

Forensics as a Tool in Solving Corruption: A Related Cases in Khomas Region, Namibia

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Abstract

Corruption poses a significant threat to nations' economic and social fabric, undermining governance, eroding public trust, and hindering development. This study examines the role of forensic techniques in combating corruption, with a specific focus on related cases in the Khomas Region, Namibia. The objective is to understand how forensic tools can effectively unravel complex corruption schemes and contribute to prosecuting and preventing corrupt practices. Through a comprehensive literature review, the study explores the theoretical underpinnings of forensic investigations and their relevance in addressing corruption. Subsequently, a mixed-methods research approach is employed, combining quantitative analysis of corruption-related data and qualitative examination of forensic case studies in the region.

Findings reveal that forensic techniques, including forensic accounting, digital forensics, and forensic auditing, have played a crucial role in uncovering financial irregularities and identifying patterns of corruption in the Khomas Region. These techniques have provided concrete evidence that strengthens legal proceedings and facilitates the conviction of corrupt individuals, thereby promoting accountability and deterring future corrupt activities. Moreover, the research identifies prevalent corruption patterns in the region, such as bribery, embezzlement, and bid-rigging, offering valuable insights for policymakers and law enforcement agencies to tailor targeted anti-corruption measures. The study further underscores the importance of strengthening forensic capacities within the region's law enforcement and financial institutions to enhance investigative effectiveness.

Public awareness campaigns are also highlighted as a key aspect of fostering a culture of integrity and transparency. The study emphasises the role of informed citizens in reporting corruption and supporting forensic investigations to combat the menace effectively. This research contributes to the existing body of knowledge on the fight against corruption, particularly in the Khomas Region,



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Namibia context. It offers practical recommendations for policymakers, law enforcement agencies, and other stakeholders to leverage forensic techniques as powerful tools in the battle against corruption. Ultimately, the study aspires to promote a more transparent, accountable, and corruption-resistant society in the region.

Keywords: forensic; investigation; the investigator; corruption; evidence and crime scene.

Introduction

Corruption remains a persistent and deeply entrenched issue that plagues societies worldwide, eroding trust in public institutions and impeding sustainable development. In recent years, there has been a growing recognition of the need for innovative and effective measures to combat corruption and bring the perpetrators to justice. Forensic techniques have emerged as a powerful tool in this endeavour, offering the potential to uncover hidden financial trails, expose fraudulent activities, and provide irrefutable evidence for legal proceedings. The article concentrates on how corruption crime is deep-rooted in Namibia's structure of political depiction, with Fishrot as clarification. The people with political and business associates conspired to enable many illegitimate contacts.

This article delves into the critical role of forensics in the fight against corruption, specifically focusing on its application in related cases within the Khomas Region of Namibia. As one of the key economic and administrative centres of the country, the Khomas Region presents a pertinent case study to understand the intricacies and challenges of addressing corruption at the regional level. This article aims to shed light on the extent to which forensic tools have been utilised in combating corruption in the Khomas Region. It seeks to explore the impact of forensic investigations on identifying corruption patterns, supporting legal processes, and ultimately contributing to a more transparent and accountable governance system.

The findings of this study aspire to contribute significantly to the existing body of knowledge on corruption prevention and investigation, providing practical insights for policymakers, law enforcement agencies, and anti-corruption stakeholders. By understanding the potency of forensics in exposing corruption and the intricacies of corruption patterns in the Khomas Region, we endeavour to pave the way for a more resilient and accountable society in Namibia and beyond. The Ministry of Safety and Security's National Forensic Science Institute (NFSI), which operates with the Namibian Police Force, is an organ tasked with scientific research. According to the National Forensic Institute of Namibia Company profile, it was established on the 23rd of June 1993.

According to the Namibian Police Act (Act 19 of 1990), the country's Police Force was established by the Act of Parliament and resorts under the Ministry of Safety and

Security. Appointed by the President of the Republic of Namibia in terms of Article 32(4)(c) (bb) of the Namibian Constitution is the Inspector General who heads the Police Force. The Police Act 19 of 1990 and Police Amendment Act 5 of 2001, the functions of the Namibian Police Force functions are the preservation of the country’s internal security, law and order maintenance, crime prevention, investigation of alleged offences and protection of all property and life. Therefore, the Act clearly shows that part of the country’s police force’s function is to solve crime through investigation. Windhoek, the capital city of Namibia, is the biggest town in the Khomas Region, and according to the ACC (2019), its reported cases of corruption constitute 74 per cent out of four towns, namely Oshakati, Otjiwarongo, Swakopmund and Windhoek (Khomas). Figure 1 below shows Windhoek (Khomas), among other towns, reported corruption cases for the period 2018/2019.

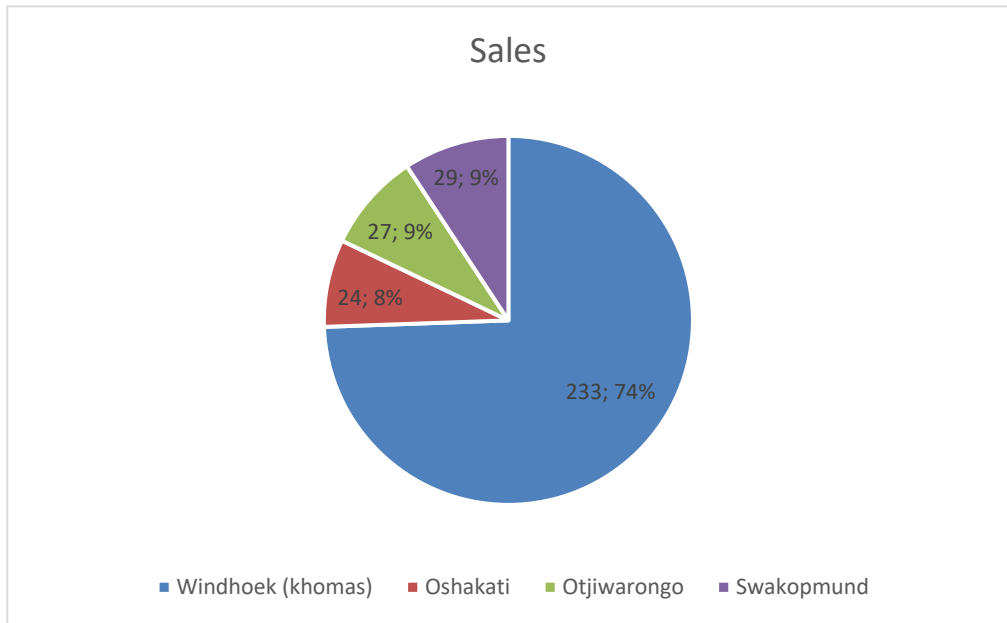


Figure 1. Number of cases reported by the Anti-Corruption Commission during the 2018/2019 financial year.

Source: Anti-Corruption Commission Annual Report: 2019: 4

The figure above shows how the Khomas Region is affected by corruption, which translates to the pressure of investigations to relative authorities. According to the Namibian Anti-Corruption Commission (2019), the types of corruption mostly reported the abuse of power, tender irregularities, fraudulent documents, bribery, abuse of public resources, theft of funds and VAT and other related issues. This study will also investigate whether the Anti-Corruption Commission is using forensic investigations in handling its cases and or using forensic evidence for prosecution.

The Prosecutor General (PG) also works closely with the ACC to fight corruption by prosecuting individuals or organisations. According to the ACC 2019 annual report statistics (2019), handling of dockets submitted to the Prosecutor General shows that 47 per cent of the cases were submitted for prosecution, 30 per cent were pending, 18 per cent were returned, and five per cent declined. The researcher will investigate the limitations in investigations that are causing below half successful prosecution and how forensic Investigation as a tool can assist in resolving cases of fraud and corruption.

This study seeks to explore the extent to which the Namibian Police Force Forensic Investigation Unit is contributing to solving fraud and corruption-related crimes. The researcher will focus on how forensic investigations in the country’s Khomas Region are being used as a tool to solve these purported crimes. The Khomas Region is part of the country’s 14 regions, constituting 16.2 per cent of the country’s total population. Moreover, figure 2 below shows corruption statistics of the country between 2019 and 2020 as recorded by the Ministry of Home Affairs, Immigration, Safety and Security (Namibian Police Force).

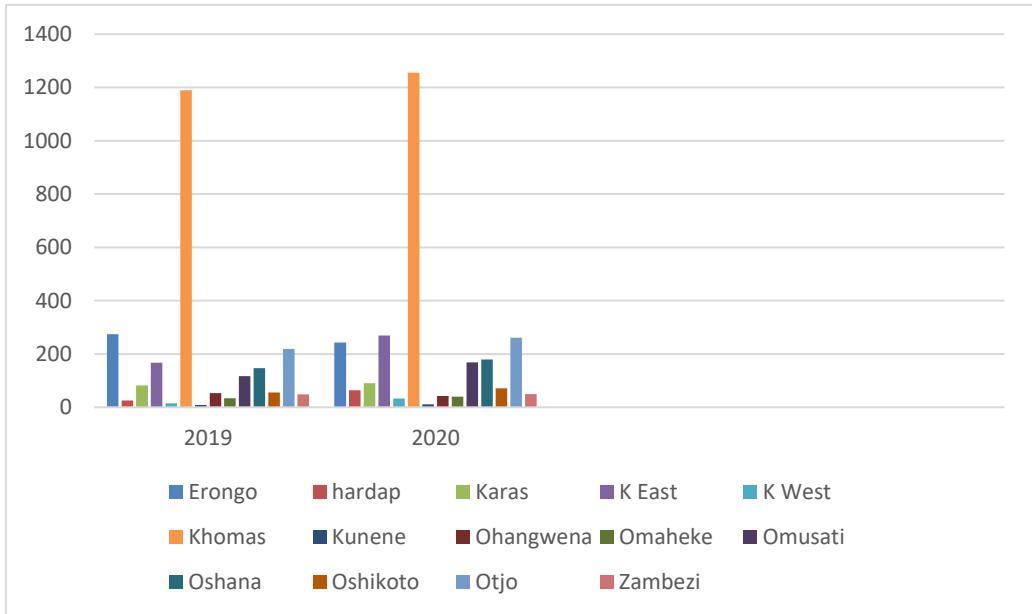


Figure 2 National Crime statistics on fraud (2019 and 2020)

Source: Namibian Police Annual Report (2020: 1)

According to the graph provided above in Figure 2, the comparison of crime statistics between 2019 and 2020 shows that the Khomas Region continues to have the highest number of cases compared to other Regions. This not only gives the researcher a solid reason to use the Region as the Centre of the study but also assurance that crime in its variety is well represented in the Region. The misusing of authority by the executive

branch to modify law, hence permitting the giving of an enormous quota to the National Fishing Corporation of Namibia. The allocation of quota through corruption to a Samherji Group, an Icelandic company, is a deeply concerning and unethical practice that undermines the principles of fairness, transparency, and healthy competition within the business environment. When quotas are awarded based on corrupt practices rather than merit, it not only damages the reputation and credibility of the organisations involved but also hampers economic growth and development. This was done by the former Fishery Minister and former Attorney-General, who played a great role in amending the fishery law to suit the Samherji company to acquire the fishing quota. This is one of the biggest corruptions that happened in Namibian history ever since it got its independence in 1990.

This Fishrot is the essence of the corruption made likely by a slanted political system and the misuse of statutory authority by the Minister and Attorney-General, driven by personal gain and a disregard for ethical principles, manipulate the law to create loopholes and provisions that allow them to exploit corruption for their own advantage. To attain justifiable levels of governance, it may take around five years to transform Namibia from being systemically corrupt on the condition that all the comparable variables are alike, which is not the situation.

Problem Statement

Corruption continues to remain one of the major problems to Namibia's economic growth, for example, the case of Fishrot, which happened in 2019 and caused around 6568 people to lose their jobs in the fishing industry at Walvis Bay. In Namibia, the misuse of state funds for private gain has absorbed most of the economy's growth over the last 31 years after Namibia gained independence.

Research into a certain field of study starts with a research idea, and such an idea may be regarded as a notion as to what is to be investigated. It is scarcely possible to look at a news website or pick up a newspaper in Namibia that does not carry a story about a corruption scandal. The problem is that Namibia is in possession of a few competent and well-qualified Forensic Investigators either in ACC as well as in the NAMPOL who are capable of investigating such big cases. As a result, the Fishrot case is still in court.

Another problem uncounted in Namibia is that the investigators are not fully conversant with the latest methods and techniques utilised in investigating corruption to trace all the perpetrators, especially foreigners. To effectively overcome this challenge, a range of forensic investigation measures must be implemented, including resources and forensic personnel. Another challenge is that the development of technology and globalisation also play a great role in corrupt transactions. Most corrupt offenders nowadays are well-educated and able to hide their tracks and conceal their corrupt transactions.

The offence of corruption is becoming more complicated and worldly in nature. Namibian Police Force Forensic Investigation Unit and Anti-Corruption Commission need to strive to always be steps ahead by continuously raising the bar to improve the quality of investigations via capacity building. Relating to the costs, serious efforts to investigate the mechanisms at work submit that corruption reduces the adequacy of industrial policies, making running a business more expensive and thus motivating businesses to function in the informal sector in breach of tax and regulatory law.

Considering the statistics provided in Figure 2, Khomas Region, out of the 14 regions' reported cases of corruption and fraud in the country, constituted 48 per cent and 15 per cent in 2019 and 2020, respectively. These statistics paint a picture that Khomas Region has a concerning overall highest number of fraud cases. As such, the researcher intends to discover how forensic investigations contribute to solving such cases.

The study explored the extent to which the Namibian Police Force Forensic Investigation Unit contributes to solving fraud and corruption-related cases. Several corporates in Namibia, private and public, have of late been affected by fraud and corruption by top officials and general employees, Shinovene (2021).

This has brought about several lawsuits, some still pending and some already solved. In November 2019, WikiLeaks began publishing what it called the fish-rot files (Icelandic: Samherjaskjolin), a collection of thousands of documents and email communication by employees of one of Iceland's largest fish industry companies, Samherji, that indicated that the company had paid hundreds of millions to high-ranking politicians and officials in Namibia with the objective of acquiring the country's coveted fishing quota. The scandal also reached Norway when it was revealed that its biggest bank, Den Norske Bank, was involved in transferring money utilised in the alleged bribes.

Two more 'big fish' implicated in the Fishrot scandal, which spans Namibia, Angola and Iceland, have resigned. James Hatuikulipi resigned as an Investec Namibia managing director, and Thorsteinn Mar Baldvinsson, chief executive of Iceland seafood company Samherji, also quit his job. Investec Asset Management client director Ricardo Gustavo, who reported to Hatuikulipi, has been suspended and later also arrested together with Sacky Shanghala, former Attorney-General and Minister of Justice, as well as Bernard Esau, former minister of Fishery and others.

Corruption has proven to be cancer that has made the country lose a lot of revenue due to greedy individuals seeking to fill up their pockets, *The Namibian Newspaper*; (2019) *Kickback King fall, 15 November 2019*. The increase in such crimes has put the country's forensic investigators in the spotlight. More and more evidence is being sought to close several cases. Hence, the study intended to discover the positive contributions and limitations of the country's forensic investigation department in solving these crimes. Only through this study can the department's effectiveness be explored.

Like other African countries, Namibia has lost a lot of revenue due to corruption. Improving forensic investigations as a tool for solving corruption and fraud-related cases was one of the study's main goals.

According to Immanuel and Iikela (2019), the issue of corruption cases with devastating tides has spread all over Namibia over the past years, leaving one major question in every Namibian's mind. The question is, "How effective is the nation's forensic investigations unit and prosecution?". The study provides the Namibian Forensic Investigation Unit with an assessment of its forensic investigation processes in closing corruption and fraud-related cases. Moreover, this study investigates the different structures, institutions and sectors involved in investigations in Namibia. It is equally important to note that the study can open and provide insight into future related research topics.

Research Questions

Denscombe (2002) states that research questions stipulate precisely what should be explored. Then, Pickard (2013) defines a research question as a clear statement in the form of an enquiry of the specific issue that a researcher wishes to answer to address a research problem.

The following research questions guide the study.

- What is the cost of forensic investigations, and who bears it?
- What are the contributions of forensic investigations to solving corruption?
- What are the challenges and opportunities brought by forensic investigation?
- What are the positive and negative impacts brought about by forensic science?
- What are the impacts of fraud and corruption?

Expected Contribution of the Study

The study will highlight the importance of forensic techniques in investigating corruption cases. It will explore how forensic methods, such as forensic accounting, digital forensics, and forensic auditing, can be employed to uncover financial irregularities, trace hidden assets, and gather evidence necessary for prosecution. By focusing on corruption cases in the Khomas Region of Namibia, the study will identify and analyse common corruption patterns and tactics employed by corrupt individuals or entities. This insight can help law enforcement agencies and policymakers devise targeted strategies to prevent and combat corruption effectively.

The study may suggest improvements to existing anti-corruption measures and policies in Namibia through its findings. By highlighting the gaps and challenges in addressing corruption, it can contribute to strengthening the country's efforts in promoting transparency, accountability, and good governance. The study can serve as a basis for advocating the importance of investing in forensic capabilities within Namibia law

enforcement agencies and financial institutions. It may provide recommendations on training, technology, and resource allocation to enhance the forensic expertise needed to tackle corruption effectively.

Moreover, the study can act as a foundation for further research in the field of forensic investigations, corruption prevention, and governance in Namibia. It may inspire other researchers to explore related topics, contribute new methodologies, and expand the understanding of corruption-related challenges in different regions and sectors.

Overall, the study is expected to play a crucial role in advancing the fight against corruption in the Khomas Region of Namibia and potentially serve as a model for tackling corruption in other regions as well. Its findings and recommendations can influence policies, practices, and public perceptions concerning corruption, leading to a more transparent and accountable society.

Analysis of Findings Related to Research Objectives

The study provided insights into the strengths and weaknesses of existing anti-corruption measures in the Khomas Region. It revealed that while certain measures, such as reporting mechanisms and whistleblower protection, were in place, there were challenges in implementation and enforcement. Recommendations were made to strengthen these measures and ensure a more comprehensive anti-corruption framework.

The research assessed the current state of forensic capacities within law enforcement agencies and financial institutions in the Khomas Region. It found that while some entities had established forensic units, there was a need for improved training, technology, and resource allocation to bolster their effectiveness. The study suggested investing in specialised training programs and modern forensic tools to enhance investigative capabilities. In terms of supporting Legal and Judicial Processes, the study demonstrated the importance of using forensic evidence in legal proceedings related to corruption cases. It showcased how robust forensic findings can significantly contribute to successful prosecutions, leading to convictions of corrupt individuals. The research also highlighted the challenges of presenting complex forensic evidence in court and proposed measures to overcome these challenges.

This section examines the importance of the data obtained from sources during the research interview and answering the questionnaires regarding the respondents' views on the impacts of forensic investigation and its contribution to solving corruption.

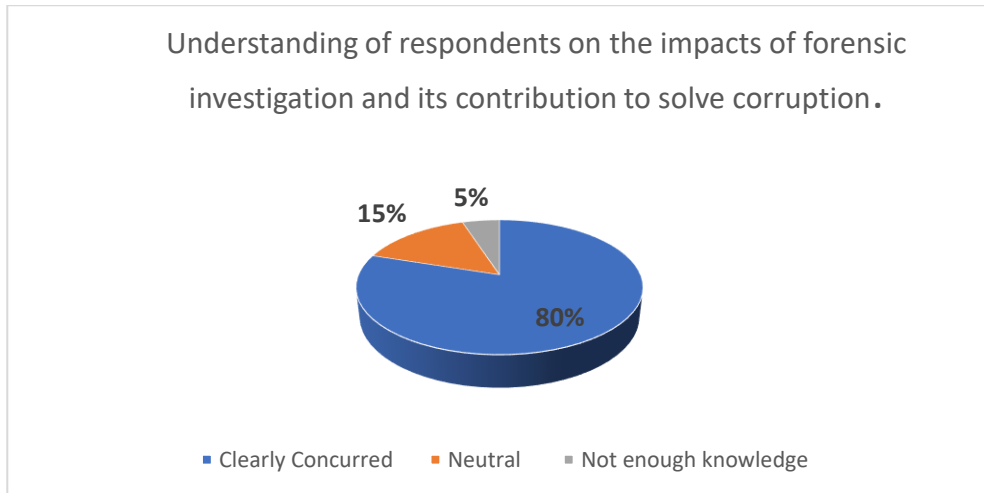


Figure 3: Understanding of respondents on the impacts of forensic investigation and its contribution to solve corruption.

As per the sample, 24 out of 27 (80 per cent) clearly concurred that forensic investigation plays a vital role in a corruption investigation. All investigators must be equipped with the necessary skills and knowledge within the forensic course.

In addition, two out of 27 (15 per cent) of the respondents are neutral. According to them, they are of the opinion that forensic investigation is more applied in the forensic medical field. However, one out of 27 (five per cent) respondents do not have enough knowledge of whether forensic investigation plays a great role in a corruption investigation. The value of information obtained from sources during the questionnaires is valuable, as this assists forensic investigators in conducting the in-depth and further scientific investigation to reveal the evidential facts required to be submitted in the court of law as evidence to convict the suspects and to prove beyond reasonable doubt that indeed corruption was committed.

Furthermore, all answers from the respondents are of great importance. The sample agreed with the above sources of information that these sources are valuable to the investigators to utilise in conducting corruption investigations to unearth the required evidence. It is vital to state that in Figure 3, the respondents mentioned that the value of the data obtained from sources is of great value to equip the investigators with the most valuable preparation.

The researcher is of experience that, probably, one of the most miscalculated best practices would be to confidently obtain the cooperation of the suspect when conducting a corruption investigation, as described by 24 per cent of the respondents. Madinger and Zalopany (1999) state that the issue of one's records can be acquired by "just requesting

the subject for the records; that's the straight approach. The study generated significant interest in the field of forensic investigations and corruption prevention. It encouraged further research on specific aspects, such as the effectiveness of different forensic techniques in different corruption scenarios, the role of technology in fraud detection, and the comparison of corruption patterns in different regions within Namibia.

Overall, the findings from the study provide a comprehensive understanding of the potential of forensic techniques in combating corruption in the Khomas Region of Namibia. They highlight the importance of investing in forensic capacities, improving anti-corruption measures, and raising public awareness to create a more transparent and accountable society. The research also contributes valuable insights for policymakers, law enforcement agencies, and other stakeholders in their efforts to address corruption effectively.

Literature Review

Bless, Higson-Smith and Levy Sithole (2013) clarified that a literature review provides a comprehensive overview of existing knowledge and research related to the topic of study. It helps situate the research problem within the broader context of the field, highlighting its relevance and significance. By reviewing the literature, researchers can identify gaps and limitations in the current body of knowledge. This allows them to articulate the specific research questions or hypotheses that will address these gaps and contribute to the advancement of knowledge.

The literature review helps researchers identify relevant theoretical frameworks or models that can be applied to their study. This strengthens the theoretical foundation of the research. The findings from the literature review guide researchers in formulating clear research objectives and hypotheses. These research goals are informed by the gaps and knowledge identified in previous studies, Fox and Bayat (2007).

Creswell (2012) supports that literature review aids in selecting the most appropriate research design and methodology. Researchers can learn from the strengths and weaknesses of previous studies to design a more robust and effective research plan.

Societies and communities rely on an effective and efficient legal system and proper regulatory frameworks to ensure that everyone behaves appropriately and that law and order prevail (Joubert, 2015). In addition, the judicial system must be in accordance with the Namibian Constitution. As a result, Article 1 (6) of the Constitution declares that it is the ultimate law of the country and that any other legislation or activity contradictory to it is unconstitutional.

Namibia is a signatory to several regional and international instruments or conventions aimed at combating corruption and corrupt activities (Pereira et al., 2012): the United Nations Convention Against Corruption (UN Anti-Corruption Convention); the African Union Convention Against Corruption (AU Anti-Corruption Convention); the OECD

Anti-Bribery Convention; and the Southern African Development Community (SADC) Protocol Against Corruption (SAPAC).

In summary, the literature review is vital in informing, guiding, and strengthening every aspect of the research process. By critically analysing existing knowledge, researchers can develop a well-grounded and informed study that contributes meaningfully to the field and advances our understanding of the research topic, Masweli (2011).

Key Theoretical Concepts

Forensic

Van Rooyen (2003:14) gives us a clear understanding that the word “forensic” is defined in two various ways. In the first instance, relating it to a court of law, juristic and secondary, he explained it as applied to examination or analysing. In support, the Concise Oxford English Dictionary (2011) concurred with the point that it relates to courts of law and secondary applies to the scientific methods and techniques to the investigation of crime.

Modern-day law enforcement has greatly lengthened its capability to resolve crimes through the implementation of forensic systems and measures. Now, crimes often can be resolved by a thorough inspection of the crime scene and examination of forensic evidence, as outlined by Inman and Rudin (2001).

Joseph, John, Pauline and Steven (1986) point out that the role of forensic experts is not only vital in criminal investigations and prosecutions nevertheless is likewise important in civil proceedings and the investigation of worldwide crimes, for example, corruption, human trafficking, fraud, and money laundering, etc.

Forensic science's systematic and practical literature emphasises those research laboratory approaches utilised to scrutinise and understand physical evidence gathered from crime scenes. After all, it is the evidence that can result from the bodily evidence that determines the physical evidence gathered and the investigation process.

Equally important, Gaensslen, Harris and Lee (2008) believe that the achievement of the scrutinising of forensic evidence is grounded upon a scheme that highlights cooperation, progressive investigative skills and tools, and the capacity to examine a crime scene correctly by identifying, gathering, and protecting all appropriate physical evidence.

Methodical laboratory systems embrace the possibility of raising evidence from the physical evidence leftward at the scene of a crime that can contribute to defining what happened at the crime scene and who was complicated. Within the past hundred years, forensic investigators and the courts have progressively depended on such forensic

evidence as it can provide evidence about the crime through the work of forensic investigators.

Pasco (2013) understands that forensics is essential to criminal investigative practices and procedures. Scrutiny of a crime scene offers the evidence and data essential to determine the technique utilised to commit the crime, the time and place the corruption happened, and the persons complicated in the crime.

Forensics spread over a wide variety of scientific persuasions to find the culprit, where the crime was really committed, when exactly the crime was committed, and how the crime was committed.

Investigation

The most important purpose of the forensic evidential examination is to deliver valuable evidence for the forensic investigator to investigate such a case.

Concise Oxford English Dictionary (2011) defines investigation as a search or systematic inquiry. Taking a comparative stance, a study guide for the investigation of a crime 1Technikom SA (2001) supports the same definition that it is a systematic search for the truth.

According to Lee, Palmbach, and Miller (2001) state that, forensic crime scene investigation is a procedure that not merely comprises the above mechanical structures of scene safety, crime scene documents, and physical evidence gathering and safeguarding, nonetheless likewise stresses and assumes extra lively tactics such as surveying the scene, examining the scene, expansion of theories via the connection of the scene, physical evidence, and individuals, and the rebuilding of the scene of the crime.

Credentials of the crime scene and the gathering of physical evidence are significant features of the crime scene investigation and, surely, must be correctly achieved. The conclusion of these crime scene responsibilities is vital in upholding the honesty of the physical evidence and providing the ultimate result of the forensic investigation.

Lee, Palmbach, and Miller (2001) further concurred that forensic investigation relies on forensic scientific analysis. This means that the crime scene investigation is methodical, systematic, and rational. It commences with the first investigator to arrive at the crime scene. It endures via the safety of the crime scene, the documents of the crime scene, the identification of physical evidence, the gathering of physical evidence, packing and safeguarding, the inspection of physical evidence and the scrutinising of the crime scene.

Miller and Marston (2011) believed that collecting, recording, and recollecting evidence are vital steps in all investigations and are serious to forensic accounting investigations.

Therefore, in forensic investigations, some forms of evidence are usually appropriate, and a maximum of them are written in nature. Commonly, documents can be separated into extensive classes, for example, those that occur in electronic systems and those that are corporeal, for instance, paper documents.

The researcher supports that these two sorts frequently intersect in such that the document existing in an electronic system may have been published and possibly altered by codes positioned on it by a receiver. One more kind of evidence usually comes across, regularly critical to the achievement of forensic investigations, is statement evidence of persons who were involved in the corruption.

This commonly takes the method of spoken clarifications presented to the investigative team and is reflective of either the individual's recall of events or their clarification of documents holding evidence around the crime under investigation. Obtaining such important evidence grants matters that vary from the gathering of any electric or corporeal written evidence.

The investigator

Van Rooyen (2008) explains that an Investigator is someone who investigates crime – in other words, who obtains information and evidence regarding crime.

From my point of view, I agree with Van Rooyen, and I explain as well that it is a specific person with a certain training/study experience/skill to examine, study, or inquire into systematically; search or examine the particulars of; examine in detail to find the truth of the crime in dispute or in other words, any person who detects crime and discovers offenders through the exercise of legal powers.

Corruption

Corruption is defined as the corrupt offering of a benefit that is not legally due to a person, with the intention of influencing that person to commit or omit to do any act in relation to his/her powers and duties. Moreover, the concurring to allocate or receive a benefit is regarded enough as a contravention of this prohibition, as described by Joubert (2001).

Additionally, Joubert (2018) elaborated more deeply by stating that the Prevention and Combating of Corrupt Activities Act (PCCA Act) was enacted to strengthen measures to prevent and combat corruption and offences relating to corrupt activities. Corruption undermines fundamental human rights, endangers the stability and security of societies, undermines the institutions and values of democracy as well as ethical values and morality, jeopardises sustainable development, the rule of law, and the credibility of the government, and provides a breeding ground for organised crime.

Since many corruption cases need a degree of forensic skill, investigators lacking such skill may become irritated, and the positive result of the case may then be risky. The

greatest mutual way of overpowering this obstacle is for the investigator to lobby for the victim's assistance in allocating practical backing during the investigation.

Corruption is an olden problem in a dissertation on public administration courting back to the fourth era. Lyman (2011) points out that corruption is a low-profile crime that classically comprises workers of organisations thieving huge sums of money over an extensive period. Corruption is too tremendously problematic to notice. Those who are successful in the corruption practice of coffers can reason wide monetary injury to victim organisations, regularly resulting in their monetary devastation.

Mostly, there are two or more parties involved in corruption, for instance, (a) Corrupter, who is defined in terms of the provisions of the Corruption Act as the person who gives a gain to another person in a corrupt manner or promises or concurs to give it and (b) the Corrupted, who is the receiver of the gain which is not legally due to him/her.

Furthermore, the Corrupter hands over the gain to the Corrupted voluntarily. Corruption is committed immediately after the gain has been offered or after the parties have concurred upon the gain, and finally, both parties commit an offence.

Corruption examples are as follows: Corrupt police officers transport the robbers to the crime scene in a patrol vehicle, or a police property is rented out for remuneration, such as renting out a police radio to towing services, which use these to arrive more rapidly at the accident scene.

Evidence

Evidence refers to any information, data, or material that supports a claim or assertion and can be used to establish facts or draw conclusions. In various contexts, evidence is essential for making informed decisions, forming arguments, or proving the validity of statements, particularly in legal, scientific, and investigative settings, Joubert (2015).

Crime Scene.

A crime scene refers to the physical location where a crime has been committed or is suspected to have taken place. It is a critical and sensitive area where evidence related to the crime is present and needs to be carefully preserved, documented, and collected for further investigation and legal proceedings, Van Rooyen (2008).

The Role of Forensic Investigators at the Crime Scene

Forensic investigators play a critical role at a crime scene, utilising their specialised knowledge and skills to collect, document, and analyse physical evidence. Their primary objective is to gather crucial information that can assist in solving the crime and supporting legal proceedings, as stated by Truman and Planty (2012). The crime scene is a crucial place to obtain valuable evidence, and the identification of physical evidence is an important prime step to start the process of obtaining evidence.

By a single mistake, if the potential physical evidence is not well identified, gathered, or correctly well-maintained and verified, the evidential forensic value of such evidence may seriously become valueless and not be admitted in the court of law as per the Criminal Procedure Act 51 of 1977.

Van Rooyen (2008) mentioned that forensic investigators are among the first responders to a crime scene. They work in collaboration with law enforcement to secure the area, establish a perimeter, and prevent unauthorised access to preserve the integrity of the evidence. Forensic investigators are responsible for identifying, collecting, and preserving physical evidence relevant to the case.

Clarke, Cowley, De Klerk, Lamprecht, Mendes, Myburg, Van Schoor, Van Zyl, and Zinn (2004) agreed that, based on the evidence collected, forensic investigators may assist in reconstructing the sequence of events that occurred during the crime. This helps create a coherent narrative of what transpired. The evidence attained from the crime scene of the investigation is frequently the keystone upon which the positive result of the case is reliant. Numerous forensic investigators have the essential knowledge to collect and safeguard different kinds of physical evidence requiring forensic analysis.

Skramstad (2011) stated that forensic investigators could make substantial aids to a financial crime investigation if they can work successfully with the business's inner and outside examiners as well as with other teammates participating in solving corruption cases. The skilled investigator may be employed merely as an advisor to an advocate and his customer during a court case or as one who offers view evidence as a forensic expert. Regularly, the roles of forensic investigator expert join if so demanded and organised by the lawyer on behalf of his customer.

In summary, the role of forensic investigators at the crime scene is instrumental in securing and processing critical evidence, which significantly contributes to the investigation and resolution of criminal cases. Their meticulous and scientific approach ensures that the evidence collected is valid, reliable, and essential for the pursuit of justice.

Forensic Investigation as a Tool Against Corruption Cases

Olaniyan (2014) explained that forensic investigation serves as a powerful and indispensable tool in combating corruption cases. Its application in uncovering financial irregularities, detecting fraudulent activities, and gathering solid evidence is instrumental in holding perpetrators accountable and promoting transparency and integrity in governance.

Part of the questionnaires distributed was a section that asked the respondents, “***Forensic investigation does not help in solving corruption cases***”. The respondents had to select between strongly disagree, disagree, neutral, strongly agree and agree. Below is Figure 3, which shows the responses to the above question.

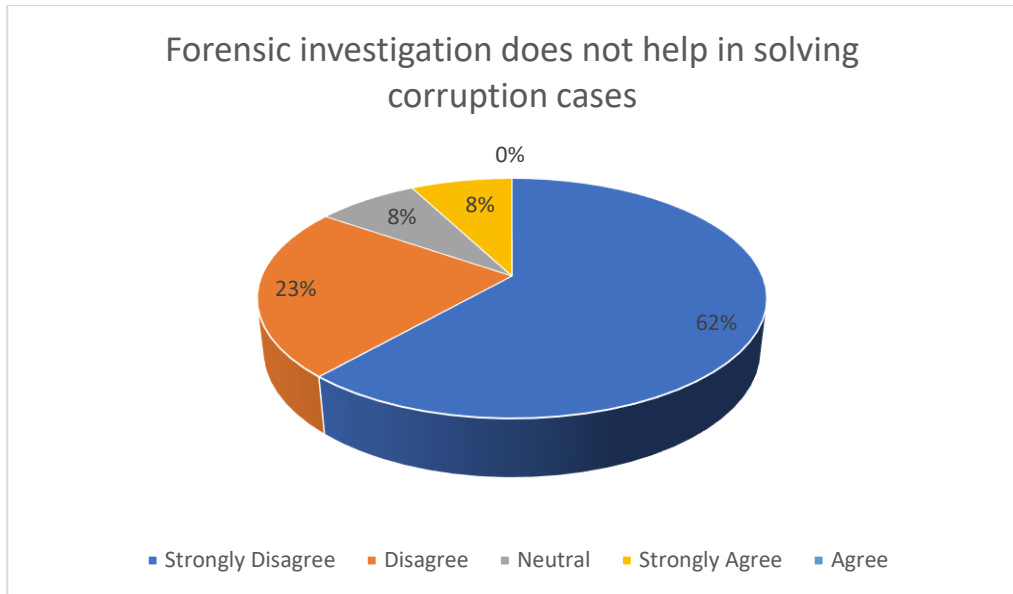


Figure 4: The Role of Forensic Investigation

Source: Primary data

In responding to the questionnaire, eight out of 13 respondents strongly disagreed that forensic investigation does not help in solving corruption. According to Figure 4 above, 62 per cent strongly disagreed.

In other words, 62 per cent believe that forensic investigation helps solve corruption cases. Those who agreed with the statement in the figure above were zero per cent. Disagree, which compliments those who strongly disagreed, was 23 per cent. Eight per cent were neutral, and the other eight per cent strongly agreed.

In conclusion, forensic investigation is a crucial tool in the fight against corruption. Its ability to uncover hidden financial trails, detect fraudulent activities, and provide solid evidence helps build strong cases, ensuring corrupt individuals are brought to justice. By promoting transparency and accountability, forensic investigation plays a vital role in curbing corruption and fostering a more ethical and just society, as stated by Dintwe and Zinn (2015).

The Investigation of Corruption

The investigation of corruption is divided into two methods. (a) proactive, which is an investigation that is done when an official is suspected of being involved in corruption; however, there is no adequate evidence to prosecute him/her. This investigation is aimed at gathering evidence. On the other hand, (b) Reactive investigation is done when there

is sufficient evidence to charge the person, as outlined by Clarke, Cowley, De Klerk, Lamprecht, Mendes, Myburg, Van Schoor, Van Zyl, and Zinn (2004).

In terms of proactive, this investigation is covert, and the investigator must ensure that such an agent is offered indemnity against prosecution. The appointed agent usually utilises observation techniques to establish a prima facie case against the suspect. A case can be registered as soon as sufficient evidence is available against the accused.

On the other hand, Reactive investigation of corruption differs from the investigation of other crimes in the sense that the director of public prosecutions or prosecutor must be involved from the start of the investigation to put into operation sections 204 and 252A of the Criminal Procedure Act of 1977. It is of utmost importance to bear in mind that corrupter and corrupted must be charged.

The decision lies in the hands of the Prosecutor-General to decide whether s/he can rule that only one person must be charged and that the other should be a state witness. It is imperative for an investigator to record the hearsay evidence and submit it to the prosecutor to decide whether this evidence is acceptable or not. It is vital that the investigator prove the run-up to the offence. Statements must be obtained from as many witnesses as possible, and it is very important to protect the interests of the witnesses. It must be submitted to a witnesses' protection programme.

The Usage of Corruption Crime Scenes to Obtain Evidence

The concept of a "corruption crime scene" is not a conventional term used in forensic investigations. Unlike traditional crime scenes, where physical evidence is collected from where a crime occurred, corruption investigations often involve a different approach to obtaining evidence. Corruption is a white-collar crime that typically involves bribery, embezzlement, fraud, or abuse of power for personal gain. As such, the evidence in corruption cases is often in the form of financial records, digital communications, and testimonies related to corrupt activities, as stated by Hoenderkamp (2016).

Bennett and Hess (2004) outlined that the usage of a "corruption crime scene" to obtain evidence in corruption cases can be conceptualised as follows:

- **Financial Records:** In corruption investigations, the financial records of individuals or entities involved are considered the crime scene. This includes bank statements, transaction records, accounting books, invoices, and any other documents related to financial activities that may indicate corrupt practices.
- **Digital Evidence:** Electronic devices, such as computers, laptops, smartphones, and servers, are potential sources of evidence in corruption cases. Investigators may conduct digital forensics to recover deleted emails,

messages, or files that can provide insights into corrupt transactions or communications.

- **Witness Testimonies:** The individuals who have knowledge of corrupt activities can be considered witnesses to the "corruption crime scene." Witness testimonies, either from whistleblowers or accomplices turned informants, can be valuable in understanding the scope and nature of the corruption scheme.
- **Surveillance and Sting Operations:** In certain corruption cases, law enforcement may conduct surveillance or sting operations to capture individuals engaged in corrupt activities in the act, thereby obtaining direct evidence of the crime.
- **Paper Trail:** In some corruption cases, a paper trail of documents, contracts, or agreements may exist, revealing the flow of illicit funds or benefits exchanged in corrupt transactions.
- **Co-conspirators and Suspects:** The individuals involved in corrupt activities, whether as co-conspirators or suspects, are akin to "crime scene suspects." Investigators may interview and question these individuals to gather evidence and build their case.

Crime scenes are of utmost importance in forensic investigations. They provide crucial evidence and information that can help forensic investigators understand the nature of a crime, identify potential suspects, and build a strong case for prosecution, as stated by Peterson (2005).

In conclusion, while the term "corruption crime scene" is not standard in forensic investigations, the methods used to obtain evidence in corruption cases are akin to those used in other criminal investigations. The focus is on financial records, digital evidence, testimonies, and the collaboration of experts to uncover and present evidence of corrupt activities, leading to successful prosecution and justice.

The Collection and Preservation of Forensic Evidence from the Scene

Collecting and preserving forensic evidence from a crime scene is crucial to maintaining the evidence's integrity and reliability. Proper handling and documentation of evidence ensure it can be admissible in court and withstand scrutiny. The gathering process will frequently commence with the gathering of the utmost simply lost evidence, Robert (2011).

James and Richard (2013) pointed out that collecting and preserving forensic evidence from the crime scene are critical steps in any investigation. Properly handled evidence can be invaluable in establishing facts, identifying suspects, and supporting legal proceedings. DeVereby (2019) described the process of collecting and preserving forensic evidence as follows:

- **Securing the Scene:** The priority is to secure the crime scene to prevent contamination and tampering. Law enforcement personnel establish a perimeter and restrict access to authorised personnel only.
- **Safety Measures:** The safety of investigators, victims, and bystanders is paramount. Hazards or dangerous substances are identified and addressed to ensure everyone's well-being.
- **Documentation:** Investigators document the crime scene meticulously. This includes written notes, photographs, sketches, and videos to capture the scene's layout, position of evidence, and relevant details.
- **Physical Evidence Collection:** Physical evidence includes weapons, clothing, fingerprints, DNA samples, hair, fibres, footprints, and other objects related to the crime. Investigators use specialised techniques and tools to collect and preserve each item without damaging or contaminating it.
- **Packaging and Labeling:** Each piece of evidence is carefully packaged in appropriate containers, such as paper bags, envelopes, or evidence kits. Proper labelling includes details like the case number, item description, location, date, and the name of the collector.
- **Chain of Custody:** A strict chain of custody is maintained to track the movement and handling of the evidence from the crime scene to the laboratory and, eventually, to the courtroom. This chain ensures that the evidence's integrity is preserved and its handling can be verified.

Lippman (2015) concurred that the proper collection and preservation of forensic evidence at the crime scene are vital to maintaining the evidence's integrity and ensuring its admissibility in court. By following rigorous protocols and best practices, investigators can maximise the probative value of the evidence, contributing to the success of the investigation and the pursuit of justice.

Methodology

Methodology in research refers to the systematic approach and set of principles and procedures researchers follow to conduct their studies, gather data, analyse information, and draw conclusions. It is a crucial aspect of the research process as it ensures that the study is well-organized, reliable, and can generate valid results, as stated by Kay and Wainwright (2018). The chosen methodology should align with the research questions and objectives, as well as the available resources and constraints. A well-designed and executed research methodology is essential for producing credible and valuable research outcomes, Creswell (2012). In this study, the following methods of data collection were used: questionnaires, interviews, and a literature review.

In this study, the researcher used a structured interview by virtue of it involving a fixed set of standardised questions asked in the same order to all participants. During the interview process, participants were chosen based on purposive sampling, which means

selecting forensic investigators who possess specific knowledge or experiences relevant to the research questions.

After conducting the interviews, the collected data were transcribed and analysed to identify common themes, patterns, or trends. The researcher made use of the qualitative method approach. Qualitative data analysis techniques, such as thematic analysis or content analysis, were used to draw meaningful conclusions and provide detailed descriptions of the participants' perspectives on the research topic. The analysis results were then used to support or refute research hypotheses or generate new insights for further exploration.

Research Population

Kothari (2004) stated that a population refers to the entire group of individuals or items that share some common characteristic and are of interest to the researcher. The population represents the larger target group to which the researcher wants to generalise the study's findings. The population of this study are Namibian Police Investigative Officers and Anti-Corruption Commission investigators, respectively.

This means that the total number of all participants in this research was 40, which comprised as follows: 15 participants came from the Anti-Corruption Commission, whereby five participants participated in an interview, and the other ten participants answered the questionnaire handed over to them. In addition, 20 participants were taken from NAMPOL, wherein five were interviewed, and the other 20 answered the questionnaire.

The researcher applied and obtained authorisation from the ACC and NAMPOL before conducting the research. The researcher presented copies of a registration from the school, which indicated that the researcher is registered for such a course and authorised to conduct research. The researcher collected data through structured interviews and questionnaires in terms of research Instruments and data analysis. General observations had also been used in the research. Data has been presented and analysed through graphs and figures.

Sampling

Sampling in research refers to the process of selecting a subset (sample) of individuals, items, or units from a larger population to study and make inferences about the entire population, Leedy and Ormrod, (2001).

Therefore, the researcher decided to make use of the purposive sampling technique according to the investigators' knowledge and capabilities in the forensic investigation area. In this study, the researcher selected investigators who possess more than seven years of experience in forensic investigation from the Anti-Corruption Commission and Namibian Police Force.

Welman, Kruger and Mitchell (2005) assert that in purposive sampling, researchers intentionally select specific individuals or cases that they believe will provide the most relevant and useful information for their study. A general approach of purposive sampling is to collect cases deemed standard for the population that the researcher is concerned with, believing that any mistakes in the choice would likely balance out.

Recommendations

Based on the role of forensic analysis as a tool in solving corruption-related cases in the Khomas Region of Namibia, the following recommendations can be made to enhance the effectiveness of forensic practices further:

1. *Strengthen Forensic Capabilities:* Invest in training programs and resources to enhance the forensic capabilities of law enforcement agencies, anti-corruption bodies, and relevant professionals. This includes providing specialised training in forensic accounting, digital forensics, and other forensic disciplines to equip investigators with the necessary skills and knowledge.
2. *Strengthen Legislation and Legal Frameworks:* Continuously review and strengthen corruption-related legislation, ensuring it addresses emerging challenges and provides adequate provisions for forensic investigations. Collaborate with legal experts to develop comprehensive and effective legal frameworks that support the use of forensic evidence in corruption cases.
3. *Embrace Technological Advancements:* Stay updated with technological advancements in forensic tools and techniques. Embrace digital forensic technologies, data analytics, and artificial intelligence to enhance the efficiency and accuracy of forensic analysis. Regularly assess and adopt new technologies to keep pace with evolving corruption methods and schemes.
4. *Establish Specialized Anti-Corruption Units:* Form specialised units within law enforcement agencies or anti-corruption bodies dedicated to handling corruption cases. These units should be staffed with forensic experts and investigators who are well-versed in forensic methodologies. The units can focus exclusively on corruption-related cases, enabling a more targeted and effective approach.

By implementing these recommendations, the Khomas Region of Namibia can enhance its utilisation of forensic analysis as a tool in solving corruption-related cases. Strengthening forensic capabilities, promoting collaboration, leveraging technology, and implementing preventive measures will contribute to more effective and efficient anti-corruption efforts, fostering a transparent and accountable society.

Future Research

Following discussions and findings in this study, here are some common gaps identified for future studies in the use of forensics as a tool:

- *Effectiveness of Forensic Techniques*: Future studies can assess the effectiveness of different forensic tools and techniques in uncovering and proving corruption-related offences. This includes evaluating the success rates of various forensic methods in detecting financial irregularities, tracing illicit funds, and identifying corrupt practices.
- *Integration of Forensic Findings with Legal Proceedings*: Research can explore the challenges and opportunities in integrating forensic evidence into legal proceedings. Understanding how forensic findings are presented, accepted, and utilised in court can lead to improvements in the investigative process and strengthen the prosecution of corruption cases.
- *Forensic Capacity and Resources*: Identifying the gaps in forensic capacity and resources within law enforcement agencies and other relevant institutions is essential. Research could focus on assessing the availability of skilled personnel, state-of-the-art technology, and adequate funding for forensic investigations.
- *Ethical Considerations*: Investigating the ethical implications of using forensic tools in corruption cases is crucial. Research can examine the ethical challenges forensic practitioners face and propose guidelines to ensure adherence to ethical standards.
- *Challenges in Data Access and Preservation*: Corruption cases often involve massive amounts of data that need to be accessed and preserved effectively. Future studies can explore the challenges in data collection, storage, and retrieval for forensic purposes.
- *Training and Education*: Addressing the gaps in training and education for investigators and forensic experts can enhance their ability to handle complex corruption-related cases. Studies can identify the specific skills and knowledge needed for successful forensic investigations in corruption cases.
- *Prevention and Deterrence*: Research can explore how forensic tools can be applied proactively to prevent corruption and deter potential wrongdoers. This includes evaluating the effectiveness of forensic risk assessments and early detection measures in corruption-prone sectors.
- *Cross-Border Corruption*: Corruption cases often involve transnational elements, requiring collaboration between different countries and jurisdictions. Future studies can investigate the obstacles and best practices for cross-border cooperation in forensic investigations.
- *Digital Forensics and Cybercrime*: As corruption increasingly involves digital evidence, research can focus on advancements in digital forensics techniques to address cyber-related corruption cases. This includes examining challenges in data recovery, attribution, and evidence preservation.

By addressing these gaps, researchers and policymakers can enhance the application of forensics as a tool to combat corruption and promote accountability and transparency in society effectively.

Conclusion

In conclusion, forensic analysis has played a pivotal role in combating corruption and investigating related cases in the Khomas Region of Namibia. Using forensic methodologies, collaboration between stakeholders, and adherence to established protocols have yielded tangible results in uncovering corruption, promoting transparency, and holding perpetrators accountable. By embracing forensic practices, Namibia can further strengthen its anti-corruption efforts, foster public trust, and work towards a more transparent and accountable society.

However, it is important to acknowledge that the fight against corruption is an ongoing challenge. Continued investment in forensic resources, training, and technology is necessary to address corruption and its related cases in the Khomas Region and beyond. Regular audits, compliance monitoring, and the strengthening of legal frameworks are crucial to sustain the momentum gained through forensic investigations.

The outcomes of these forensic investigations have been significant. They have led to the identification and prosecution of individuals involved in corrupt activities, the recovery of embezzled funds and assets, and the implementation of preventive measures to deter future instances of corruption. Moreover, the exposure of corruption cases through forensic analysis has sent a powerful message to the public, fostering a culture of accountability and deterring potential wrongdoers.

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