

Perspectives on KwaZulu-Natal

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"The Scorpions have to succeed. For our children the unit has to succeed."

Advocate Shamila Batohi, the KwaZulu-Natal head of the Directorate of Special Operations, the unit that is better known as the Scorpions, is passionate about dealing effectively with crime. She speaks to **Cheryl Goodenough** about the work of the crime-fighting team.

Since being appointed to head the Scorpions in KwaZulu-Natal in November, what have you set out to achieve?

In a lot of the work done by the Scorpions the achievements will come in the long term. That is not to say it will take five years, for example, but there is a lot of work that goes into investigating our cases. We are investigating crime that is highly complex, sophisticated and, in some instances, transnational. We have a number of projects that are ongoing and hopefully we will see results soon. That is not to say that arrests are imminent, but we hope that we will soon make an impact and make arrests.

In terms of the legislation regulating the Directorate our aims are fairly clear. We have been set up to investigate serious organised crime. This includes serious economic offences, vehicle thefts, drug-related crimes, particularly trafficking, and corruption, especially in the public service. These are some of the areas that we have identified as priorities.

The success of the Scorpions will contribute substantially to the national security and economic development of South Africa. It is therefore imperative that we do succeed.

About Shamila Batohi

After attending a Durban high school, Shamila Batohi studied law at the University of Durban-Westville and at the University of Natal. She was in private practice before joining the Department of Justice. A prosecutor for about 15 years, Batohi was the first person of colour to be appointed in KwaZulu-Natal as a deputy attorney-general. This position was later designated as deputy director of public prosecutions. Her involvement in high profile investigations includes a period of secondment to the Investigation Task Unit, which charged former Defence Minister Magnus Malan and 16 others. In 2000, Batohi was appointed to lead evidence in the King Commission hearings to investigate cricket match-fixing allegations involving Hansie Cronje.

She lives in Durban with her dentist

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husband and two sons.

With South Africa becoming part of the free world there has been an influx of all sorts of elements. This trend is not unique to South Africa, but as a fairly new democracy we are seen as a new market. If we don't clamp down now we are heading for major problems.

Recently we have been involved in an operation in Ladysmith where the Green brothers were arrested. The town had been virtually held hostage by them. The police would arrest suspects and be forced at gunpoint to release them. After the arrest of the brothers, we are informed, the crime rate there dropped by about 70%.

This is an example of what we are doing. There is so much happening here. We are in the process of building up a really powerful crime-fighting unit. Within a year we hope to be able to give you a list of cases, of successes and prosecutions.

Originally the Investigating Directorate of Organised Crime (IDOC) headed in KwaZulu-Natal by Advocate Chris MacAdam focused primarily on political violence cases. This is now only a small part of your work.

Prior to our new mandate, IDOC, which has now been incorporated into the Scorpions, concentrated on political violence. That is not our sole mandate now and is currently not one of our priorities. We will wrap up those cases that have been investigated and those currently in court. It is not fair to send them back to the directorate of public prosecutions.

IDOC had a number of successes, particularly in solving crimes that were committed in the Richmond area. I take no credit, and want no credit, for that. My predecessor and his team worked very hard there. Richmond was a "no go" area at one stage and they have done wonderful work in enabling people to lead normal lives there again.

Has the number of members increased as the workload of the Scorpions has increased to include various mandates other than political violence?

Yes, we have about 78 staff members now and there are a number of new members. We are constantly increasing in size.

There is often a concern that investigators of organised crime syndicates will themselves become corrupted. Is this a concern for you?

Yes, very much. It is important from an internal perspective that we create an incorruptible unit and that we maintain the integrity of our members. If corruption starts to creep in we don't stand a chance. With organised crime there is so much money out there that criminals will always attempt to corrupt investigators. I keep stressing the absolute importance of being incorruptible, of doing what's right and of getting to the bottom of the crime. I want to build that sort of a culture, a culture of discipline and incorruptibility.

Already I feel very encouraged by the team. I sense that there is a lot of commitment on

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the part of members to eradicate crime and to get to the bottom of the syndicates. These are people who are prepared to do their job and they are not tainted by any form of corruption. I hope that it remains that way. Any lapse of discipline or any sign of dishonesty will be seriously and severely dealt with. There is no place for such people in the Scorpions.

From whom are the Scorpions learning their trade?

Some have trained with the FBI, some with the Metro police in London. The training has primarily been in Britain and America and the training of the Scorpions is ongoing.

Many of our investigators have two or three degrees. There are people with legal degrees, with psychology degrees. We are building an intelligent force consisting of highly qualified and skilled investigators. We even have trained lawyers who are employed by the unit as investigators. This is the calibre of people in the unit.

In some cases their investigation skills have to be developed. But there are also a lot of highly skilled investigators, including some from the South African Police Service, who are training the others in investigation skills.

The Scorpions are investigating cases in a prosecution-driven manner. Is this a technique that should be employed by all investigators or is it appropriate only for the Scorpions?

The Scorpions are using a new approach to fighting crime. It is a multi-disciplinary approach in that the prosecutors, investigators and intelligence components work together from the inception of a case. A close relationship between all three is particularly important in complex criminal cases, where one is dealing with highly sophisticated criminals and very serious organised crime.

There is also scope for the more serious crimes that are dealt with by the office of the Directorate of Public Prosecutions to be approached in a similar manner.

But this is a moot point, the more involved prosecutors become, the more they become potential witnesses. My opinion is that advocates should stay away from crime scenes, but should guide investigators. If you do have a team with two advocates, one can go to the scene while the other does the prosecuting. If you only have one and that person goes to the scene, it could be problematic when the case goes to court because the advocate could become a potential witness. Nevertheless, there is an absolute need for a close relationship between the investigators and the prosecution, and for the prosecution to be involved in the investigation from inception. The involvement of the prosecution from an early stage also ensures that the investigation is conducted strictly within the ambit of the law and minimises the possibility of evidence being ruled inadmissible in court.

What do you feel you have brought to the Scorpions?

I have been a lawyer for 16 years and a prosecutor for close to 15 years. I have spent the last eight years in the High Court. As a prosecutor you are an investigator. You work closely with the police and you guide the police in their investigations. You want to get to

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court with a case that is as watertight as it could be.

I was also one of two advocates seconded to the Investigation Task Unit appointed to investigate hit-squads in KwaZulu-Natal. I think this concept of prosecution-driven investigations was born then.

During my entire career I have been guiding the police in their investigations. And that is exactly what this position requires. It also requires a team effort and I am confident that we have the right people to do the job. I also believe that as a woman I bring in special qualities, which I hope will enable me to drive and motivate the Scorpions!

There was initially a lot of hype around the Scorpions being a new elite team. What impact has this had on the relationship between the Scorpions and the police?

If you look at the FBI and local police in America there are tensions, or jealousies if you want to call them that. It is expected, but I hope that it will not impact on our ability to work together. We are essentially here to do the same job. I hope that the police will see us as an extension of their arm. If 10% of all the crime is investigated by the Scorpions, as envisaged, the police will be able to better use their resources to effectively combat the day to day crime and less serious offences. I believe that we need to work closely together. In fact, we can't work without each other or against each other. I am meeting soon with the provincial police commissioner, Moses Khanyile, to discuss how we can assist each other and establish a working relationship. We can't operate independently of each other and we need each other to be highly effective in combating crime in South Africa.

Is there anything else you would like to add?

It is very important that we have the support of the community in the work that we do. The community can assist to a large extent in the fight against crime. We are serving the people of South Africa and we rely on their help. The unit has to succeed. For our children it has to succeed.

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