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Israel and South Africa might not always see eye to eye, but over the past two years, the two countries have worked closely on a case that concluded last week in a victory for this country's National Prosecuting Authority (NPA).

Acting Judge Gcina Malindi ruled in favour of the Asset Forfeiture Unit in the Pretoria High Court, ensuring that about R100 million held in two bank accounts in Israel in the names of father and son attorneys, Ronald and Darren Bobroff, must be forfeited to the state and brought back to South Africa. The Bobroffs are appealing the ruling.

"The huge freezing order was the result of excellent co-operation between the South African and Israeli authorities," the NPA's chief director of communications, Bulelwa Makeke, told the *SA Jewish Report* this week. "The Israeli authorities became suspicious after noting the transactions in the Bobroffs' accounts, and contacted the South African authorities for verification and co-operation."

"In April 2017, Israel requested the assistance of the South African government," reported Tony Beamish on *Moneyweb* and in the *Citizen* newspaper. "By that stage, it suspected that funds transferred from South Africa to

the Bobroff bank accounts might be the proceeds of the crimes of fraud committed in South Africa."

"The Israeli banks were then ordered, in terms of a mutual-assistance agreement, to pay the money into the Prevention of Organised Crime Act (POCA) Criminal Assets Recovery Account at the South African Reserve Bank (SARB) in Pretoria," wrote Beamish. "The Bobroffs were ordered to pay the National Director of Public Prosecutions' (NDPP's) legal costs."

Said Makeke, "Court processes ensued since 2017 after the funds were frozen, culminating in last week's success. Countries usually have bilateral arrangements for mutual legal assistance. That's what happened with Israel. The money, once released by the Israeli authorities, will be paid into the Criminal Assets Recovery Account, and will be available for the state to use in fighting crime."

The accounts have been frozen since July 2017, but it's only with this order that the funds will be forfeited to the state. The money is being kept safe in Israel until the finalisation of forfeiture proceedings.

The Bobroffs fled South Africa in March 2016 for Australia after irregularities were uncovered at Ronald Bobroff & Partners (RBP), a legal firm specialising in personal injury claims. The

Bobroffs were the firm's directors.

They were struck from the roll of attorneys amid allegations that they charged a contingency fee of 40% of Road Accident Fund payouts, which was above the 25% cap. They are the subject of an Interpol Red Notice (international wanted-person notice). Makeke confirmed that "extradition papers are being processed".

The Bobroffs' attorney, John Joseph Finlay Cameron, told the

NPA is proclaiming it as a 'great victory', there was no great victory to be had," said Cameron.

He said certain facts were "beyond dispute", namely the fact that about R75 million in the accounts had been accrued since the 1980s, like most other white South Africans who moved money offshore in various ways. These funds might not have been "exported" in a fully legal way at the time, but they had nothing

million in the Israeli accounts has question marks over it, but the rest is being wrongly frozen and seized by the state, he said. Cameron believes the affidavit explaining this was a "work of art" and he was disappointed that it had not been considered or accepted by the judge.

In addition, he said the Bobroffs had made this clear when they offered full disclosure as part of the SARB's exchange control

Special Voluntary Disclosure Programme (SVDP). The Bobroffs received approval in December 2018. They each paid a 10% SVDP administrative penalty to the SARB during 2018.

The Bobroffs haven't returned to South Africa to fight the case for fear of being arrested without bail, and because Ronald has health problems and Darren has young children, Cameron said.

The NPA's Makeke said they would not engage with the Bobroffs' claims. "They have filed notice for leave to appeal. However, their arguments did not convince the judge of the Pretoria High Court."



Ronald and Darren Bobroff before they left South Africa

SA Jewish Report he was "shocked and devastated" about Malindi's ruling.

"This is a travesty of justice, which is why we are appealing it. This is deprivation of property of the worst kind. Although the

to do with the Bobroffs' alleged misconduct in common law contingency fee agreements with clients, he said.

A further R10 million comes from the bonds of two properties in Australia. Only about R15