana government website http://www.gov.bw/government/ministry_of_state_president.html

187. Botswana has about 1.7m people.

188. See s6, Botswana Police Act.

189. The information in this section is largely taken from the RCMP website <http://www.rcmp-grc.gc.ca>

190. Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and

Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory.

191. Canada e-book

192. <http://www.sass.ca/cacppage.htm>

193. US Attorney's Manual 1-2.104.

194. http://www.rcmp.ca/fps/federalservices_e.htm

195. http://www.rcmp.ca/organizedcrime/index_e.htm

196. Northland, North Shore Waitakere Rodney, Auckland City, Counties Manukau, Waikato, Bay of Plenty, Eastern, Central, Wellington, Tasman, Canterbury, Southern.