AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI

by

Templeton Malibongwe Dlamini

submitted in fulfilment of the requirements for the
Degree of

MASTER OF ARTS

In the subject

FORENSIC SCIENCE AND TECHNOLOGY

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROF. GODFREY THENGA

February 2025

DECLARATION

Name: Templeton Malibongwe Dlamini

Student Number: 50590243

Title: An Evaluation of Fraud Investigation at Mbabane Police Station, Eswatini

I declare that this research dissertation is my own work and sources that I used have been indicated and acknowledged using complete reference.

I also declare that I submitted this dissertation for further checking through the required steps and it falls within the stipulated standards for originality.



Signature

February 2025

Date

DEDICATION

This dissertation is dedicated to a couple of people including my Senior Pastor, Doctor Reverend Johanes Vuyisile Mazibuko, who has been a source of inspiration ever since I sat under his ministry, my late parents, my wife Nomcebo Vilakati-Dlamini, my children Sambulo, Vuyani, Sibusiso, and Nsindiso who have been my source of inspiration as well during my study. I also dedicate this dissertation to my siblings Sikhonzo Dlamini (elder brother) for bringing me up and playing a father role to me, my late sister, Kholekile Dlamini-Malinga, my younger brother, Khayalethu Dlamini. I also thank my brother-in-law and my sisters-in-law for everything.

ACKNOWLEDGEMENTS

I thank God, my Lord, and Saviour for the courage, strength, and wisdom He gave me during the study. I acknowledge the following parties who contributed to the study in various ways:

- My supervisor, Prof. Godfrey Thenga for the patience, guidance, and encouragement throughout the study.
- The Royal Eswatini Police Service (REPS) for permitting me to access the necessary information for the study.
- The office of the Director of Public Prosecutions (DPP) for allowing me to access the necessary information from the institution.
- The Anti-Corruption Commission office for providing institutional access to this study.
- The Eswatini Revenue Eswatini Service (ERS) for allowing me to further my studies, culminating in this dissertation.
- The University of South Africa for admitting me into the institution.

ABSTRACT

Investigating commercial crime presents significant challenges due to the inherent diversity and multifaceted nature of reported cases. Notwithstanding robust political will and commitment to combatting corruption, the Kingdom of Eswatini continues to grapple with significant levels of corruption. This issue persists despite the unequivocal pronouncements of His Majesty King Mswati III, who has consistently urged Emaswati to abstain from corrupt practices to facilitate sustainable economic growth. To that end, the study evaluated fraud investigation at Mbabane Police Station, Eswatini, focusing on law enforcement agencies. The study explored the roles played by each stakeholder using the various pieces of legislation which empower them to deal with commercial crime at different levels including gathering information for adding value to the investigation of commercial crime.

The study adopted an empirical research design within a qualitative approach. Twelve participants (eight males and four females), who were purposively selected participated in the study. The sample was drawn from the Royal Eswatini Police Service (REPS), the Anti-Corruption Commission (ACC), and the Director of Public Prosecutions (DPP), which are the main law enforcement agencies on crime and corruption in Eswatini. Data were collected using a review of local and international review and semi-structured interviews. Local literature included legislation used by law enforcement agencies to gather, preserve, and present evidence in a court of law. The data were analysed thematically using content analysis.

The main findings underscore the need for continuous professional devolvement of the relevant stakeholders in investigating commercial crime in the Kingdom of Eswatini. The findings also highlight the importance of collaboration among key stakeholders in investigating commercial crime to ensure crimes are successfully prosecuted. Based on the findings, the study provides recommendations for practice, policy, and further study. The study enhances how investigations are conducted by recommending improved ways of conducting investigations as well as proposed amendments to legislation which will improve commercial crime investigation. These recommendations are meant to address the gaps revealed by the findings. The significance of the study lies in reporting findings from the Eswatini context, where no similar studies could be found.

SIBUTSETELO

Kuphenya bugebengu bekutsengisa kuletsa tinsayeya letinkhulu ngenca yekuhlukahluka lokuyinvelo kanye nesimo setigaba letinyenti temacala labikiwe. Nanobe kunenshisekelo lecinile yetepolitiki kanye nekutinikela ekulweni nenkohlakalo, uMbuso wase-Eswatini uyachubeka nekulwa nemazinga lamakhulu enkohlakalo. Loludzaba luyachubeka nanobe kunetimemetelo letingagucuki taMhlonishwa Inkhosi Mswati Wesitsatfu, lobekasolo ancusa Emaswati kutsi agweme imikhuba yenkhohlakalo kute kube nekukhula kwemnotfo lokusimeme. Kute kwentiwe loko, lolucwaningo luhlole luphenyo lwekukhwabanisa eSiteshini Semaphoyisa saseMbabane, e-Eswatini, lugcile kuma-ejensi lacinisekisa kulandzelwa kwemtsetfo. Lolucwaningo luhlole tindzima letidlalwa ngumuntfu ngamunye lotsintsekako asebentisa tincetu temtsetfo letehlukahlukene letibanika emandla ekubukana nebugebengu bekutsengisa emazingeni lehlukene lokufaka ekhatsi kubutsela ndzawonye lwati lwekwengeta linani ekuphenyweni kwebugebengu bekutsengisa.

Lolucwaningo lwamukele umklamo welucwaningo lolubonakalako ngaphakatsi kwendlela yekwelizinga. Bahlanganyeli labalishumi nakubili (labadvuna labasiphohlongo nalabasikati labane), labakhetfwa ngenhloso bahlanganyela kulolucwaningo. Lesampuli itsatfwe Royal Eswatini Police Service (i-REPS), Anti-Corruption Commission (i-ACC), kanye Director of Public Prosecutions (i-DPP), lokuba gijimi labakhulu bekucinisekisa kulandzelwa kwemtsetfo mayelana nebugebengu kanye nenkhohlakalo Eswatini. Idatha yagcogcwa kusetjentiswa kubuyeketwa kwekubuyeketwa kwendzawo kanye nekwemhlaba wonkhe kanye netinkhulumomphendvulwano letihlelelwe kancane. Tincwadzi tendzawo betifaka ekhatsi imitsetfo lebeyisetjentiswa tikhungo tekugcinwa kwemtsetfo kute tibutsele ndzawonye, tigcine futsi tetfule bufakazi enkantolo. Idatha yahlatiywa ngekwesihloko kusetjentiswa kuhlatiya lokucuketfwe.

Lokutfolwe lokuyinhloko kugcizelela sidzingo sekuchubeka nekuniketwa kwebungcweti kwalabatsintsekako labafanele ekuphenyweni kwebugebengu bekutsengisa eMbusweni wase-Eswatini. Lokutfoliwe kuphindze futsi kuvete kubaluleka kwekubambisana emkhatsini walabatsintsekako lababalulekile ekuphenyweni kwebugebengu bekutsengisa kucinisekisa kutsi bugebengu bushushiswa ngemphumelelo. Kususelwa kuloko lokutfoliwe, lolucwaningo luniketa

tincomo tekusebenta, inchubomgomo, kanye nekufundza lokunyenti. Lolucwaningo lwenta ncono indlela luphenyo loluchutjwa ngayo ngekuncoma tindlela letincono tekwenta luphenyo kanye netichibiyelo letiphakanyisiwe temtsetfo letitawenta ncono luphenyo lwebugebengu betekutsengiselana. Letincomo tihloselwe kulungisa tikhala letivetwe ngulokutfoliwe. Kubaluleka kwalolucwaningo kusekubikeni lokutfolwe kusuka esimeni sase-Eswatini, lapho khona kute tifundvo letifanako letingatfolakala.

UBUNGCAMANGO

Ukuphanda ulwaphulomthetho lwezorhwebo kubonisa imingeni emininzi ngenxa yeyantlukwano ekhoyo kunye nobume bamatyala axeliweyo. Ngaphandle kokuzibophelela nokuzinikela ngokusemandleli kweenkokheli zopolitiko nasekulweni urhwaphilizo, ubuKumkani base-Eswatini buyaqhuba ukulwa namanqanaba aphezulu orhwaphilizo. Lo mba usaqhuba nangona kukho izibhengezo ezicacileyo zikaKumkani uMswati III, othe gqolo ebongoza amaSwati ukuba azikhwebule kwizenzo zorhwaphilizo ukuze kube lula ukukhulisa uqoqosho oluzinzileyo. Ngaloo njongo, olu phandolwazi beluphonononga uphando lobuqhophololo kwiSikhululo samaPolisa saseMbabane, Eswatini, lugxile kwiiarhente zonyanzelisomthetho. Olu phandolwazi luphonononge indima edlalwa ngumntu ngamnye kwabo abachaphazelekayo lusebenzisa imithetho eyahlukileyo ebaxhobisa ukuba bajongane nolwaphulomthetho lwezorhwebo kumanqanaba ahlukileyo kuquka nokuqokelela ulwazi ukuncedisa kuphando lolwaphulomthetho lwezorhwebo.

Olu phandolwazi lusebenzise uyilo lophandolwazi lobungqina obucacileyo nobuqinisekisiweyo ngaphakathi kwindlela yophandontyilazwi. Ngabathathinxaxheba abalishumi elinesibini (amadoda asibhozo kunye nabasetyhini abane), abathe bakhethwa ngenjongo ukuba bathathe inxaxheba kolu phandolwazi. Isampuli ithathwe eRoyal Eswatini Police Service (iREPS), kwiKomishoni yokuLwa uRhwaphilizo (iACC), nakuMlawuli woTshutshiso loluNtu (iDPP), nezizona arhente zokunyanzelisa umthetho kulwaphulomthetho norhwaphilizo Eswatini. Idatha iqokelelwe kusetyenziswa uphononongo loncwadi lwasekhaya nolwamazwe ngamazwe kunye nodliwanondlebe olucwangcisiweyo. Uncwadi lwasekhaya belubandakanya umthetho osetyenziswa ziiarhente zomthetho ukuqokelela, ukugcina, nokubonisa ubungqina

kwinkundla yomthetho. Idatha ihlalutywe ngokwemixholo kusetyenziswa uhlalutyo lomxholo.

Ezona ziphumo ziphambili zigxininisa imfuneko yophuhliso lobuchule oluqhubekayo lwabo abachaphazelekayo abafanelekileyo ekuphandeni ulwaphulomthetho lwezorhwebo kubuKumkani base-Eswatini. Ezi ziphumo zikwagqamisa ukubaluleka kwentsebenziswano phakathi kwabachaphazelekayo abaphambili ekuphandeni ulwaphulomthetho lwezorhwebo ukuqinisekisa ukuba ulwaphulomthetho lutshutshiswa ngempumelelo. Ngokwezi ziphumo, olu phandolwazi lubonelela ngeengcebiso zalo msebenzi, umgaqonkqubo, kunye nophandolwazi oluqatha. Olu phandolwazi luphucula indlela uphando oluqhutywa ngayo ngokucebisa iindlela eziphuculweyo zokuqhuba uphando kunye nezindululo zohlengahlengiso kumthetho eziza kuphucula uphando lolwaphulomthetho lwezorhwebo. Ezi ngcebiso zenzelwe ukujongana nomsantsa oboniswe ziziphumo. Ukubaluleka kolu phandolwazi kusekuvezeni iziphumo ngokwakwimeko yase-Eswatini, apho umphandilwazi engakhange afumane uphandolwazi olufana nolu.

TABLE OF CONTENTS

Content **Page**

DECLARATION i
DEDICATION ii
ACKNOWLEDGEMENTS iii
ABSTRACT iv
LIST OF TABLES xii
LIST OF FIGURES xii
LIST OF ABBREVIATIONS AND ACRONYMS xiii
CHAPTER ONE: GENERAL ORIENTATION 1
1.1 INTRODUCTION 1
1.1.1 Rationale 2
1.2 PROBLEM STATEMENT 3
1.3 RESEARCH OBJECTIVES 3
1.4 RESEARCH PURPOSE 4
1.5 RESEARCH QUESTIONS 4
1.5.1 Main research question 4
1.5.2 Sub-questions 5
1.6 KEY THEORETICAL CONCEPTS 5
1.7 Significance of the study 7
1.8 RESEARCH METHODOLOGY 8
1.8.1 Research approach 9
1.8.2 Research design 9
1.9 TARGET POPULATION AND SAMPLING 10
1.9.1 Sampling method 11
1.9.2 Sample size 11
1.10 DATA COLLECTION 12
1.10.1 Literature review 13
1.10.2 Semi-structured interviews 15
1.11 DATA ANALYSIS 15
1.12 TRUSTWORTHINESS 16
1.12.1 Credibility 16

1.12.2 Transferability 16
1.12.3 Dependability 17
1.13.4 Confirmability 17
1.14 ETHICAL CONSIDERATIONS 17
1.15 dissertation structure 18
CHAPTER TWO: AN OVERVIEW OF FRAUD INVESTIGATION 20
2.1 INTRODUCTION 20
2.2 FRAUD 21
2.3 A framework for investigating fraud 26
3.2.1 Strengths of the Fraud Investigation Model 28
2.4 CORRUPTION 29
2.4.1 Bribery 30
2.4.2 Kickback schemes 30
2.5 FORENSIC INVESTIGATION 32
2.5.1 Digital Forensics 35
2.5.2 Online Investigation 37
2.5.3 Data mining 38
2.6 EVIDENCE 39
2.7 DISPUTED DOCUMENTS 40
2.8 CHALLENGES OF CYBERCRIME INVESTIGATION 41
2.9 CHAPTER SUMMARY 43
3.1 INTRODUCTION 44
3.2 CRIMINAL INVESTIGATION IN ESWATINI 44
3.3 CRIMINAL INVESTIGATION AND THE CONSTITUTION 45
3.4 FRAUD INVESTIGATION 45
3.5 INVESTIGATION OF CORRUPTION 46
3.5.1 Fraud and corruption as predicate offences 48
3.6 THE RIGHTS OF A SUSPECT 48
3.7 INTERNATIONAL FINANCIAL CRIME STANDARDS 49
3.8 CHAPTER SUMMARY 52
4.1 INTRODUCTION 53
4.2 RESEARCH AIM AND OBJECTIVES 53

4.3 RESEARCH QUESTIONS 54
4.4.1 What is the comprehensive definition of fraud within the context of commercial crime in Eswatini 55
4.4.2 What is the nature and characteristics of corruption relevant to the Eswatini context? 55
4.4.3 What is the concept of commercial crime and its impact on public institutions in Eswatini? 56
4.4.4 What is the extent of fraud at Mbabane police station? 57
4.4.5 What is the legislative framework governing the investigation of fraud and corruption in Eswatini 57
4.4.6 How are the current procedures and methodologies used in fraud investigations in Eswatini? 59
4.4.7 What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini? 60
4.4.8 What are the techniques used in fraud investigation in Eswatini 60
4.4.9 What are the challenges encountered by investigators during fraud investigations in Eswatini? 61
4.5 RECOMMENDATIONS FOR PRACTICE 63
4.5.1 The examination and provision of a comprehensive definition of fraud within the context of commercial crime in Eswatini. 63
4.5.2 The nature and characteristics of corruption relevant to the Eswatini context 64
4.5.3 Exploring the nature and characteristics of corruption relevant to the Eswatini context 65
4.5.4 An analysis of the concept of commercial crime and its impact on public institutions in Eswatini 66
4.5.5 The examination of the legislative framework governing the investigation of fraud and corruption in Eswatini 67
4.5.6 The investigation of current procedures and methodologies used in fraud investigations in Eswatini 68
4.5.7 The investigation of the modus operandi of the perpetrators of fraud dealt by the police in Eswatini 69
4.5.8 The analysis of the challenges encountered by investigators during fraud investigations in Eswatini 70
4.5.9 An analysis of the challenges encountered by investigators during fraud investigations in Eswatini. 71

4.6 RECOMMENDATIONS FOR FUTURE RESEARCH 72
4.6.1 The comprehensive definition of fraud within the context of commercial crime in Eswatini 73
4.6.2 The nature and characteristics of corruption relevant to the Eswatini context 73
4.6.3 The concept of commercial crime and its impact on public institutions in Eswatini 74
4.6.4 The extent of fraud at Mbabane Police Station 74
4.6.5 The legislative framework governing the investigation of fraud and corruption in Eswatini 75
4.6.6 The current procedures and methodologies used in fraud investigations in Eswatini 75
4.6.7 The modus operandi of the perpetrators of fraud dealt by the police in Eswatini 76
In-depth analysis of fraud trends: There is a need to conduct in-depth research to: 76
4.6.8 The identification and evaluation the techniques used in fraud investigation in Eswatini 77
4.6.9 The challenges encountered by investigators during fraud investigations in Eswatini 78
4.7 CONCLUSIONS 78
LIST OF REFERENCES 80
ANNEXURES 88
ANNEXURE A: UNISA ETHICAL CLEARANCE 88
ANNEXURE B: PERMISSION LETTER FROM THE REPS 90
ANNEXURE C: PERMISSION LETTER FROM THE ACC 91
ANNEXURE D: PERMISSION LETTER FROM THE DPP 92
ANNEXURE E: INFORMED CONSENT 93
ANNEXURE F: INTERVIEW GUIDE (REPS) 94
ANNEXURE G: INTERVIEW GUIDE (ACC) 98
ANNEXURE H: INTERVIEW GUIDE (DPP) 102
ANNEXURE I: INFORMED CONSENT FORM (DPP) 106
ANNEXURE J: TURNITIN REPORT 107
ANNEXURE K: LANGUAGE EDITING CERTIFICATE 108

LIST OF TABLES

Table 1: Participants' demographic data 11

LIST OF FIGURES

Figure 1: The Fraud Investigation Model..... 26
Figure 2: The anatomy of a kickback scheme 30

LIST OF ABBREVIATIONS AND ACRONYMS

ACC	Anti-Corruption Commission
AML	Anti-Money Laundering
CFT	Counter Financing of Terrorism
CP&E	Criminal Procedure and Evidence Act
DPP	Directorate of Public Prosecutions
DNFBPs	Designated Businesses and other Professionals
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FSO	Force Standing Orders
LEA	Law Enforcement Agencies
MER	Mutual Evaluation Report
NPO	Non-Profit Organisation
REPS	Royal Eswatini Police Service
SA	South Africa
SAPS	South African Police Service
SOP	Standard Operating Procedures
STR	Suspicious Transaction Report
UNISA	University of South Africa
UNCAC	United Nations Convention Against Corruption
UNSCRs	United Nations Security Council Resolutions
VASPs	Visual Assets Service Providers

CHAPTER ONE: GENERAL ORIENTATION

1.1 INTRODUCTION

Investigating commercial crime is complicated because cases reported to law enforcement agencies (LEA) are unique. Those who typically commit fraud have a degree qualification or higher (Association of Certified Fraud Examiners [ACFE], 2020:46). Commercial crimes are multifaceted and require special investigation techniques and skills. Due to their education level, offenders employ the latest technology when committing commercial crimes. The cases investigated range from fraud to corruption, amongst others. This problem persists despite His Majesty King Mswati III's calls for Emaswati to refrain from corrupt practices to foster sustainable economic development (Swaziland National Corruption Perception Survey Report, 2017:2). It should be noted that until 2018 when the country's name was changed, Eswatini was known as Swaziland – hence documents and acts enacted before 2018 bear the name "Swaziland."

Cybercrime, Automated Teller Machine (ATM) fraud, card cloning, and money laundering and general fraud are the most common forms of commercial crime in Eswatini (Royal Eswatini Police Service (REPS) Annual Report, 2019:25). According to the cited report, 452 fraud cases were reported in the 2019 financial year, marking an increase from 397 cases in 2018. Often considered professional witnesses, investigators are expected to provide high-quality testimony in legal proceedings. An investigator's work's effectiveness is typically evaluated in open forums as courts, where their findings may be accepted, rejected, praised, or criticized (Zinn & Dintwe, 2016:24).

Section 174 (4) of the Swaziland Criminal Procedure and Evidence Act 67 of 1938 (as amended), states that the accused can be acquitted and discharged. This ruling applies if, upon concluding the prosecution's evidence, the court determines that insufficient evidence exists to establish the accused's guilt for the charged offence or any other offence that could be reasonably inferred from the presented evidence (Zeffertt & Paizes, 2010:75). The evidence presented in court must be relevant and admissible before the court can consider it. Therefore, commercial crime investigators must conduct thorough investigations and collect evidence professionally.

An investigator or expert witness, the forensic accountant should be aware of the processes related to the law in which they may be involved (Lagerberg & Butter, 2009:167). To be successful as a forensic accountant, one should combine experience with knowledge of the relevant law and procedures in fraud, corruption investigations, and trials (Lagerberg & Butter, 2009:168).

1.1.1 Rationale

Research is driven by the need to address a significant problem or opportunity that necessitates a more profound understanding or innovative solutions (Terrell, 2016:2). A research problem constitutes an educational issue, concern, or controversy that the researcher identifies and substantiates within the scope of their investigation (Creswell 2012:76). Broadly, a research problem encompasses any obstacle or challenge encountered by the researcher within a theoretical or practical framework. This challenge necessitates the researcher to seek a viable resolution (University of South Africa [UNISA] Research Methodology guide, 2015:7). Importantly, a problem statement should be concisely stated (Terrell 2016:13).

Accordingly, the researcher has observed challenges with criminal investigation that warrant research. The researcher, with over ten years' experience in general and commercial crime investigations at Mbabane Police Station, observed recurring delays in the investigation and prosecution of commercial crimes, often due to their complexity and the involvement of multiple parties. This was attributed to the complex nature of the cases, and often, many people were implicated at a time. The observations prompted the researcher to consider a study to evaluate fraud investigation at Mbabane Police Station, Eswatini, focusing on investigation techniques and processes while identifying gaps.

To that end, the researcher sought to evaluate techniques used by commercial crime investigators in other jurisdictions of commercial crime and the LEA's frequency of digital forensics use in commercial crime. Thus, the study further sought to evaluate the success rate and the number of completed investigations against outstanding investigations, specifically fraud cases. Moreover, the study aimed to uncover the challenges faced by the stakeholders involved in the investigation of fraud and

corruption from the reporting of cases, the commencement of trial, and ultimately the conviction.

1.2 PROBLEM STATEMENT

Crime statistics indicate that 496 fraud cases reported to the REPS amounted to E35,149,360.00 (R35,149,360.00, USD 1,963,604.59) in the 2017 financial year (Eswatini Fraud and Commercial Crimes [EFCC] Annual Returns, 2017:3). A total of 599 with value cases E25,617,080.00 in 2018 financial year (Eswatini Fraud and Commercial Crimes Annual Returns, 2018:8) and 815 cases with a value of E22,930,703.00 in the 2019 financial year (EFCC Annual Returns, 2019:7). Additionally, 69 corruption cases were reported in the 2017 financial year, 36) cases in the 2018 financial year, and 56 cases in the 2019 financial year (Eswatini Anti-Corruption Commission Crime Statistics [ECCCS] Report, 2019:1). All the corruption cases were statutory offences.

The LEAs involved in fraud investigation are the REPS and the Anti-Corruption Commission (ACC). Nine fraud cases with a value of E2,249,744.00 were analysed by the digital forensics' laboratory in 2019 and one fraud case with a value of E3,019.00 was investigated in 2018 (REPS Annual Report, 2019:29). In three of the mentioned cases, three suspects were arrested, while the cases are pending before the court. In the remaining cases, investigations are still ongoing (REPS Register of Crimes and Contraventions Investigated, 2019:14).

1.3 RESEARCH OBJECTIVES

The research objective delineates the trajectory of the investigation and designates the specific goal the research aims to achieve (Denscombe, 2010:50). Based on this assertion, the objectives of this research were as follows:

1. To examine and provide a comprehensive definition of fraud within the context of commercial crime in Eswatini.
2. To explore the nature and characteristics of corruption relevant to the Eswatini context.

3. To analyse the concept of commercial crime and its impact on public institutions in Eswatini.
4. To analyse the extent of fraud at Mbabane police station.
5. To examine the legislative framework governing the investigation of fraud and corruption in Eswatini.
6. To investigate current procedures and methodologies used in fraud investigations in Eswatini.
7. To investigate the modus operandi of the perpetrators of fraud dealt by the police in Eswatini.
8. To identify and evaluate the techniques used in fraud investigation in Eswatini.
9. To analyse the challenges encountered by investigators during fraud investigations in Eswatini.

1.4 RESEARCH PURPOSE

In qualitative research, the purpose statement articulates the necessity to investigate or comprehend a particular phenomenon in-depth, specifically within the context of a designated group of individuals and their respective research settings (Creswell, 2012:626). The study's purpose was to evaluate fraud investigation at Mbabane Police Station, Eswatini, and the various investigation techniques used by commercial crime investigators (CCI). The research report offers recommendations to improve the investigation of fraud and corruption processes.

1.5 RESEARCH QUESTIONS

Effectively formulated research questions serve as the cornerstone of any investigation, probing the most critical and insightful aspects of the research topic. They serve as a guide, directing the research process towards the most salient and relevant issues (Denscombe 2012:73).

1.5.1 Main research question

How is a fraud investigation conducted at the Mbabane Police Station?

1.5.2 Sub-questions

The sub-questions were as follows:

1. What is the comprehensive definition of fraud within the context of commercial crime in Eswatini?
2. What is the nature and characteristics of corruption relevant to the Eswatini context?
3. What is the concept of commercial crime and its impact on public institutions in Eswatini?
4. What is the extent of fraud at Mbabane police station?
5. What is the legislative framework governing the investigation of fraud and corruption in Eswatini?
6. What are the current procedures and methodologies used in fraud investigations in Eswatini?
7. What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini?
8. What are the techniques used in fraud investigation in Eswatini?
9. What are the challenges encountered by investigators during fraud investigations in Eswatini?

1.6 KEY THEORETICAL CONCEPTS

Given the inherent complexity of most research endeavours, it is imperative to define key terms and concepts. This ensures clarity, consistency, and unambiguous interpretation of findings throughout the research process (Denscombe, 2012:68). The terms represent key features in the research to be investigated. For this research, the following terms were identified as the key concepts.

Investigation techniques: Investigation techniques in fraud and corruption are the tools and methods used to uncover and gather evidence of illegal or unethical activities. These techniques are crucial for bringing perpetrators to justice and preventing further harm (Zinn & Dintwe, 2016:25). The techniques used in an investigation will depend on the nature of the alleged fraud or corruption, the available evidence, and the legal jurisdiction.

Corruption: Corruption is a type of fraud that involves the misuse of public power for private gain. It can take many forms, such as bribery, embezzlement, and extortion. Corruption is a serious problem that can undermine the rule of law and economic development (Snyman, 2008:412). Corruption can be described as the wrongful use of influence for personal gain or to benefit others unfairly (ACFE Manual, 2013:261). Corruption erodes trust in institutions and undermines the rule of law. It can also lead to economic inefficiency and hinder development.

Fraud: Fraud constitutes a criminal act characterised by intentional deception aimed at unlawfully depriving a victim of their legal rights or unfairly gaining an advantage. Key elements typically include knowingly providing false information or concealing crucial facts; engaging in deceitful or dishonest behaviour; possessing the intent to mislead or deceive; the victim's reliance on the fraudulent information or conduct; and the resulting harm or injury suffered by the victim (Snyman, 2008:531). This encompasses a broad spectrum of offences, such as financial fraud (embezzlement, and insurance fraud), identity theft, wire fraud, mail fraud, healthcare fraud, and telemarketing fraud. The specific legal elements and associated penalties for fraud crimes vary significantly based on the jurisdiction and the fraud committed (Snyman, 2008:531).

Forensic investigation: Forensic investigation is the scientific examination of physical evidence to uncover facts and solve crimes. It involves collecting, analysing, and interpreting evidence such as fingerprints, deoxyribonucleic acid (DNA), ballistics, and digital data (Zinn & Dintwe, 2016:19). Forensic scientists use specialised techniques and technology to reconstruct events, identify suspects, and provide crucial evidence in legal proceedings. The importance of forensic investigation lies in its ability to establish truth, ensure justice, and protect society from harm (Zinn & Dintwe, 2016:19).

Digital forensics: Digital forensics could be described as applying scientific knowledge from computer science and information systems to a legal situation (Zinn & Dintwe, 2016:364). According to Horan and Saiedian (2021:580), there are three main methods of collecting electronic evidence in cybercrime investigations: digital forensics, online investigations, and data mining. Digital forensics entails collecting

and analysing information found on an electronic device as part of the investigative process (Horan & Saiedian, 2021:580).

Evidence: Evidence is information or proof that helps establish the truth of a matter. It can take many forms, such as witness testimony, physical objects, or documents (Buzzard, 2007:2). In legal proceedings, evidence is crucial for determining guilt or innocence. It allows judges and juries to make informed decisions based on facts, not speculation (Buzzard, 2007:2). The Electronic Records (Evidence) Act. 6, 2009 states that evidence includes all electronic records produced for the courts' inspection. Evidence of fraudulent activity typically manifests as documentary evidence or testimonial accounts (ACFE Fraud Examiners Manual, 2013:22). Consequently, a proficient fraud examiner must possess a comprehensive understanding of legal evidence-gathering procedures and be adept at conducting legally sound and effective witness interviews.

Disputed documents: Disputed documents encompass those exhibiting physical characteristics that necessitate rigorous scientific scrutiny. Such scrutiny is crucial in cases involving alleged fraud, forgery, or authorship disputes about handwriting. Document examiners are entrusted with identifying and substantiating the facts surrounding these documents, including their constituent elements such as paper, ink, and toners derived from various sources like fax machines or photocopiers (Zinn & Dintwe 2016:123).

Investigator: Establishing investigative capacity within state departments, government agencies and private companies is common. However, the categories, roles, and functions of these investigators are not as well known, defined or regulated (Zinn & Dintwe 2016:15). The category or term "statutory investigator" refers primarily to an investigator who has been formally appointed in terms of a specific law or statute to investigate matters spelled out in that law or statute (Zinn & Dintwe, 2016:16).

1.7 SIGNIFICANCE OF THE STUDY

The significance of the study lies in its potential to advance scientific knowledge on the topic. The study's findings can foster the use of advanced techniques among

investigators of commercial crime and stakeholders dealing with fraud and corruption. The study will benefit the following stakeholders:

The REPSs investigators can use the report to improve fraud investigation in the organisation. The study investigates various areas related to commercial crime investigations and consults various literature with the view to appreciate best practice around the globe. Areas of improvement are also identified during the study which will be add value to the operations of REPS going forward.

The Eswatini ACC investigators can use the report to improve their operations since literature from other jurisdictions are consulted with the view to appreciate how corruption related offences are defined including related sanctions on same. The above will add value to the operations of ACC as they execute their day-to-day work.

Corporate Investigators can refer to the study and improve their techniques on conducting commercial crime investigations. The investigators will refer to the research report to appreciate the different areas covered by the study. The cited sources can be consulted by the investigators as they also execute their duties at the various institutions.

Other scholars can build on the current study and fill in research gaps to advance scientific knowledge. As a practice, research reports can be consulted by those doing research at all levels with the view to enhance their knowledge. After the research is finalized, the scholars can make good use of the report, especially those on the same field as the researcher.

1.8 RESEARCH METHODOLOGY

Research methods include all the techniques and methods which have been taken for conducting research whereas research methodology is the approach in which research troubles are solved thoroughly (Alok, 2011:1). To achieve the above, the researcher will conduct interviews on stakeholders involved in the investigation as well as prosecution of commercial crime at Mbabane Police Station. To create a proper research design, one needs to use both concepts iteratively. The researcher's choice of paradigm and methodology significantly impacts the research process. These frameworks provide the structure and "tools" to effectively investigate the

research problem and address the research questions (Jonker & Pennink, 2010:53). A well-defined research methodology encompasses an appropriate research design and data collection techniques, leading to robust and reliable findings. Interview schedules will be developed for the key stakeholders with the view to collect the relevant data which will inform the findings on the study.

1.8.1 Research approach

The study adopted a qualitative research approach because it focuses on concepts, rather than developing measures (Bryman & Bell, 2017:41). The essence of qualitative research lies in its ability to delve into the intricate details of phenomena and events within their natural settings. Through meticulous observation and in-depth analysis, researchers seek to uncover the underlying characteristics and structures that shape these occurrences (Jonker & Pennink, 2010:91). Subsequently, these insights are synthesised to develop a comprehensive understanding, often culminating in the formulation of a mini-theory or a conceptual model that elucidates the complex interplay of factors at play (Jonker & Pennink, 2010:91).

Qualitative research holds paramount importance within behavioural sciences, where the primary objective is to unravel the intricate tapestry of human motivations and behaviours (Bryman & Bell, 2017:41). By employing qualitative methodologies, researchers delve into the depths of human experience, allowing them to uncover the underlying reasons and meanings behind actions, beliefs, and attitudes (Kothari, 2004:16). This approach enhances understanding why people behave the way they do and how to influence their behaviour. This deeper understanding fosters a deeper appreciation for the diversity and complexity of human experience, challenging simplistic explanations and encouraging a more nuanced understanding of the multifaceted factors that contribute to human behaviour (Kothari, 2004:16).

1.8.2 Research design

A research design provides a guide in the research process. The research design choices impact the generalisability of the findings and the depth of understanding of the specific context (UNISA Department of Human Resources Management guide, 2014:19). The study adopted a qualitative, exploratory case study design to gain

detailed insights from key stakeholders. For empirical researchers, a concept can be understood as an abstract object, abstractum, or a mental representation. The design was chosen to explore the experiences of key stakeholders at different levels, providing diverse perspectives to enrich the research as suggested by Bergman (2010:171). The researcher first identified the interview participants and then synthesised existing theories into a conceptual framework.

A research design provides a framework for collecting and analysing data (Bryman & Bell, 2017:100). Research design selection hinges on prioritising specific dimensions of the research process. Careful consideration must be given to the relative importance of establishing causality, generalisability, in-depth understanding of social context, and the ability to explore complex social phenomena and their dynamics (Bryman & Bell, 2017:100). To that end, the empirical research design informed the selection of key stakeholders involved in fraud and corruption cases, highlighting the importance of stakeholder's perspectives in the research. Careful participant selection was critical to address the research questions (Terrell, 2016:141).

1.9 TARGET POPULATION AND SAMPLING

To create a good sample, researchers must first identify the population they want to study. This population includes every potential individual relevant to the research question (Terrell, 2016:85). To understand a phenomenon, researchers focus on a specific population with similar demographic characteristics (Merriam, 2009:68). This selection involves specifying the population and sample, determining how the researcher will choose the participants, and deciding on an appropriate sample size (Creswell, 2012:194). In the present study, the researcher selected a sample from three institutions: police detectives from the Financial and Economic Crime Unit (FECU), investigators from ACC, and Public Prosecutors (PPs) who handle commercial crime cases in Mbabane Police Station, Eswatini. The individuals in these institutions formed the sample of the target population. The participants were selected due to their involvement in investigating and prosecuting fraud and corruption, making them well-positioned to provide insight into the investigative process.

1.9.1 Sampling method

The study used purposive sampling. Purposive sampling is a non-probability sampling technique where participants are selected based on specific criteria relevant to the research question (Bryman & Bell, 2017:186). The goal is to choose individuals likely to provide the most insightful and informative data (Denscombe, 2012:168). This method is commonly used in qualitative research to gain an understanding of a particular phenomenon. The participants were chosen because they are directly involved in the investigation and prosecution of commercial crime during their day-to-day work, and this makes them better placed to have the full appreciation on the space. Thus, purposive sampling is also known as intentional sampling, as participants are deliberately chosen because they meet specific criteria (Terrell, 2016:91). As explained previously, the chosen sample meets the criteria of meaningfully engaging on commercial crime investigation as well as prosecution.

1.9.2 Sample size

The study had twelve participants (eight males and four females). The sample size comprised four police detectives of different ranks and genders from FECU with four officials from the ACC. Four public prosecutors (PPs) from the four administrative regions of Eswatini also formed part of the sample to share their insights and experiences in the investigation and prosecution of commercial crime cases. This sample was representative of the major stakeholders relevant to the topic. Next is a breakdown of the sample composition.

Table one: Participants' demographic data

Code	Gender	Age Range	Occupation	Highest Qualification	Experience
A1	Male	45-50	Chief Anti-Corruption Investigator	Bachelor's Degree	+15 years
A2	Male	50-55	Chief Anti-Corruption Investigator	Bachelor's Degree	+20 years
A3	Male	45-50	Senior Anti-Corruption Investigator	Diploma	+10years

A4	Female	45-50	Anti-Corruption Investigator	Diploma	+10years
D1	Male	35-40	Detective Sergeant	Bachelor's Degree	+10years
D2	Male	45-50	Detective Sergent	Diploma	+15 years
D3	Male	50-55	Detective Constable	Diploma	+20 years
D4	Female	40-50	Detective Constable	Bachelor's Degree	+15 years
P1	Female	30-40	Public Prosecutor	Bachelor's Degree	+10 years
P2	Female	20-30	Public Prosecutor	Bachelor's Degree	+10 years
P3	Male	45-50	Public Prosecutor	Bachelor's Degree	+16 years
P4	Male	45-50	Principal Crown Counsel	Bachelor's Degree	+25 years

A1 – A4 = Anti-Corruption Commission officials; D1 – D4 = Fraud Investigators; P1-P4 = Public Prosecutors

As indicated in Table one, the study sample comprised ACC officials (A1 – A4), Fraud Investigators (D1 – D4), and Public Prosecutors (P1 – P4). Their qualifications ranged from Diploma to bachelor's degrees and their work experience ranged from ten to over twenty-five years. Having educated and experienced participants was good for the study as they provided deep insights into the evaluation of fraud investigation at Mbabane Police Station. Consequently, these participants' demographic inspired confidence that the research questions would be addressed adequately – thus ensuring research rigour.

1.10 DATA COLLECTION

The current study used document analysis and semi-structured interviews for data collection. Creswell (2012:193) outlines five interrelated steps in the data collection process:

a) **Participant selection:** Identifying who will participate in the study.
b) **Ethical clearance:** Obtaining approval from the relevant ethics committee.

c) **Permission acquisition:** Securing necessary permissions from individuals and organisations.
d) **Instrument selection:** Choosing appropriate data collection tools.
e) **Data administration:** Implementing the data collection process.

In general, the data collection process is highly structured (Jonker & Pennink (2012:6). The researcher identified the participants in a structured manner and standardised the interview questions as postulated by Connolly, (2007:7).

1.10.1 Literature review

A literature review assures that research will be worthwhile (Denscombe, 2012:70). Reviewing extant literature and theories helps researchers identify interventions to facilitate change (Creswell, 2012:347). In the current study, the literature review involved internet sources, and organisational reports (national and international). Academic textbooks, law books, academic articles related to police work, and reports relating to the ACC were also consulted. Importantly, the literature review was aligned purpose of the study to ensure that the research questions are adequately addressed.

A comprehensive literature review involves a systematic process of identifying, selecting, and synthesising relevant scholarly works, including summaries, books, journal articles, and indexed publications, about a specific research topic (Creswell, 2012:32). A comprehensive literature review critically examines key concepts, critical issues, and significant findings presented within scholarly publications on a specific domain of inquiry. The purpose is to identify existing knowledge on the subject matter and utilise this information to determine research questions that can contribute meaningfully to the field (Denscombe, 2012:13). To that end, the researcher used the UNISA online library and the University of Eswatini (UNESWA) library to locate relevant books and journals. Additionally, the Eswatini Revenue Service (ERS) Library, the REPS library, and the internet were used to source relevant literature. Institutional reports, newsletters, as well as police and court statistics on cases were also accessed.

A comprehensive review of existing literature on the research problem is essential. This implies that the researcher must possess a thorough understanding of relevant

theories, reports, records, and other pertinent literature within the field (Kothari, 2004:41). Given the researcher's extensive experience as a detective at the REPS, they were well-versed in the theories about commercial crime investigations, including fraud and corruption. The researcher also analysed records at the High Court of Eswatini and Magistrate Courts, focusing on judgements passed on fraud and corruption-related cases.

The researcher employed various data collection methods and techniques. Documents including Standard Operating Procedures (SOPs), Force Standing Orders (FSO), Pieces of legislation as well as policies were analysed to gain insights into the research problem. The researcher adopted a comprehensive approach encompassing an in-depth analysis of the investigation process by all LEA, including relevant literature on fraud and corruption cases by the REPS and the ACC. This holistic approach to data collection was essential to address the research questions and ensure research rigour.

The increasing usage of the internet and other technology in all aspects of life has created new opportunities for technology in almost every type of fraud, and investigators gather some types of digital evidence (ACFE Manual, 2013:1085). Greene (2007:771) defines criminal investigation as "the collection of information and evidence for identifying, apprehending, and convicting suspected offenders." Digital forensics entails evidence from computers, digital media, or digital devices admissible in court (Zinn & Dintwe, 2016:364).

Digital evidence must be collected procedurally and lawfully, in line with the laws of the jurisdiction where the investigation is conducted. All evidence collected by LEA in the Kingdom of Eswatini must align with the Criminal Procedure and Evidence Act No. 67 of 1938 (as amended). Section 6 of the Eswatini Electronic Records (Evidence) Act 2009 specifically regulates the handling of evidence relating to electronic records. The Prevention of Corruption Act of 2006 (Section 12) empowers the Commissioner to authorise an investigating officer to scrutinise any bank or other accounts, along with relevant banking or company records, of a person suspected of corruption. This authorisation is granted when the Commissioner believes a corruption offence may have been committed. Therefore, abiding by the law is crucial when conducting commercial crime investigations including fraud and corruption.

1.10.2 Semi-structured interviews

Interviewing is often the primary data collection strategy in qualitative studies. The quality of interview data relies heavily on the researcher's ability to formulate well-crafted, open-ended questions that can be further explored through probes and requests for elaboration (Merriam, 2009:35). In qualitative research, an interview involves a researcher engaging one or more participants in a conversation, utilising open-ended questions to elicit in-depth, nuanced responses. Following data collection, the researcher transcribes the audio recordings into textual format (Creswell, 2012:240).

Semi-structured interviews were conducted with the identified participants. Open-ended questions were posed to participants, followed by probing questions to delve deeper into specific issues and requests for further clarification in line with the ideas advanced by Creswell (2012:240). There were four sets of questions for the participants in the study. The questions were for the four different target groups with specific areas to be addressed by the participants in line with the research questions and aims by ensuring that all the research questions are covered by the questions. The researcher formulated the interview questions to align with the research questions and aims, ensuring their comprehensive coverage during the interviews by making sure that follow-up questions are asked for further clarity (see Annexure F). The interviews were recorded with the participants' consent. Interview recording is a common technique used in qualitative research to capture detailed and accurate data. It allows researchers to focus on the interview process, build rapport with participants, and avoid distractions from notetaking (Connolly, 2007:7).

1.11 DATA ANALYSIS

Qualitative data is non-numeric and can be generated in various research strategies (Saunders, Lewis, & Thornhill, 2009:511). After collecting data, the researcher analysed the transcripts for common themes, attempting to understand the meaning of key phrases personally and through collaboration with the interviewees (Denscombe, 2012:261). That is, the researcher employed member checking to validate the interpretation of key phrases and seek clarification from participants where necessary (Creswell 2012:557). The data analysis involved merging the two

databases and interpreting the results to illuminate the research problem. Since the study collected qualitative data, thematic analysis was used (Terrell, 2016:143).

1.12 TRUSTWORTHINESS

Trustworthiness refers to the assurance that the study results are accurate and reliable, stemming from a meticulously planned, executed, and documented research process, free from external interference or bias (Terrell, 2016:283). Trustworthiness encompasses four key criteria: credibility, transferability, dependability, and confirmability (Merriam, 2009:68).

1.12.1 Credibility

Credibility refers to the confidence in the truth value of the research findings. It ensures that the findings accurately and authentically represent the participants' experiences (Merriam, 2009:68). In the current study, credibility was ensured through triangulation, member checking, and reflexivity. Data triangulation entailed a literature review and semi-structured interviews to corroborate findings (Jonker & Pennink, 2012:173). Member-checking, on the other hand, entailed sharing findings with participants to validate interpretations. Reflexivity meant acknowledging and suspending the researcher's biases and assumptions (Terrell, 2016:190).

1.12.2 Transferability

Transferability refers to the extent to which the findings of a study can be applied to other contexts or populations (Terrell, 2016:190). To allow readers to assess the potential generalisability of the study's findings beyond its specific context, the researcher should provide a comprehensive description of the contextual features of the study. This includes detailing the participants, setting, period, and other relevant contextual factors that may influence the results (Jonker & Pennink, 2012:173). The transferability of the current study was ensured through thick description and a clear articulation of limitations in line with Merriam (2009:68). The researcher provided detailed and rich descriptions of the research context and participants. Additionally, the contextual limitations have been clarified.

1.12.3 Dependability

Dependability, as defined by Terrell (2016:190), signifies the consistency and reliability inherent in the research process. It ensures the findings are replicable, meaning another researcher could arrive at similar conclusions by following the same methodology. This principle is often substantiated through an external audit, where an independent assessor scrutinises the research process and validates the accuracy of the results (Terrell, 2016:191). The current study used an audit trail and a clear explanation of research methods. The audit trail entailed documenting the research process, including data collection, analysis, and interpretation (Shenton, 2004:10).

1.13.4 Confirmability

Confirmability refers to the objectivity of the findings. It ensures that the findings are not biased by the researcher's personal beliefs or values (Jonker & Pennink, 2012:173). To achieve confirmability, the researcher exercised reflexivity and remained neutral in the study, ensuring that the results reflected the participants' perspectives devoid of researcher bias (Terrell, 2016:191). Rigorous measures were implemented to safeguard the integrity of participant responses and prevent any external influence on the study outcomes.

1.14 ETHICAL CONSIDERATIONS

Research ethics refers to the appropriateness of a researcher's conduct concerning the rights of research participants and the broader societal impact of their work (Creswell, 2012:193). Research ethics were observed in the current study. First, the researcher obtained ethical clearance for UNISA and other gatekeepers in the research sites as postulated by Bryman and Bell (2017:131) – see Annexure A. The researcher obtained approvals from participants' employers such as REPS (see Annexure B), the ACC (see Annexure C), and the DPP (see Annexure D).

Qualitative research often involves in-depth interactions with participants, making it crucial to adhere to rigorous ethical standards (Denscombe 2012:344). To that end, this study adhered to the principles of informed consent, confidentiality, anonymity, and protection from potential harm (Bryman & Bell, 2017:131). Informed consent was

observed as the participants were informed about the research purpose, procedures, risks, and benefits (see Annexure I). The ethical principle of voluntary participation was explained to ensure that participation was without coercion or pressure (Creswell, 2012:193).

Moreover, the rights to withdraw without consequences and privacy were respected. In line with the respect for persons principle (autonomy), interviews were held at times and places convenient to the participants (Saunders et al, 2009:241). Confidentiality and anonymity were ensured using pseudonyms to protect participants' identities. Similarly, the data (interview notes, audio recordings, and transcriptions) were stored in a password-protected computer and backed up in cloud storage to ensure confidentiality in line with Creswell (2012:193). This precaution ensured data security as passwords prevented unauthorised access. Thus, only the researcher and the supervisor, who are directly linked to the study, had access to the data. After five years data will be permanently destroyed. Handwritten notes will be shredded, and audio recordings and transcripts will be permanently deleted from servers as suggested by (Saunders et al, 2009:241).

Ethical research protects participants from harm and emotional distress (Terrell, 2016:283). Therefore, the researcher was careful not to cause emotional distress during the research process and avoided posing intrusive or sensitive questions that could cause harm as participants narrated their experiences and shared their perceptions (Bryman & Bell, 2017:131). The researcher was also mindful of power dynamics and avoided the potential exploitation of participants. For instance, all participants were treated with the same courtesy, whether senior or junior to the researcher. By adhering to these ethical principles, the study was conducted responsibly and ethically, safeguarding the rights and well-being of participants.

1.15 DISSERTATION STRUCTURE

The dissertation is organised into four chapters.

Chapter 1: This chapter is the general orientation; comprising the introduction, the problem statement, research questions, preliminary literature review, and the research methodology.

Chapter 2: The chapter presents an overview of fraud investigation. It focuses on fraud and corruption, highlighting legislation and investigation techniques. The Fraud Investigation Model (FIM) and the anatomy of a kickback scheme are presented.

Chapter 3: This chapter explores the investigative processes and legal frameworks employed by law enforcement agencies in addressing fraud and corruption in Eswatini. The chapter delves into the mandates of the Royal Eswatini Police Service (REPS) and the Anti-Corruption Commission (ACC) and enabling instruments.

Chapter 4: This chapter presents the findings and recommendations of the study. The findings emanate from the literature and interviews conducted with the participants in line with the research questions. Based on the findings, recommendations are formulated.

CHAPTER TWO: AN OVERVIEW OF FRAUD INVESTIGATION

2.1 INTRODUCTION

This chapter provides a detailed exploration of fraud and corruption investigations. The chapter discusses: fraud, corruption, commercial crime, the common types of fraud cases, and the common pieces of legislation used to obtain information during fraud and corruption investigations. The common interview techniques used when conducting financial investigations (fraud and corruption) as well as the challenges faced during financial crime investigations are also explored.

Occupational fraud and corruption are the most prevalent forms of economic and financial crime. PricewaterhouseCoopers (PwC) Global Economic Crime and Fraud Survey (2022:2) suggests that organisations' boundaries are vulnerable, and external fraudsters are emerging as a bigger threat. From the experience of the researcher, there are organisations which loses a lot of money because of employees who commit fraud in their organisations because of their positions held in those organisations. Fraud and economic and financial crime remain persistent threats, inflicting significant damage on both large and small organisations (PwC Global Economic Crime and Fraud Survey, 2022:4). Occupational fraud refers to fraudulent activities perpetrated by individuals against their employers (Occupational Fraud, 2022:94). Corruption, on the other hand, involves employees misusing their influence in business transactions, breaching their duty to the employer for personal gain, often through bribery or conflicts of interest (Fraud Examiners Manual, International Edition, 2013:94). Furthermore, the researcher has observed situations whereby people use their positions of influence to decisions which leads to them benefiting from the transaction.

Rossy and Ribaux (2020:336) classify fraud as a deception to deny the victim money, information, or property. It is intended to cause harm or gain an unfair advantage. Fraud involves knowingly making a false statement or misrepresentation to deceive another person or entity, resulting in financial or other forms of loss (Snyman, 2008:531). Corruption, on the other hand, is the abuse of entrusted power for private gain. It often involves bribery, where one party offers or gives a benefit to another in exchange for preferential treatment or a specific action (Snyman, 2008:412). The giver and the bribe recipient are considered to have engaged in corrupt behaviour. While

fraud and corruption involve dishonest or illegal activities, they differ in nature and scope. Fraud primarily focuses on deception and financial gain, while corruption centres around the abuse of power and influence for personal benefit.

The Prevention and Combating of Corrupt Activities Act (PRECCA) of 2004 defines a "corruptor" as any individual who engages in the following acts:

- **Giving gratification:** This involves providing any form of benefit, whether monetary or otherwise, to another person:
- **Accepting gratification:** This refers to receiving any benefit from another person and
- **Offering to give or accept gratification:** This encompasses any attempt or proposal to exchange benefits.

The key characteristic of these actions is that the gratification serves as an "authorised or improper inducement" to influence the recipient's actions or decisions. This implies that the benefit is intended to sway the recipient's conduct in a particular manner, often violating their official duties or ethical obligations.

Such a corruptor could be guilty of an offence. An individual who directly or indirectly demands, accepts, agrees to accept, offers, or agrees to offer any advantage, for their benefit or that of another, is guilty of corruption and is subject to the penalties outlined in Section 35 (1) of the Act (Eswatini Prevention of Corruption Act No.3 of 2006:25).

2.2 FRAUD

Fraud constitutes the intentional and illicit act of misrepresenting facts, resulting in or potentially leading to demonstrable harm to another party (Snyman 2008:531). It is an act of deception targeted at denying the victim's money, information, or property (Rossy & Ribaux, 2020:336). Fraud involves intentionally deceiving another person through false representations or omissions of material facts, to induce them to part with something of value or surrender a legal right (Black's Law Dictionary, 1968: 864).

A defining characteristic of fraud is the deliberate attempt to conceal its occurrence. A bank embezzler, for instance, engages in a more clandestine approach. They misappropriate funds and actively work to obscure their actions through deceptive

accounting practices or the manipulation of financial records. This element of concealment distinguishes fraud from other forms of theft. Therefore, no definitive opinion should be expressed regarding the presence or absence of fraud within a particular environment (Association of Certified Fraud Examiners Manual, 2013:641).

The Association of Fraud Examiners Manual (2013:654) states that fraud encompasses any intentional or deliberate act involving deception or trickery to deprive an individual or entity of property or money, resulting in jeopardy or harm to the victim. Financial statement schemes represent a subset of occupational fraud and abuse, which involves the misuse of one's occupation for personal gain (Fraud Examiners Manual, 2013:79). The concealment of material facts can form the basis for a fraud claim, but only if the defendant had a legal or fiduciary duty to disclose those facts under the specific circumstances of the situation.

To establish fraud based on the concealment of material facts, the following elements must be proven (Association of Certified Fraud Examiners Manual, 2013:657):

- **Knowledge of a significant fact:** The defendant was aware of information that would have materially impacted the other party's decision-making:
- **Obligation to reveal:** The defendant had a legal or ethical responsibility to disclose this information to the other party:
- **Intentional withholding:** The defendant deliberately chose not to disclose the material information and
- **Deceptive intent:** The defendant's primary motive for concealing the information was to deceive the other party and gain an unfair advantage (Association of Certified Fraud Examiners Manual, 2013:657).

Fraud can be prosecuted criminally and civilly, either sequentially or simultaneously. However, it is important to understand the distinctions between these two legal avenues. Certified Fraud Examiners should have a solid grasp of these differences (Association of Fraud Examiners Manual, 2013:651).

2.2.1 Types of Fraud

The Fraud Examiners Manual: International Edition (2013:654) classifies fraud, also known as white-collar crime, into financial institution fraud and occupational fraud. These are broad categories with subcategories nested within.

a) Financial institution fraud

Financial institution fraud is also known as bank fraud (Fraud Examiners Manual: International Edition, 2013:393). Credit card fraud is the most common form of bank fraud. It involves misusing a credit card to make purchases without authorisation or counterfeiting a credit card. Credit card fraud thrives due to the low risk of detection and the uncertainty of prosecution. Retail stores have identified individuals involved in credit card theft but have faced challenges in pursuing legal action due to a lack of cooperation from law enforcement (Fraud Examiners Manual: International Edition, 2013:441).

Credit card fraud encompasses both online and offline methods. Online fraud involves fraudulent transactions conducted through websites, online phone shopping, or card-not-present scenarios where the perpetrator uses the card without the owner's knowledge or consent (Desai & Deshmukh, 2013:2). Offline and online fraud can be committed using only the card's details, without the need for a physical signature or card imprint. Offline fraud involves using a stolen physical card at a storefront or call centre. Online fraud involves using stolen card details to make purchases online. In most cases, the institution issuing the card can lock it before it is used fraudulently (Desai & Deshmukh, 2013:2).

b) Occupational fraud

Occupational fraud is primarily perpetrated by individuals or small groups of individuals who exploit their positions within an organisation. This type of fraud represents a significant category of white-collar crime, encompassing a range of individuals, from business executives and government officials to professionals. These individuals may engage in various forms of misconduct, including embezzlement of funds and theft of company assets (Fraud Examiners Manual, 2013:1344).

Empirical evidence strongly suggests that occupational fraud represents the most significant and widespread category of financial crime worldwide (Occupational Fraud Report, 2022:9). The cited report categorises occupational fraud into three primary types: asset appropriation, financial statements scheme, and corruption. Asset misappropriation, a common type of occupational fraud, can be further subdivided into seven categories may be further classified into seven main categories: billing schemes, cash larceny, cash-on-hand misappropriations, check or payment tampering schemes, fraudulent disbursement schemes, and other asset schemes (Occupational Fraud Report, 2022:10). Next are the different categories of occupational fraud:

Billing scheme: A billing scheme is a fraudulent disbursement scheme where an employee causes their employer to issue a payment by submitting false or inflated invoices (Fraud Examiners Manual, 2013:1344). This can include invoices for:

- **Fictitious goods or services:** The employee creates a fake company or uses a legitimate vendor to submit invoices for goods or services that were never received:
- **Inflated invoices:** The employee submits invoices for legitimate goods or services but inflates the prices or quantities and
- **Personal purchases:** The employee uses company funds to pay for personal expenses by submitting false invoices or charging personal items to the company credit card (Fraud Examiners Manual, 2013:1344).

Cash larceny: Cash larceny, a form of white-collar crime, involves the theft of cash that has already been formally recorded in a company's accounting system. This type of fraud is typically perpetrated by employees with direct access to cash, such as cashiers, bookkeepers, and managers (Fraud Examiners Manual, 2013:1344). Common methodologies include skimming, where cash is diverted before accounting entry, such as a cashier pocketing sales proceeds without registering the transaction (Fraud Examiners Manual, 2013:1344). Cash register manipulation encompasses both direct theft and the manipulation of register records to reflect lower cash receipts. Check tampering involves altering or forging checks to inflate the recorded payment amount. Deposit theft involves the misappropriation of cash intended for bank deposits, often accompanied by false claims of loss or theft.

Cash-on-hand misappropriations: Cash-on-hand misappropriation constitutes occupational fraud wherein an individual employed by an organisation illicitly appropriates physical cash held within the company's premises (Occupational Fraud, 2022:10). This encompasses scenarios such as theft of funds from a company safe, a cash register, or any other designated location for cash storage. Such actions represent a breach of trust and a violation of the fiduciary duty owed by employees to their employers.

Cheque or payment tampering scheme: Check or payment tampering constitutes a fraudulent disbursement scheme, where an individual within an organisation illegally alters or forges cheques or electronic payments drawn on the organisation's bank accounts to misappropriate funds (Occupational Fraud Report, 2022:10). This type of fraud frequently involves the interception of cheques intended for legitimate recipients, such as vendors or employees. Perpetrators often forge authorised signatures, making the cheques payable to themselves or accomplices (Fraud Examiners Manual, 2013:1344). Moreover, cheque or payment tampering involves the alteration of critical check details, including payee names, amounts, or other essential information to divert funds (Occupational Fraud Report, 2022:10). These actions exploit weaknesses in internal controls, such as insufficient segregation of duties or inadequate oversight of payment processes, resulting in significant financial losses for the organisation.

Corruption: Corruption in a business context encompasses a range of dishonest and unethical behaviours that compromise the integrity of an organisation. It involves the abuse of power or position for personal gain, often at the expense of the company and its stakeholders (Occupational Fraud Report, 2022:94). Key characteristics of corruption include a breach of trust, where corrupt actions violate the fiduciary duty employees owe to their employers, prioritising personal interests over the company's well-being. Additionally, individuals in positions of power exploit their influence to manipulate business transactions or decisions for personal gain, demonstrating an abuse of authority (Occupational Fraud Report, 2022:94).

Furthermore, corrupt activities often involve misappropriating company funds or resources for personal benefit, highlighting dishonest enrichment. Common forms of corruption include bribery and kickbacks, where individuals offer or accept bribes or kickbacks in exchange for favourable business deals or decisions (Occupational Fraud

Report, 2022:94). Asset embezzlement is reported to be the easiest fraud to commit, with about 86% of cases reported in this classification (Occupational Fraud Report, 2022:11). However, despite its prevalence, asset misappropriation typically results in the smallest average loss per case, estimated at USD 100,000 according to the same report. Despite the relatively low average loss associated with asset misappropriation, as highlighted in the Occupational Fraud Report (2020:15), this type of fraud still significantly impacts organisations by diverting resources that could otherwise be used to enhance their economic performance and overall success.

According to Akinbowale, Klingelhöfer, and Zerihun (2020:1258), asset embezzlement perpetrators employ deceitful tactics to steal or misuse the organisation's assets, typically of relatively small and less noticeable amounts. Kazemian et al. (2019:449) submit that this type of fraud can involve members of the management team who conceal and misuse resources in a manner that is difficult to detect.

2.2.3 Fraud red flags

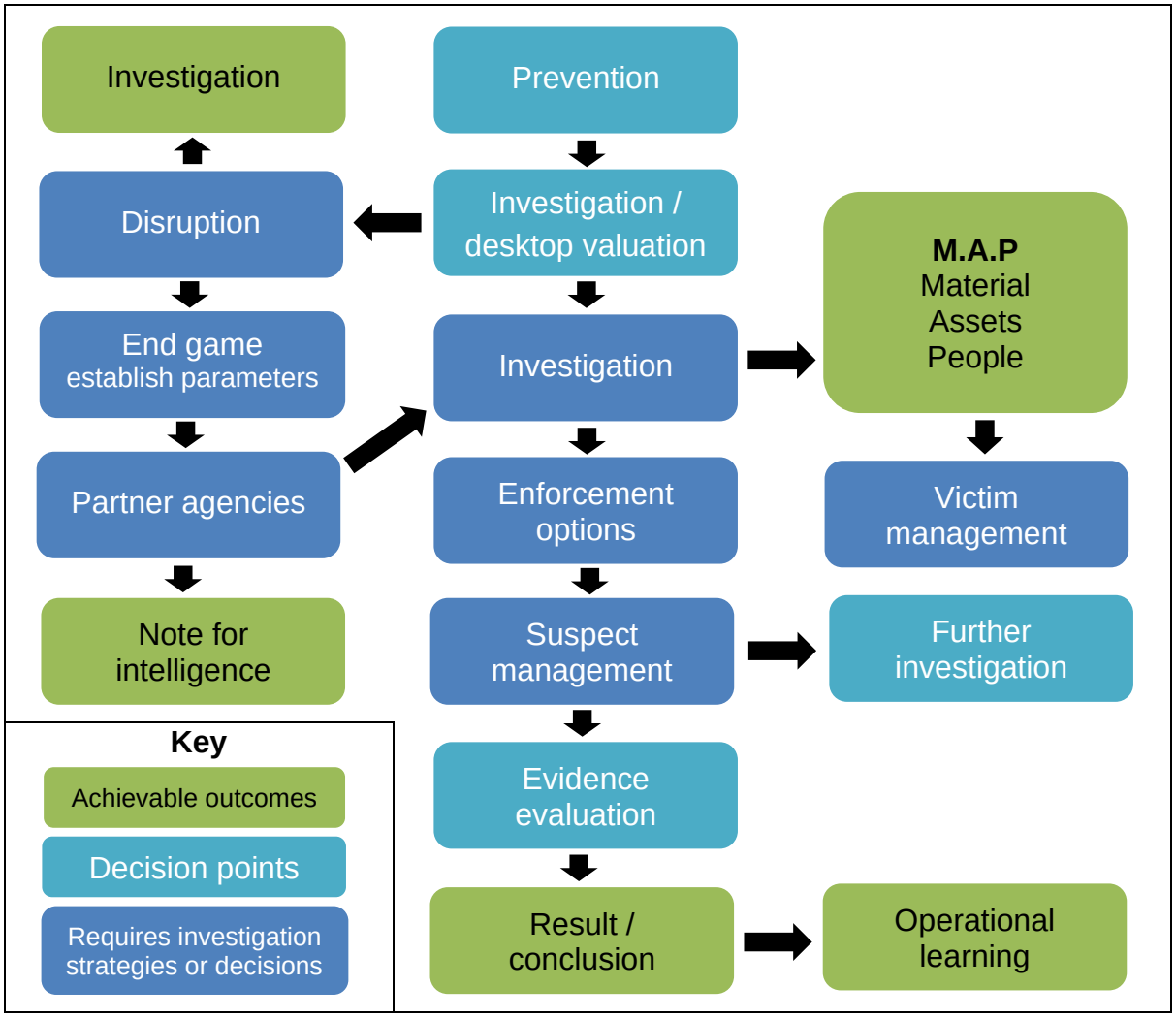
Fraud detection encompasses activities aimed at identifying potential fraud at the time of occurrence, such as issuing alerts and raising red flags. It may also involve subsequent reviews such as data analytics (Boateng, Boateng & Acquah, 2014:43). Taherdoost (2021:19) suggests that fraud detection acts as a deterrent, signalling to possible fraudsters that the organisation is actively monitoring for fraud and that mechanisms are in place to identify misconduct. This awareness can discourage individuals from attempting fraudulent activities due to the fear of being caught and facing potential criminal charges (Dorminey, Fleming, Kranacher & Richard, 2012:51). The red flags indicative of this scheme includes the perpetrator exhibiting signs of lavish spending, reluctance to share duties or take vacations, close relationships with vendors, defensive behaviour, avoidance of eye contact during communication, and potential substance abuse issues (Feess & Timofeyev, 2020:111).

2.3 A FRAMEWORK FOR INVESTIGATING FRAUD

The Fraud Investigation Model (FIM) presents a robust framework for effective fraud investigations (Betts & Clark, 2017:104). Derived from data analysed by the National Fraud Intelligence Bureau (NFIB), this model serves as a structured roadmap, guiding

investigators through the complexities of fraud cases. Unlike traditional approaches, the FIM uniquely integrates considerations for alternative resolutions and sanctions from the outset (Betts & Clark, 2017:107). This proactive approach enhances the overall investigative process and optimises case-building for potential criminal investigations, ensuring a higher likelihood of successful prosecution while reflecting the gravity of the offences (Venegas & Betts, 2021:663).

Figure 1: The Fraud Investigation Model



(Source: Betts & Clark, 2017:107)

As illustrated in Figure 1, a crucial aspect of the FIM lies in its cyclical nature. While the model provides a sequential framework, it emphasises continuous assessment and adaptation throughout the investigation. A key focus within this iterative process

involves prioritising victim support and implementing proactive measures to prevent future occurrences of the identified fraud (Betts & Clark, 2017:107).

3.2.1 Strengths of the Fraud Investigation Model

The FIM offers several key advantages in combating fraud:

- **Deterrence of further criminal activity:** By limiting the initial success and duration of fraudulent schemes, the FIM discourages perpetrators from expanding their criminal operations into new ventures (Betts, 2023:14).
- **Enhanced interagency collaboration:** The model fosters greater cooperation and information sharing among law enforcement and investigative agencies, facilitating the disruption of fraudulent activities (Venegas & Betts, 2021:665).
- **Emphasis on prevention:** The FIM prioritises proactive measures to prevent fraud from occurring in the first place, thereby minimising potential losses and harm to victims (Betts, 2023:15).
- **Structured and victim-centric approach:** The model provides a logical framework for conducting fraud investigations, supporting the needs and interests of the victims (Betts & Clark, 2017:107).
- **Earlier intervention and enforcement:** The FIM enable law enforcement agencies to identify and address fraudulent activities early, allowing for more timely intervention and enforcement actions (Betts, 2023:17).
- **Reduced harm and financial loss:** By facilitating early detection and intervention, the FIM minimises the duration of harm and financial loss experienced by fraud victims (Betts & Clark, 2017:107).
- **Improved efficiency and resource utilisation:** The model streamlines the investigative process, reducing the time and resources required by law enforcement agencies for data gathering and initial investigation (Venegas & Betts, 2021:665).

2.4 CORRUPTION

The efficacy of even the most well-designed legal framework in fostering a just and prosperous society is contingent upon eradicating systemic corruption. A pervasive corruption culture undermines governmental efforts to establish equitable and flourishing conditions for its citizenry (Snyman, 2008:409). Corruption entails a reciprocal exchange between two entities: a benefactor and a beneficiary. The benefactor confers a benefit (gratification) upon the beneficiary with the express intention of influencing the beneficiary's subsequent actions. Corruption is thus inherently collaborative, with both the benefactor and the beneficiary being deemed complicit in the transgression (Snyman, 2008:412).

Corruption is abusing professional influence for personal gain, breaching their fiduciary duty to their employer. This frequently involves instances of bribery or conflicts of interest. The term “corruption” encompasses a diverse spectrum of illicit activities to gain an unfair advantage (Occupational Fraud Report, 2022:10). These activities may include bribery, kickbacks, illegal gratuities, economic extortion, and collusion. Fundamentally, corruption involves the illegitimate exploitation of influence to acquire benefits for oneself or another, in contravention of the duties and rights of others. The multifaceted nature of corruption, often characterised by the synergistic interplay of various forms, enhances the efficacy of such schemes while simultaneously complicating their detection and mitigation (Fraud Examiners Manual, 2013:261).

The development of the internet has facilitated the evolution of financial crime from traditional methods to online and hybrid (a combination of online and traditional) approaches (Kemp et al., 2021:483). An individual who engages in the act of offering, giving, accepting, or soliciting any form of gratification, intended as an unauthorised or improper inducement to influence the actions or inactions of another, shall be deemed to have committed the offence of corruption (The Prevention and Combating of Corrupt Activities Act of South Africa, 2004:28). Corruption involves the misuse of public power to benefit private interests, rather than serving the public good (Castillo, 2018:66). As espoused by Joseph et al. (2020:884), corruption includes a broad range of actions, from nepotism, soliciting, extortion, and embezzlement and bribery (administrative corruption). Common red flags of corruption, particularly concerning conflicts of interest, as identified in the Occupational Fraud Report (2022:58), include:

- An unusually high frequency of transactions to a specific vendor: and
- Inadequate segregation of duties in contract assignment and invoice approval processes, increasing the risk of fraud and errors.

Additionally, warning signs that may signal potential bribery incidents include:

- A significant change in an employee's lifestyle: and
- The discovery of undisclosed relationships with vendors or clients

The warning signs associated with economic extortion are often like the red flags for bribery. Corruption is rife in environments with favourable institutional conditions (Castillo, 2018:66). This means incentives, largely shaped by formal political institutions, encourage unethical behaviour. Bribery and kickback schemes are common forms of corruption that warrant further discussion.

2.4.1 Bribery

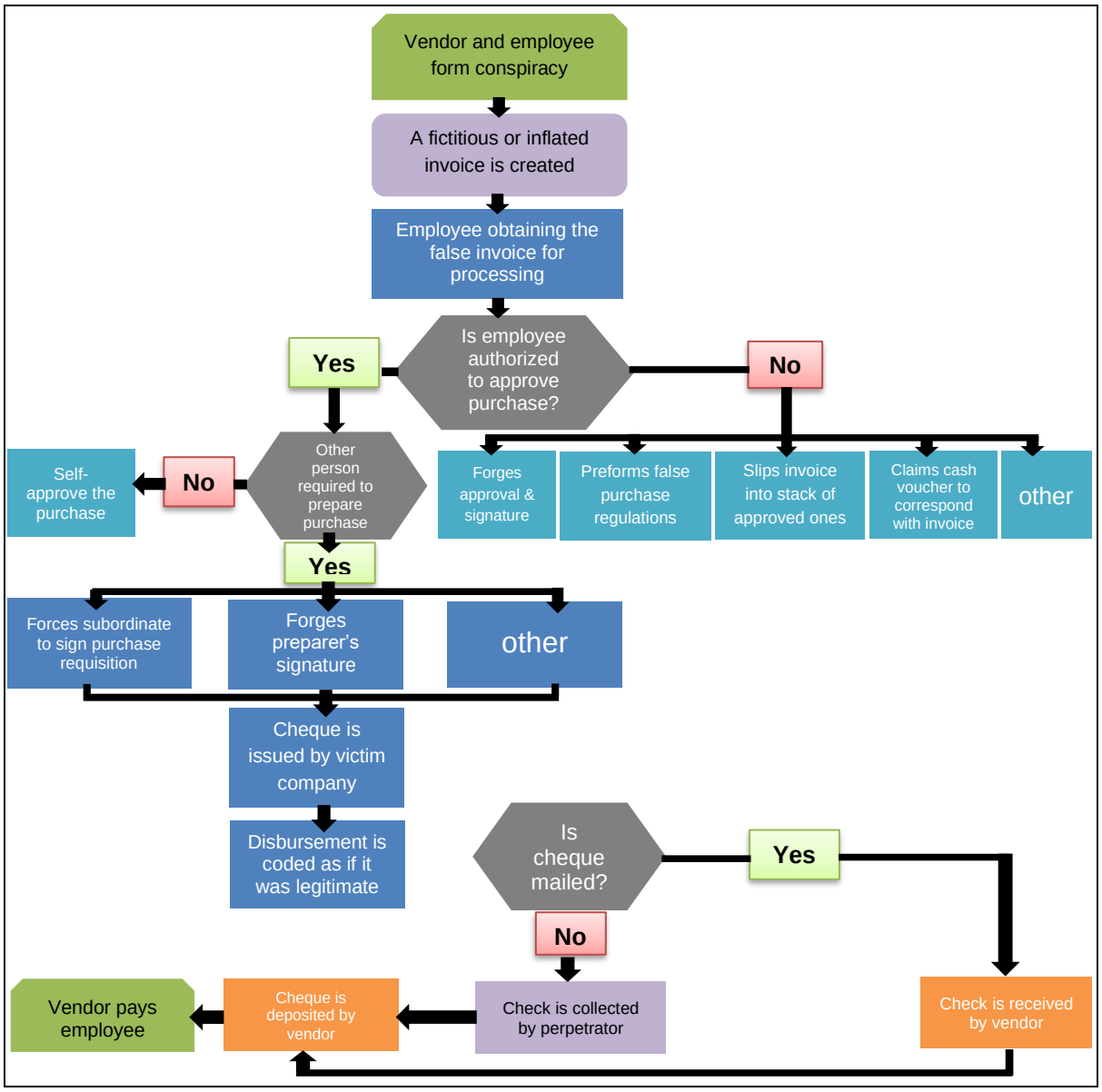
Bribery is offering, giving, receiving, or soliciting corrupt payments, including items of value to influence an official action or a business decision (Fraud Examiners Manual, 2013:262). Notably, the scope of bribery extends beyond direct monetary or material exchanges. Official bribery specifically targets the corruption of public officials to influence their official governmental actions. The concept of "official act" originates from traditional bribery statutes that primarily address payments aimed at influencing the decisions of government agents or employees (Fraud Examiners Manual, 2013:262). Conversely, commercial bribery focuses on the corruption of private individuals to secure a commercial or business advantage. In commercial bribery schemes, the objective is to influence a business decision by offering something of value, distinct from the primary focus of official bribery, which centres on influencing official acts (Fraud Examiners Manual, 2013:262).

2.4.2 Kickback schemes

Bribery frequently manifests as kickbacks, a modality of negotiated bribery wherein a commission is paid to the recipient in exchange for the provision of specific services. Consequently, kickbacks represent illicit, undisclosed payments intended to secure preferential treatment.

The kickback scheme is illustrated in Figure 2, which follows.

Figure 2: The anatomy of a kickback scheme



(Source: Fraud Examiners Manual (2013:263)

Figure 2 illustrates a kickback scheme where a purchasing agent, colluding with a supplier, diverted orders to a company owned by the supplier. In exchange, the supplier paid the purchasing agent a significant portion of the profits. Typically, these schemes do not involve overbilling. Instead, the vendor pays kickbacks to the fraudulent employee to secure a consistent flow of business from the purchasing company. Within the governmental context, kickbacks encompass the exchange of

any valuable consideration to acquire or reward favourable treatment about a government contract (Fraud Examiners Manual, 2013:263).

2.5 FORENSIC INVESTIGATION

The forensic investigation involves a meticulous and in-depth inquiry, utilising specialised skills, knowledge, and scientific techniques to uncover, collect, prepare, identify, and present evidence that can be admissible in a court of law, disciplinary hearing, or corporate investigation. The goal is to establish the truth through a rigorous and lawful process (Zinn & Dintwe, 2016:19). Forensic investigation surpasses traditional investigation methods by incorporating scientific analysis of evidence to uncover the truth.

The term “forensic” is derived from the Latin word “forensis,” meaning “of or belonging to a forum or public discussion” (Bartol & Bartol, 2008:3). In modern usage, it refers to the application of scientific methods to legal matters, both civil and criminal. Criminal investigations are “the collection of information and evidence for identifying, apprehending, and convicting suspected offenders” (Greene, 2007:771). Zinn and Dintwe (2016:2) point out that forensic investigation is a recognised science. Natural and human sciences are crucial in solving crimes or incidents. While natural sciences, such as DNA analysis, provide scientific evidence, human sciences contribute through psychological profiling, behavioural analysis, and other techniques that help understand human behaviour and motivations.

While the establishment of investigative capabilities within governmental and private entities is commonplace, the precise classifications, responsibilities, and operational frameworks of these investigators frequently lack clear and standardised guidelines (Zinn & Dintwe 2016:15).

The term “statutory investigator” typically refers primarily to an investigator who has been formally appointed under a specific law or statute to investigate matters outlined within that legislation (Zinn & Dintwe, 2016:16). Electronic forensic investigation is the process of collecting electronic evidence from communication technologies comprising four main phases: seizure of devices, data acquisition, data assessment, and reporting. According to Sikos (2021:1), the challenges in digital forensics stem

from various factors, including the complexity of network resources, the diversity of data structures used in transmission, the prevalence of encryption schemes, online account permissions, data ownership issues, and the increasing reliance on cloud storage. There are three main methods of collecting electronic evidence in cybercrime investigations: digital forensics, online investigations, and data mining (Horan & Saiedian, 2021:580). Each method uses techniques and technologies to gather electronic evidence and build a case against the offender.

a) Data mining

Bhowmik (2008:35) defines data mining as searching the web for information and organising this information into a report for investigation purposes. The information gathered through data mining enables investigators to identify the identities and/or events relevant to a cyber investigation and the relationships between them. There are five categories of data mining techniques which include, information extraction, social network analysis, computer vision, and machine learning (Oatley, 2022:9). Natural language processing and social network analysis are the most used data mining techniques for investigation (Bergman & Popov, 2022:22).

b) Information extraction

The Association of Chief Police Officers (ACPO) of England, Wales and Northern Ireland (2012:37) emphasises the importance of a collaborative approach between investigators and digital forensic units. This collaboration should result in the creation of a comprehensive digital extraction/examination plan. This plan serves as a roadmap for the digital forensic process, outlining the specific objectives and procedures to be followed (ACPO, 2012:37). The evidential picture and investigative priorities must evolve throughout the investigation. Therefore, the plan must be regularly reviewed and adjusted to accommodate these changes, ensuring that the digital forensic examination remains focused and relevant to the ongoing investigation.

c) Social Network Analysis

The rise of social media platforms has provided a fertile ground for studying user behaviour through social network analysis. This discipline analyses user interactions,

including likes, comments, and shares (Can et al., 2014:295). These interactions create a complex web of relationships within the network. By analysing these interactions, researchers can:

- Identify influential users and key opinion leaders.
- Understand how information flows and how influence spreads.
- Observe the formation and evolution of social groups.
- Gain insights into the dynamic nature of social networks (Can et al., 2014:295).

d) Computer Vision

Image-based solar forecasting utilises computer vision techniques to predict solar energy production by analysing celestial features extracted from spatial data acquired by remote sensing devices, including satellite imagery and ground-based imagers (Acharjya, Koley, & Barman, 2024:32). While computer vision plays a crucial role in online social media due to its efficacy and user acceptance, the presence of bias remains a significant concern. Tchakounte (2024:33) emphasises the need to shift the focus beyond mere bias detection and prioritise the development of robust frameworks and comprehensive datasets to quantify the biases inherent in social media-based vision models.

e) Machine Learning

Machine learning offers significant potential to enhance criminal investigations. Key applications include predictive policing, fraud detection, image/video analysis, text analysis, DNA analysis, cybercrime investigation, speech analysis, case prioritisation, intelligence analysis, and resource allocation (Acharjya et al., 2024:72). By analysing vast datasets, machine learning algorithms can identify patterns, predict future events, and assist in evidence gathering, ultimately improving investigative efficiency and potentially preventing crime (Acharjya et al., 2024:72). However, the ethical implications of deploying these technologies, including issues of bias, privacy, and transparency, must be carefully considered and addressed to ensure their responsible and equitable use. The foundational stages of machine learning encompass data acquisition and pre-processing, feature engineering, model selection, and model validation (Acharjya et al., 2024:72).

2.5.1 Digital Forensics

Digital forensics constitutes the scientific discipline of acquiring, analysing, and interpreting digital evidence from various electronic devices, including computers, mobile phones, and servers to support legal investigations (Horan & Saiedian, 2021:580). This field encompasses a range of methodologies, technologies, and frameworks utilised by forensic experts to uncover and present digital data in a legally admissible manner. While traditionally categorised into distinct sub-disciplines such as host, mobile, network, and cloud forensics, the increasingly interconnected nature of modern digital environments necessitates a more holistic approach, recognising the growing overlap between these areas (Horan & Saiedian, 2021:580).

a) Host forensics

Network data constitutes a critical evidentiary source in incident response investigations. By providing valuable insights into network activities, it corroborates or contradicts hypotheses formulated during the forensic examination of individual host systems (Easttom, 2021:198).

Network data can enhance incident investigations in the following ways (Bird, 2022:371):

- **Identifying the source and destination of attacks:** Network data reveals the origin and target of malicious activities, such as intrusions, data exfiltration, or denial-of-service attacks (Khan & Ali, 2021:602). This information helps pinpoint the source of the attack and trace its path through the network:
- **Tracking the movement of data:** By analysing network traffic, investigators can track the movement of sensitive data across the network, identifying potential data breaches or unauthorised access (Bird, 2022:371):
- **Correlating events:** Network data can be correlated with host-based evidence to create a comprehensive timeline of events, providing a more accurate picture of the incident (Easttom, 2021:203). For example, network logs might show a suspicious simultaneous connection of an unusual event on a specific host:

- **Identifying anomalies:** Network data analysis can reveal unusual patterns or deviations from normal network behaviour, such as spikes in traffic, unexpected connections, or unusual protocols (Easttom, 2021:204). These anomalies can be indicators of malicious activity: and

- **Recovering deleted data:** Network traffic may contain remnants of deleted files or data transmitted over the network. This can be valuable evidence in cases where data has been intentionally erased from a host (Bird, 2022:371).

By combining network with host forensics, investigators can gain insight into the incident, identify the root cause, and gather evidence to support their findings.

b) Mobile forensics

The ACPO (2021:31) recognises the evolving landscape of mobile technology. They define “mobile devices” as gadgets with wireless connectivity or communication capabilities. This inclusive definition acknowledges the increasing prevalence of devices like tablet computers and satellite navigation systems, which, despite not being solely designed for voice calls, possess functionalities that can be relevant to criminal investigations (ACPO, 2021:31). By recognising the broader spectrum of devices that fall under this category, ACPO ensures that investigative procedures remain adaptable and comprehensive in the face of rapidly advancing technology.

c) Network forensics

Network forensics has become increasingly critical in domestic and corporate environments due to the pervasive nature of computer networks (Bird, 2022:269). In domestic settings, networks typically revolve around broadband internet connections, often facilitating the creation of small, internal wireless networks within the household (ACPO, 2012:23). This interconnectedness, while offering convenience, also introduces potential security vulnerabilities. Network forensics in this context involves the scientific examination of network traffic, logs, and other digital evidence to investigate cybercrimes, such as unauthorised access, data breaches, or online harassment, within the domestic sphere (Bird, 2022:274).

In corporate settings, network forensics are crucial in maintaining data security and investigating cyber threats. Complex corporate networks encompass various interconnected devices, including servers, workstations, and mobile devices (ACPO, 2012:23). Network forensics in this environment focuses on analysing network traffic patterns, identifying malicious activity, and reconstructing the timeline of events surrounding cyberattacks (Khan & Ali, 2021:602). This information is vital for incident response, threat intelligence gathering, and legal proceedings.

The increasing reliance on interconnected devices and the growing sophistication of cyber threats necessitates a robust understanding of network forensics in domestic and corporate settings (Bird, 2022:275). By effectively analysing network data, investigators can identify vulnerabilities, mitigate risks, and ensure the integrity and security of digital information.

d) Cloud forensics

Cloud forensics is a specialised field within digital forensics focusing on investigating the criminal activity or security breaches occurring within cloud computing environments. This involves systematic collection, analysis, and preservation of digital evidence from cloud-based systems to identify perpetrators, understand the nature of the incident, and support legal proceedings (Gorecki, 2020:115). The ACPO (2012:34) highlights the pervasive influence of digital technology in contemporary investigations, citing the proliferation of technological devices, the rise of virtual storage platforms, the emergence of cloud computing services, and the convergence of mobile and traditional computing technologies. This technological evolution has resulted in a digital component becoming integral for most investigative endeavours. Gorecki (2020:115) emphasises heterogeneous digital evidence acquisition in cloud computing environments, noting significant variations across cloud service providers. The specific types of data accessible to incident responders are contingent upon the services provisioned by the cloud provider.

2.5.2 Online Investigation

Online investigations encompass the systematic collection, organisation, and analysis of digital information online. These investigations are undertaken by law enforcement

agencies, cybersecurity professionals within private and public sectors, and duly authorised individuals (Horan & Saiedian, 2021:580). Dlamini and Mbambo (2019:6) contend that many computer-related investigations encounter challenges due to critical errors committed during the initial stages of the investigative process. These errors, including the neglect, destruction, compromise, or mishandling of crucial digital evidence, can have severe consequences for the investigation, potentially leading to the loss of critical leads, the dismissal of evidence in court, and the overall failure of the investigative endeavour (Dlamini & Mbambo, 2019:6).

Conversely, the successful prosecution of criminal offences by law enforcement agencies relies on the availability of sufficient *prima facie* evidence. The absence of such evidence may significantly impede the prosecution's ability to secure a conviction against the accused (Kader & Minnaar, 2015:72). Additionally, organised and ambitious criminals exploit the internet to evade traditional criminal intelligence methods, collaborate with other criminal networks, and engage in a wide range of criminal activities (Hunton, 2011:107). The primary method for gathering information in online investigations is open-source intelligence (OSINT). The OSINT involves collecting and analysing data from publicly accessible sources, including newspapers, social media, and other publicly available information.

2.5.3 Data mining

Data mining is a technique of applying sophisticated algorithms to extract and analyse large datasets, uncovering hidden patterns, anomalies, and insights within both structured and unstructured data for investigation purposes (Bhowmik, 2008:35). The information gathered through data mining enables investigators to identify the identities and/or events relevant to a cyber investigation and the relationships between them. There are five categories of data mining techniques which include information extraction, social network analysis, computer vision, and machine learning (Oatley, 2022:9). Natural language processing and social network analysis are the most used data mining techniques for investigation (Bergman & Popov, 2022:22).

2.6 EVIDENCE

Investigators must remain vigilant for potential intimidation of witnesses, even if they initially appear unaffected (Smith, 2011:42). Subsequent events in the criminal process may induce fear and distress, making them eligible for special protective measures. The systematic collection and rigorous analysis of information and evidence constitute fundamental practices across all investigative disciplines, serving as the cornerstone of virtually every investigative endeavour (Zinn & Dintwe, 2026:26). The *onus or burden proof* is a legal concept referring to the duty of one party to convince the court of the validity of their claim or defence (Zeffertt & Paizes, 2010:13). Similarly, Glassman, and Mudigere (2017:36) point out that before meeting with fact witnesses, the attorney should be knowledgeable of the applicable documented facts of the case. When the court determines that specialised knowledge would assist the trier of fact in comprehending evidence or resolving a disputed fact, a qualified expert witness may offer expert testimony in the form of opinions or other relevant information (Wiley, 2006:255).

The cybercrime investigation procedure outlines how to find the evidence and perpetrators and to prove that a crime has occurred (Leppänen & Kankaanranta, 2017:198). Electronic forensic investigation entails collecting electronic evidence from communication technologies and comprises four main phases: seizure of devices, data acquisition, data assessment, and reporting. Sikos (2021:1) contends that the challenges in digital forensics stem from various factors. These include the complexity of network resources, the diversity of data structures used in transmission, the prevalence of encryption schemes, online account permissions, data ownership issues, and the increasing reliance on cloud storage.

In a civil case, the proper approach to the false evidence of a party is whether, on a balance of probabilities, the essential features of his evidence are true (Zeffert & Paizes, 2009:38). An expert’s opinion may be based on their knowledge or facts presented by other witnesses. Therefore, a doctor may testify that they examined an individual (X) and, based on the observed symptoms, concluded (inferred) that the individual was suffering from pneumonia. Alternatively, the doctor may testify that they heard about the individual's symptoms and, assuming the information to be accurate, infer a diagnosis of pneumonia (Zeffert & Paizes, 2009:105).

The burden of proof requires the party bearing it to provide sufficient evidence to satisfy the court's required standard of proof. All evidence requires the trier of fact to engage in inferential reasoning. In a murder trial, for instance, a witness's testimony regarding the accused's actions must be carefully evaluated. The trier of fact must consider the witness's credibility, their opportunity to observe the event, the potential for human error, and any potential bias or motive (Zinn & Dintwe, 2016:123). These inferences, relating to the truth of the testimony, are common in all cases where evidence is led (Zeffert & Paises, 2010:23). A robust corporate fraud response plan can deter potential fraudsters, minimise losses, and enhance an organisation's market reputation and integrity (Jarrett & Choo, 2021).

2.7 DISPUTED DOCUMENTS

Disputed documents encompass documents that necessitate a meticulous scientific examination of their physical characteristics. Such examinations are crucial in cases involving alleged fraud, forgery, or the need to establish or refute authorship of handwriting (Zinn & Dintwe, 2016:123). By analysing documents, bank notes, or legal documents, examiners can uncover and verify facts related to these materials, including the composition of ink, paper, and toner from devices such as fax machines or photocopiers (Zinn & Dintwe 2016:123).

A party may admit the content of a document, even without personal knowledge. However, the weight assigned to such an admission will depend on the proved facts (Zeffert & Paizes, 2009:129). During fraud investigations, forensic accountants routinely acquire documentary evidence. A thorough understanding of the evidentiary value, preservation protocols, and appropriate presentation methods for such evidence is paramount for investigation success (Fraud Examiners Manual, 2013:868). Any individual familiar with a person's handwriting is competent to identify it. This familiarity may be gained through direct observation, receiving documents purportedly as their handwriting, or by the person, or encountering such documents in the ordinary course of business (Zeffert & Paizes, 2009:107).

The fundamental principle of evidence law dictates that, in general, the content of a document can only be proven by presenting the original document itself. The most compelling evidence is typically a title deed or a relevant entry from the Registrar of

Deeds. Alternatively, secondary evidence, as permitted by statute, may be admissible. Similarly, to prove the authority granted by a license, the original document must be presented unless a statutory exception allows for the admissibility of a copy (Zeffert & Paizes, 2009:127). While the courts have not explicitly defined "document" in the context of forgery, the term encompasses a range of items, including cheques, receipts, promissory notes, bonds, general dealers' licences, and academic certificates (Snyman, 2008:541).

2.8 CHALLENGES OF CYBERCRIME INVESTIGATION

The absence of a standardised cybercrime investigation framework for law enforcement has resulted in a diverse range of practices and procedures being adopted across the field (Hunton, 2012:227). According to Zinn and Dintwe (2016:123), cybercrime is often misunderstood and under-investigated. This is partly due to its complex nature and the specialised skills required to conduct effective investigations. To address this, law enforcement agencies and organisations must invest in training and resources to equip investigators with the necessary expertise (Georgiev, 2019:158).

Hunton (2011:64) posits that despite the continuous developments in cybercrime investigation models, cybercrime investigators still face several challenges.

According to the cited author, the challenges are attributed to highly sophisticated techniques and rapidly revolving technology creates criminal opportunities for cybercriminals. For example, transnational crimes, such as credit card fraud, have evolved significantly due to the rise of online transactions. Criminals now exploit stolen credit card information to create botnets or bot credit cards, enabling them to perpetrate online shopping fraud rather than solely focusing on direct monetary theft.

As espoused by Hunton (2011:64), the common challenges in cybercrime investigation include:

- **Lack of universal definition and classification:** Different jurisdictions have varying definitions and classifications of cybercrimes, hindering international cooperation:

- **Underreporting:** Many cybercrimes go unreported, making it difficult to assess the true scale of the problem:
- **Global nature and mass victimisation:** Cybercrimes can have a global impact, affecting many victims worldwide:
- **Jurisdictional issues:** Determining jurisdiction can be complex, especially in transnational cybercrimes:
- **Evidence acquisition and preservation:** Acquiring and preserving digital evidence from distributed and volatile systems poses significant challenges:
- **Evidence presentation:** Presenting complex technical evidence clearly and understandably to legal professionals and juries can be difficult:
- **Rapid technological evolution:** The ever-changing technological landscape requires constant adaptation and skill development: and
- **Skill and knowledge gap:** A shortage of skilled cybercrime investigators and analysts can hinder effective investigations (Hunton, 2011:64).

Effective cybercrime investigations require trained investigators and prosecutors who understand electronic evidence. These investigators must also possess a deep understanding of the legal complexities involved in successfully prosecuting cybercrime cases (Brown, 2015:65). On the other hand, Johnson, Faulker, and Wilson (2020:416) note that the cybercrime investigation field lacks adequate training that addresses the explicit complications connected with online deployment. Similarly, Buono (2016:352) observes a significant lack of specialised training for judges and prosecutors in cybercrime, hindering their ability to comprehend and adjudicate complex digital evidence and associated legal issues necessitating knowledge and expertise.

Another significant challenge is the lack of adequate training for law enforcement and judicial personnel in preserving, utilising, and analysing digital evidence (Velosco, 2015:334). This knowledge gap hinders effective investigations and prosecutions, particularly in cross-border cybercrime cases. Jordan (2019:35) highlights that while significant international research has identified essential knowledge, skills, and

abilities of competent cybercrime investigators, many investigators still lack fundamental investigative skills. Moreover, Ajayi (2016:11) laments the lack of worldwide consensus on the legal definition of cyber offences and the types of conduct that exacerbate cybercrime investigation challenges. Buttressing the point, Irwin and Turner (2018:305) posit that law enforcement fails to differentiate between illicit and licit transactions in the blockchain during cryptocurrency investigations.

2.9 CHAPTER SUMMARY

The literature review indicates that fraud and corruption pose significant global challenges. These crimes often go undetected due to their complex nature and sophisticated techniques. A comprehensive understanding of fraud and corruption types, red flags, and investigative techniques is essential. Forensic investigations, including digital forensics, are crucial in uncovering and analysing evidence related to these crimes. However, challenges such as the evolving nature of cybercrime, the lack of standardised investigative frameworks, and the need for specialised expertise hinder effective investigations. Law enforcement agencies and judicial systems must stay updated with the latest technological advancements and invest in training and capacity building for investigators and prosecutors. By strengthening investigative capabilities and international cooperation, it is possible to mitigate the impact of these crimes and bring perpetrators to justice.

CHAPTER THREE: LEGISLATIVE FRAMEWORK IN FRAUD INVESTIGATION

3.1 INTRODUCTION

This chapter explores the investigative processes and legal frameworks employed by law enforcement agencies in addressing fraud and corruption. Regarding Eswatini, the study context, the chapter examines the legislation that empowers LEA to investigate and prosecute fraud and corruption. Legislation delves into the specific laws governing the powers and duties of these agencies. The chapter emphasises the significance of global standards established by the Financial Action Task Force (FATF), which mandate that jurisdictions implement robust measures to counter criminal activities, including money laundering and terrorism financing. These standards aim to ensure technical compliance with international regulations and effective implementation of these measures within each jurisdiction.

3.2 CRIMINAL INVESTIGATION IN ESWATINI

In Eswatini, fraud, and corruption cases are investigated by the REPS and the ACC. The Police Act of 2008 and the Prevention of Corruption Act of 2006 are legislations relating to the two authorities in dealing with commercial crime. Section 9 of the Police Act of 2008 empowers the REPS to investigate crime, which includes fraud. Section 10 of the Prevention of Corruption Act of 2006 empowers the ACC. Section 10 (1) highlights the practices and procedures of public and private bodies that may facilitate corrupt practices. The Commissioner can investigate these practices and recommend necessary revisions to prevent future corruption.

The Police Act, Section 9 (1), mandates that the Royal Eswatini Police Service (REPS) maintain a full-time operational presence throughout the Kingdom of Eswatini. The REPS is tasked with fulfilling a range of critical responsibilities, including:

- Safeguarding life and property.
- Proactively preventing, investigating, and detecting criminal activities.
- Gathering and analysing intelligence relevant to maintaining public peace and security within the State.

These responsibilities underscore the REPS' crucial role in ensuring the safety and well-being of the Eswatini citizenry. In commercial crime investigations, such as fraud and corruption, law enforcement agencies are responsible for the meticulous collection of evidentiary material and the lawful apprehension of suspects when investigative procedures necessitate such action.

3.3 CRIMINAL INVESTIGATION AND THE CONSTITUTION

Section 21 of the 2005 Constitution of the Kingdom of Swaziland (henceforth referred to as the Constitution) enshrines the right to a fair and expeditious public trial. This provision mandates that individuals facing civil or criminal proceedings receive a timely adjudication by an independent and impartial judicial body established by law. As the supreme legal document, the Constitution holds primacy over all other legislation, including those about the LEA. Section 57 of the Act, under subsection one, states that the LEA consistently adheres to its legal mandate of safeguarding all individuals from unlawful acts. This duty is fulfilled with professionalism commensurate with the agency's responsibilities. In section 189, the Constitution states that the REPS shall be responsible for preserving peace, preventing and detecting crime, and apprehending offenders.

3.4 FRAUD INVESTIGATION

The REPS is established by the Eswatini Police Act number 22 of 2018, Section 9, which provides for the establishment and administration of the REPS, the appointment of a Police Service Commission, the appointment of and discipline of police officers, the establishment of such necessary funds and other incidental matters. Section 9 of the Act stipulates that a police officer prevents, investigates, and detects crime. Moreover, section 13(1) of the Act further outlines the general powers and duties of police officers. The section states that every police officer shall collect, preserve, and submit evidence, manually, electronically, and by other acceptable or admissible means, connected with crime or intelligence to the National Commissioner, courts, or other institutions and authorities. This includes any information related to corruption and fraud that happens within Eswatini.

Additionally, Section 22(a) of the Eswatini Criminal Procedure and Evidence (CP&E) Act, number 67 of 1938 (as amended), states that law enforcement officers are authorised to arrest without a warrant, individuals who:

- Commit an offence in their presence
- Are reasonably suspected of committing serious offences listed in Part II of the First Schedule: and
- Are attempting to commit an offence or manifesting an intent to do so

When conducting investigations, police officers are empowered to request the book of accounts and documents related to the crime. Section 49b (1) of the CP&E Act empowers the court to issue an order requiring the production of books, documents, records, or other relevant items to the police for criminal investigation purposes, upon application by a police officer and subject to court-imposed conditions. These relevant Acts empower law enforcement agencies to conduct thorough investigations into fraud and corruption cases in Eswatini.

3.5 INVESTIGATION OF CORRUPTION

The Eswatini Prevention of Corruption Act 3 of 2006, established the ACC, empowering it to investigate and prosecute corrupt activities. Moreover, the Act provides for other matters incidental to preventing corruption. For instance, Section 10(1)(a) of the Act outlines the Commission's functions, including:

- **Examining practices and procedures:** Investigating public and private sector practices and procedures to identify potential vulnerabilities that could lead to corruption: and

- **Advising corruption prevention:** Providing guidance to public and private bodies on effective prevention measures and recommending necessary changes to their work methods or procedures.

Section 11(1) of the Act outlines the Commission's powers, including:

- **Authorising investigations:** The Commissioner can authorise Commission officers to conduct inquiries or investigations into suspected or alleged corruption offences.

- **Requiring information and documents:** The Commissioner can compel public officers or individuals to provide information relevant to an investigation.

The Prevention of Corruption Act 3 of 2006 outlines a comprehensive range of corruption offences, including:

- Impersonation and procurement of officers:
- Obstructing the commissioner:
- Bribery:
- Contract and tender-related offences:
- Corrupt transactions with public or private bodies:
- Cheating public revenue:
- Auction-related offences:
- Conflict of Interest:
- Corrupt transactions with agents:
- Corruption involving law officers and public prosecutors:
- Corruption involving witnesses:
- Corruption involving politicians:
- Corruption involving sporting events:
- Corruption involving gambling and games of chance:
- Corruption involving judicial officers: and
- Possession of property of unknown origin.

These provisions aim to address various forms of corruption and ensure accountability within the public and private sectors.

Section 12(1) of the Prevention of Corruption Act of 2006 grants the ACC significant investigative powers. It allows the Commissioner to authorise investigation officers to investigate the acquisition of property, both domestically and internationally, by

individuals suspected of corruption. This power enables the ACC to delve into the financial dealings of individuals to uncover potential corruption and illicit enrichment.

Section 13 of the Prevention of the Corruption Act prescribes the powers of law enforcement members to enter, search, and arrest suspects where a crime is suspected to have been committed or is about to be committed. Section 13(2) of the Prevention of Corruption Act of 2006 grants the ACC significant investigative powers. It allows authorised investigators or officers to:

- **Search and arrest:** Search any person or premises and arrest individuals suspected of committing corruption offences: and
- **Seize property:** Seize any property found on-premises or individuals believed to be connected to the offence.

These powers enable the ACC to conduct thorough investigations and gather evidence to support prosecutions.

3.5.1 Fraud and corruption as predicate offences

According to the Eswatini Prevention of Organized Crime Act, 2018 (Act No. 11 of 2018), fraud and corruption are listed as predicate offences for money laundering in the Kingdom of Eswatini. The Act aims to combat organised crime, criminal gang activities, and racketeering. It also provides for asset forfeiture and the establishment of a Criminal Assets Recovery Fund and Committee. The Act was enacted by the King and the Parliament of Eswatini. Accordingly, if assets were obtained through illegal means, including fraud and corruption, they are subject to forfeiture as proceeds of crime after a conviction was secured through the courts.

3.6 THE RIGHTS OF A SUSPECT

The Constitution Act number 1 of 2005, under Section 14 outlines the fundamental rights and freedom of an individual and all law enforcement agencies are expected to conduct investigations in line with the provisions of the constitution. Section 1 of the Constitution enshrines fundamental human rights and freedoms, including the right to life, liberty, a fair hearing, equality before the law, and equal protection.

In Section 40 of the Eswatini CP&E Act 67 of 1938 (as amended), every person suspected to have committed a crime must be treated with humanity. The section outlines the process and procedure to be followed when making an arrest on a suspect and how the person arrested is to be searched while taken into lawful custody. Section 40 of the Act outlines the procedures for arrest:

a) **Physical apprehension:** A peace officer or authorised person must physically touch or confine the individual to be arrested unless they voluntarily submit to custody.
b) **Search upon arrest:** A peace officer or authorised person can search the arrested individual and seize any items found on them, except for necessary clothing.
c) **Search of female arrestees:** If a woman is arrested, the search must be conducted by a female officer with due regard to decency.

3.7 INTERNATIONAL FINANCIAL CRIME STANDARDS

Eswatini is part of the East and Southern Anti-money Laundering Group (ESAAMLG) which is a global body responsible for ensuring that countries put measures in place to ensure that jurisdictions are not fertile grounds for Money Laundering (ML) and Terror Financing (TF). According to the Mutual Evaluation Report (MER) issued in April 2022:67), the most significant threats posed by money laundering in Eswatini originate from illicit activities such as drug trafficking, corruption, tax evasion, fraud, and the smuggling of goods. However, quantifying the proceeds generated by most of these crimes remains challenging. Corruption constitutes a substantial threat, with authorities identifying 583 cases between 2011 and 2018. The body monitors compliance according to defined standards forty (40) FATF recommendations detailing how each criterion can be met.

The FATF standards protect financial systems from money laundering, terrorist financing, and proliferation financing. To achieve this, they have established 11 Immediate Outcomes (IOs). These IOs provide a framework to assess the effectiveness of a country's Anti-Money Laundering/Counter-Finance of Terrorism (AML/CFT) regime. By focusing on these outcomes, countries can ensure their financial systems are resilient and contribute to overall security and stability.

Moreover, IOs play a pivotal role in fostering a comprehensive understanding of the multifaceted risks associated with money laundering and terrorist financing within their member states. This understanding drives coordinated domestic efforts to combat these illicit activities. International cooperation is paramount for information exchange, financial intelligence, and evidentiary material, enabling concerted action against transnational criminal networks and the movement of their assets. Competent authorities exercise effective oversight, monitoring, and regulatory functions over financial institutions, Designated Non-Financial Businesses and Professions (DNFBPs), and Virtual Asset Service Providers (VASPs), ensuring adherence to Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regulations commensurate with the inherent risks. Concurrently, financial institutions, DNFBPs, and VASPs diligently implement AML/CFT preventive measures proportionate to their respective risk profiles, demonstrating vigilance by promptly reporting any suspicious transactions to the relevant authorities.

Robust safeguards prevent the exploitation of legal entities and arrangements for money laundering or terrorist financing purposes. Competent authorities possess unfettered access to information about their beneficial ownership. The effective utilisation of financial intelligence and all relevant information is crucial for successfully investigating money laundering and terrorist financing activities. Perpetrators of money laundering offences are subject to rigorous investigation, robust prosecution, and the imposition of effective, proportionate, and dissuasive sanctions. Proceeds and instruments of crime are subject to comprehensive confiscation procedures.

Similarly, terrorism financing offences are subjected to rigorous investigation, and individuals who finance terrorism are prosecuted and subjected to effective, proportionate, and dissuasive sanctions. Measures are implemented to effectively prevent terrorists, terrorist organisations, and their financiers from raising, moving, and utilising funds, including through the prevention of the exploitation of the Non-Profit Organisations (NPO) sector. Finally, individuals and entities involved in the proliferation of weapons of mass destruction are prohibited from raising, moving, and utilising funds, in strict conformity with the relevant United Nations Security Council Resolutions (UNSCRs:16).

Per FATF Recommendation 26, effective inter-agency cooperation is paramount for successfully implementing AML/CFT policies. This necessitates the establishment of robust mechanisms that facilitate collaboration, information sharing, and coordinated action among policymakers, the Financial Intelligence Unit (FIU), law enforcement agencies, supervisory authorities, and other relevant competent authorities. Such a collaborative framework is crucial for the effective development and implementation of a comprehensive AML/CFT regime (FATF, 2012-2023, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation: 7).

Effective inter-agency cooperation within the AML/CFT framework necessitates mechanisms that operate at the policy and operational levels. Section 38 of the Money Laundering and Financing of Terrorism (Prevention) Act No. 6 of 2011 (as amended) of the Kingdom of Eswatini mandates the establishment of a Task Force to serve as the overarching policy-making body for anti-money laundering and counter-financing of terrorism within the country. Section 39 of the Act outlines the composition of this Task Force, which includes, among other key members, the Commissioner of Police or their designated representative and the Commissioner of the Anti-Corruption Commission. The core functions of the Task Force encompass facilitating collaborative efforts among all relevant stakeholders involved in the national AML/CFT regime.

The schedules of offences According to Eswatini Money and Financing of Terrorism (Prevention) Act 6 of 2011:104) schedule 1 of the offences include corruption and bribery as well as fraud other offences. The above means that while conducting fraud and corruption investigations, law enforcement agencies should work closely with each other and share information to aid investigations. The recommendation is one of the forty recommendations outlined by the FATF on money laundering and terror financing.

The FATF (2012-2023) emphasises the importance of robust information sharing for effective AML and CTF efforts.

- **Recommendation 31** underscores the critical need for investigative authorities to have unhindered access to all relevant documents and information for conducting thorough investigations, prosecutions, and related legal proceedings: and

- **Recommendation 40** mandates that countries facilitate rapid and comprehensive international cooperation among competent authorities to combat money laundering, associated predicate offences, and terrorist financing. This exchange should occur both proactively and upon request.

These recommendations apply to law enforcement agencies within the Kingdom of Eswatini tasked with investigating commercial crimes.

According to the United Nations Convention Against Corruption ([UNCAC], 2004), Eswatini was one of the 140 convention signatories approved on 15 September 2005. The convention, inter alia, seeks to advance and fortify measures designed to achieve greater effectiveness in the prevention and suppression of corruption. It further aims to encourage, foster, and support collaborative international efforts in the prevention and suppression of corruption, including through the provision of technical assistance, encompassing measures such as arrest and asset recovery (UNCAC, 2005:7). In terms of the UNCAC (2004:19), the convention addresses the issue of bribery within the private sector. It mandates that each state party shall contemplate the enactment of legislative and other necessary measures to criminalise acts of bribery committed internationally during economic, financial, or commercial activities.

3.8 CHAPTER SUMMARY

This chapter examined the roles of the REPS and the ACC in investigating fraud and corruption cases in Eswatini. The chapter also analysed the legal framework governing their investigative powers, including search and seizure, information gathering, and arrest. Relevant statutory offences were identified, and the typical referral process to the DPP for further legal action was outlined. The chapter emphasised the importance of upholding human rights during investigations, aligning with the Eswatini Constitution. It also discussed international standards set by the FATF and Eswatini's commitments to combating corruption through international conventions.

CHAPTER FOUR: FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

This chapter presents the study's findings based on document analysis and interviews conducted, aligned with the research questions. It outlines both primary and secondary findings, from which recommendations are drawn, followed by a conclusion on the study's implications.

Chapter two reviewed the literature on fraud investigation, including the powers of investigation officers and concepts such as forensic investigation, digital forensics, and disputed documents. These concepts were also incorporated into interview schedules to gather participant perspectives. Chapter three explored the legal framework for fraud investigation in Eswatini, focusing on legislation relevant to cases investigated at Mbabane Police Station. Based on the findings, a framework was developed to enhance the effectiveness of fraud investigations.

4.2 RESEARCH AIM AND OBJECTIVES

The study aimed to analyse the investigative techniques used in fraud and corruption investigation, identify challenges faced by stakeholders, and assess the prevalence of fraud at Mbabane Police Station.

The study pursued the following objectives to meet its aim:

1. To examine and provide a comprehensive definition of fraud within the context of commercial crime in Eswatini.
2. To explore the nature and characteristics of corruption relevant to the Eswatini context.
3. To analyse the concept of commercial crime and its impact on public institutions in Eswatini.
4. To analyse the extent of fraud at Mbabane police station.
5. To examine the legislative framework governing the investigation of fraud and corruption in Eswatini.
6. To investigate current procedures and methodologies used in fraud investigations in Eswatini.

7. To investigate the modus operandi of the perpetrators of fraud dealt by the police in Eswatini.
8. To identify and evaluate the techniques used in fraud investigation in Eswatini.
9. To analyse the challenges encountered by investigators during fraud investigations in Eswatini.

4.3 RESEARCH QUESTIONS

The following research questions, aligned with the research objectives, were formulated to guide the study:

1. What is the comprehensive definition of fraud within the context of commercial crime in Eswatini?
2. What is the nature and characteristics of corruption relevant to the Eswatini context?
3. What is the concept of commercial crime and its impact on public institutions in Eswatini?
4. What is the extent of fraud at Mbabane police station?
5. What is the legislative framework governing the investigation of fraud and corruption in Eswatini?
6. What are the current procedures and methodologies used in fraud investigations in Eswatini?
7. What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini?
8. What are the techniques used in fraud investigation in Eswatini?
9. What are the challenges encountered by investigators during fraud investigations in Eswatini?

4.4 RESEARCH FINDINGS

The findings are taken from the literature consulted and the interviews conducted on the analysis of fraud investigation in the Kingdom of Eswatini. The findings are presented in line with the research questions in what follows.

4.4.1 What is the comprehensive definition of fraud within the context of commercial crime in Eswatini

The findings from the consulted literature and the interviewees indicate that fraud involves the unlawful and intentional making of a misrepresentation. Fraud causes prejudice or is potentially prejudicial to another person. The definitions from the literature further highlighted the same key elements of the crime of fraud as unlawfulness, intention, misrepresentation, and actual or potential prejudice.

The definition of fraud encompasses:

Intentionality: The act of deception must be deliberate and not accidental.

Misrepresentation: The act involves presenting false or misleading information.

Prejudice: The deception must cause actual harm or be potentially harmful to another person.

This definition captures the essence of fraud, highlighting deceit and aims to gain an unfair advantage.

Participant A2, D1, P2, and D3 all defined fraud as the unlawful and intentional misrepresentation for financial benefit to the prejudice of another aligning closely with the consulted literature.

4.4.2 What is the nature and characteristics of corruption relevant to the Eswatini context?

The consulted sources on corruption consistently indicated that it encompasses offering any advantage to a public officer as an inducement, reward, or recompense for their actions. While the interviewees generally concurred with the definition of corruption as offering advantages to public officers, some interviewees held a more general understanding, suggesting that corruption was primarily a common law offence. However, the literature review revealed a broader scope of corruption offences defined within statutory frameworks. In essence, the interviewees defined corruption defined corruption as the abuse of official power to gain personal or other

advantages. This aligns with the broader literature, which consistently emphasises the misuse of authority as a core element of corruption.

Notably, definitions of corruption from literature and interviewee perspectives, may not encompass all possible forms of corruption. Some types of corrupt activities are not explicitly covered within the identified categories. For example, literature only links corruption to public rather than private entities. The limited focus on public sector corruption within the literature and among interviewees presents a significant challenge in effectively combating corruption in Eswatini. While corruption within the public sector remains a critical concern, it is crucial to acknowledge the significant rise of corruption within the private sector.

Moreover, the interviews revealed that resource constraints, including limited training and human resources, hinder the investigation and prosecution of private sector corruption cases. This suggests a need for increased investment in capacity building within law enforcement agencies to address the evolving nature of corruption in Eswatini.

4.4.3 What is the concept of commercial crime and its impact on public institutions in Eswatini?

The consulted literature indicates that commercial crimes are characterised by a financial loss suffered by the victim. This definition highlights a key element of commercial crimes: their primary objective is to obtain financial gain through illegal means, resulting in a loss for the victim. This loss can manifest in various forms, such as:

Direct financial loss: Theft of money, property, or assets.

Loss of revenue: Fraudulent activities that disrupt business operations and reduce income.

Reputational damage: Loss of trust and credibility, leading to financial losses.

This focus on financial loss differentiates commercial crimes from other offences and underscores the significant economic impact on individuals, businesses, and the

overall economy. While the literature defines commercial crimes broadly, interviewees emphasized practical difficulties in handling such cases due to limited expertise.

The research highlighted a significant challenge in investigating commercial crimes: the sophisticated nature of these crimes, often perpetrated by individuals with specialised knowledge and resources. Interviews with law enforcement officers revealed concerns about limited experience handling complex commercial crime cases. Despite being assigned such cases, many officers lacked the specialised training and expertise necessary for effective investigation. This lack of experience poses a significant risk, potentially hindering successful prosecution and impacting case outcomes. These findings underscore the critical need for enhanced training and capacity building within law enforcement agencies in Eswatini to combat the evolving landscape of commercial crime.

4.4.4 What is the extent of fraud at Mbabane police station?

The literature review revealed that numerous fraud and corruption cases are reported at Mbabane Police Station in Eswatini. Importantly, cases are typically reported within the jurisdiction where they occurred. Both literature and interviews with law enforcement officers confirmed the prevalence of various fraud incidents.

However, the interviews highlighted a concern: many officers lack sufficient experience investigating complex commercial crimes, potentially impacting case outcomes. This lack of specialised expertise underscores the need for enhanced training and capacity building within law enforcement agencies in Eswatini to effectively address the evolving landscape of commercial crime.

4.4.5 What is the legislative framework governing the investigation of fraud and corruption in Eswatini

The literature review revealed that in Eswatini, the REPS is primarily responsible for investigating fraud cases, particularly those reported at Mbabane Police Station. This authority is derived from the Eswatini Constitution, the Police Act, and the CP&E, which grant law enforcement officers the power to investigate and make arrests. Additionally, the Prevention of Corruption Act empowers the ACC to investigate and

prosecute corruption offences. This division of responsibilities between REPS and the ACC highlights the multi-agency approach to combating fraud and corruption in Eswatini.

The Prevention of Corruption Act also outlines powers vested in the ACC officials to investigate corruption and conduct searches during their investigation. The interviewees are aware of legislation empowering them to investigate fraud and corruption. The interviewees agreed that the investigative powers granted to law enforcement agencies, such as the authority to request information and conduct searches and seizures, are generally sufficient.

However, one of the interviewees highlighted a significant gap: the lack of adequate training for stakeholders, particularly in conducting digital searches and seizures. This is a critical concern, as digital evidence is crucial in modern investigations. Without proper training, law enforcement agencies may struggle to collect, preserve, and analyse digital evidence, potentially compromising investigations and jeopardising the successful prosecution of cybercrimes.

The interviewees expressed concern that existing legislation, particularly primary legislation, was outdated and inadequate for addressing the complexities of modern digital evidence. This limitation can significantly hinder effective investigations and prosecutions of cybercrimes. For example, traditional legislation may not adequately address the legal admissibility of digital evidence, the procedures for obtaining and preserving electronic data, or the challenges associated with cross-border investigations in the digital age. These concerns underscore the urgent need for legislative reforms to ensure that Eswatini's legal framework is equipped to address the evolving landscape of cybercrime.

The interviewees also expressed concern that the current legislative framework may hinder effective investigations of corruption cases. Specifically, they highlighted the potential challenges associated with obtaining arrest warrants.

Delay in investigations: The requirement for arrest warrants may delay investigations, potentially allowing suspects to evade justice or conceal evidence.

Tip-offs to suspects: Obtaining an arrest warrant may inadvertently alert suspects to the investigation, enabling them to obstruct justice or evade capture.

These concerns emphasise the need for a nuanced approach to arrest procedures in corruption investigations, balancing the rights of the accused with the need for swift and effective law enforcement. Notably, the interviewees involved in this research likely represent various levels within the criminal justice system, including investigators and ACC officials. This diverse perspective provides valuable insights into the practical challenges faced in combating corruption in Eswatini.

4.4.6 How are the current procedures and methodologies used in fraud investigations in Eswatini?

A review of relevant literature revealed diverse methodologies employed in fraud investigations. Notably, the literature highlighted the investigative powers vested in Commercial Crime Investigators, including the authority to gather information, conduct searches, and seize evidence. These powers provide the legal foundation for conducting thorough and lawful fraud investigations.

The literature outlines fraud-related statutory offences and guidance for judicial officers when adjudicating a fraud case. Following the completion of investigations, arrests may become necessary. The literature also highlights the legal procedures for effecting arrests by law enforcement agencies, with a particular emphasis on upholding the rights of suspects.

Participants with expertise in corruption and fraud investigations highlighted the importance of sophisticated data analysis and investigative methods, such as interviews, in improving the efficacy of corruption investigations. The research findings revealed a strong alignment between the investigative methodologies outlined in the literature and those described by interviewees involved in the investigation, prosecution, and sentencing of fraud offenders.

The Interviewees acknowledged awareness of the legal framework and agreed that existing laws provide sufficient investigative powers. However, they highlighted a crucial gap relating to insufficient training in handling digital evidence.

4.4.7 What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini?

The literature consulted identified prevalent forms of commercial crime, including cybercrime, card cloning, money laundering, and ATM fraud. Interviewees confirmed the prevalence of the crimes, namely cybercrime, card cloning, money laundering, and ATM fraud, as frequently reported at Mbabane Police Station – aligning with findings from the literature. Notably, the literature identified more common fraud modus operandi, including impersonation, social engineering, and deceptive offers of assistance, which exploit unsuspecting victims. Interview data revealed a prominent modus operandi employed by fraudsters: feigning a desire to assist victims while simultaneously orchestrating their deception. This observation aligns with findings from the literature, which further expounded upon the diverse range of fraudulent tactics.

The discrepancy between the limited number of modus operandi identified by interviewees and the broader spectrum outlined in the literature highlights a potential knowledge gap among law enforcement personnel. This lack of awareness presents a significant challenge in effectively combating emerging fraud trends. Unfamiliarity with novel fraud schemes can hinder investigative efforts, impede the development of effective countermeasures, and ultimately limit the ability of law enforcement agencies to protect the public from evolving criminal activities. By proactively addressing this knowledge gap, law enforcement agencies can better equip themselves to effectively combat the evolving landscape of fraud and protect the public from these increasingly sophisticated criminal activities.

4.4.8 What are the techniques used in fraud investigation in Eswatini

The literature review identified a range of investigative techniques employed in fraud investigations, including digital forensics, forensic investigation, e-discovery, and others. While interviewees also highlighted the importance of data analysis, investigative interviews, forensic accounting, and handwriting analysis, a comparative analysis reveals similarities and discrepancies.

Importantly, the literature encompassed a broader spectrum of investigative techniques than those explicitly mentioned by the interviewees. This discrepancy suggests a potential gap in the awareness or utilisation of certain advanced investigative methodologies within law enforcement. By addressing these knowledge gaps and enhancing the investigative capabilities of law enforcement agencies, it is possible to improve the effectiveness of fraud investigations and increase the likelihood of successful prosecutions.

4.4.9 What are the challenges encountered by investigators during fraud investigations in Eswatini?

The literature highlights several significant challenges confronting stakeholders investigating and prosecuting commercial crimes, such as fraud and corruption. One major challenge arises from the increasingly electronic nature of these crimes, often spanning multiple jurisdictions, which complicates investigative efforts. The anonymous nature of many cybercrimes further exacerbates these difficulties, making it challenging to identify and apprehend perpetrators.

The literature emphasises the critical role of adequate training in ensuring successful prosecutions. Insufficient training among law enforcement personnel and prosecutors can hinder effective investigation, evidence collection, and the successful presentation of cases in court. By addressing these challenges proactively, stakeholders can improve the effectiveness of their efforts in combating fraud and corruption.

The interviewees on the other hand noted the following challenges while dealing with commercial crime:

- Lack of cooperation from other key stakeholders who are custodians of information required for the success of investigations:
- Lack of legal framework to enable the stakeholders to effectively investigate commercial crime:
- Lack of the proper skill and training to investigate commercial crime:
- Lack of training to judicial officers dealing with commercial crime:
- The delay in finalising of commercial crime because of not having specialised commercial crime courts:

- Limited resources by commercial crime investigators:
- Lack of technology tools to easily investigate commercial crime:
- Lack of commercial crime training on commercial crime prosecutions: and
- Inadequate skills to deal with transnational crime.

Similarities were noted in the challenges such as the lack of training by the relevant stakeholders responsible for investigating commercial crime. The researcher notes that the stakeholders dealing with fraud are aligned with the literature consulted during the study since most of the challenges listed by the interviewees were also revealed when the literature was consulted.

Interviewees identified several key challenges in combating commercial crime, including:

Inter-agency cooperation: Insufficient cooperation among stakeholders hinders the timely exchange of crucial information for successful investigations.

Legal framework: Deficiencies in the existing legal framework, limiting the investigative powers and evidentiary procedures necessary for effective prosecution.

Skill and training: Limited skills and inadequate training among law enforcement personnel in specialised investigative techniques for commercial crime.

Judicial training: Insufficient training for judicial officers in the complexities of commercial crime law, leading to potential delays and miscarriages of justice.

Court delays: The absence of specialised commercial crime courts contributes to significant delays in case adjudication.

Resource constraints: Limited resources available to law enforcement agencies, including insufficient personnel, budgetary constraints, and inadequate access to specialised equipment.

Technological limitations: Lack of access to and proficiency in utilising advanced technological tools for data analysis and digital forensics.

Prosecutorial training: Insufficient training for prosecutors in the specific legal and evidentiary requirements for commercial crime prosecutions.

Transnational crime: Limited capacity to effectively investigate and prosecute transnational crimes due to the complex nature of cross-border criminal activities.

These findings align with the literature, highlighting the significance of inter-agency cooperation, adequate training, and resource constraints as major obstacles in combating commercial crime. By addressing these challenges proactively and implementing evidence-based solutions, stakeholders can significantly enhance their capacity to effectively combat commercial crime and protect the public from its devastating consequences.

4.5 RECOMMENDATIONS FOR PRACTICE

This section provides recommendations in response to the following questions articulated in section 4.3. The findings from the literature review and interviews provide the basis for recommendations, guided by the research questions. In each case, the practice recommendations are directed to authorities and policymakers to ensure they are translated into concrete actions and have a transformative impact.

4.5.1 The examination and provision of a comprehensive definition of fraud within the context of commercial crime in Eswatini.

For the offence of fraud to suffice, various elements of the crime must be proven – including misrepresentation, intention, unlawfulness and actual or potential prejudice. To successfully investigate the offence, it is important to work closely with other key stakeholders, and for that reason, it is recommended that the fraud investigators (REPS and ACC) fully utilise the framework for sharing information by law enforcement agencies including the Technical Committee on Money Laundering and Counter-Terror Financing. Based on the findings, the study makes the following practice recommendations.

a) **Strengthen inter-agency collaboration**

There should be a stronger collaboration between law enforcement agencies, ACC, REPS, and other relevant stakeholders (for example, the private sector, and civil society) to enhance information sharing, resource pooling, and coordinated investigations of corruption cases, particularly those involving both public and private sectors.

b) **Invest in capacity building**

Adequate training and resources should be provided to law enforcement agencies (REPS, ACC and DPP) to enhance their capacity to investigate and prosecute complex corruption cases, including those involving the private sector. This should include training on financial investigations, digital forensics, and international cooperation.

By implementing these recommendations, Eswatini can effectively address the multifaceted challenges of corruption and promote good governance, economic development, and social justice.

4.5.2 The nature and characteristics of corruption relevant to the Eswatini context

An offence of corruption is generally committed when one party gives a benefit to another party and the latter accepts it as an inducement to act in a certain way. Effectively dealing with the offence of corruption needs legislation to cover a range of offences including private entities. The study revealed that the current legislation mainly covers offences committed by entities in the public sector rather than the private sector. Due to the above reasons, it is recommended that the current legislation used to deal with corruption be amended to close the identified gaps. The practice recommendations can be synthesised as follows:

a) **Amend legislation to include private sector**

The scope of existing anti-corruption legislation should include offences committed by private sector entities. This should encompass a range of activities, such as bribery,

fraud, and other forms of corruption within private companies and between private and public sectors. It is recommended that the ACC takes a lead in implementing this recommendation.

By implementing these recommendations, the country can effectively address the challenges of private sector corruption, promote a level playing field for businesses, and strengthen the integrity of the overall economic system.

4.5.3 Exploring the nature and characteristics of corruption relevant to the Eswatini context

Dealing with crime requires a thorough understanding of various types of crime including understanding how that crime is committed. It is therefore recommended that continuous training be provided to all stakeholders dealing with commercial crime which include financial investigators, prosecutors as well as presiding officers. This can be done per stakeholder as well as doing combined training. The practical recommendations are synthesised in what follows.

Comprehensive training programmes: There is a need to develop and implement specialised training programs tailored to the specific needs of each stakeholder group involved in commercial crime investigations and prosecutions.

Financial investigators: should focus on advanced financial investigation techniques, including money laundering, asset tracing, and digital forensics.

Prosecutors: should emphasise legal frameworks, case preparation, evidence presentation, and courtroom advocacy specific to commercial crime cases.

Presiding officers: should provide training on complex legal and financial concepts, expert witness testimony, and the unique challenges of commercial crime cases.

Collaborative training initiatives: There is a need to organise joint training sessions that bring together financial investigators, prosecutors, and presiding officers to foster interdisciplinary understanding, improve communication, and enhance collaboration throughout the criminal justice process.

Regular training updates: Training programmes should be regularly updated to reflect evolving trends in commercial crime, including new technologies, emerging criminal methodologies, and legal developments.

By implementing these recommendations, the criminal justice system can enhance its capacity to combat commercial crime and ensure that justice is served.

4.5.4 An analysis of the concept of commercial crime and its impact on public institutions in Eswatini

The findings of this study indicate a significant prevalence of fraud within the Mbabane Police Station. Sustained awareness campaigns are imperative to mitigate this challenge and empower the public to protect themselves from falling victim to such crimes. This collaborative effort should involve law enforcement agencies with other key stakeholders involved in the prevention and combat of fraud. The following measures are recommended.

a) **Develop and implement comprehensive public awareness campaigns**

Targeted messaging: There is a need to create targeted public awareness campaigns specifically addressing common types of fraud prevalent in Mbabane, such as online scams, identity theft, and financial fraud.

Utilise diverse channels: It is crucial to utilise various channels to disseminate information, including social media, local media outlets (radio, television, newspapers), community meetings, schools, and public service announcements.

b) **Enhance public reporting mechanisms**

Establish user-friendly hotlines: There is a need to establish easily accessible and user-friendly hotlines for the public to report suspected fraud incidents.

Ensure confidentiality and protection of whistle-blowers: The confidentiality and protection of individuals who report fraud incidents should be ensured.

c) **Promote proactive measures**

There is a need to educate the public on proactive measures to prevent becoming victims of fraud, such as strong password practices, secure online transactions, and awareness of common scam tactics.

Through these recommendations, Mbabane Police Station can effectively raise public awareness about fraud and empower individuals, contributing to a safer and more secure community.

4.5.5 The examination of the legislative framework governing the investigation of fraud and corruption in Eswatini

The literature consulted indicated that some fraud penalties are not a deterrent to would-be offenders and due to the above, it is recommended that dissuasive penalties be incorporated into the current legislation dealing with fraud and corruption. Based on the findings, the study recommends the following.

a) **Review and amend legislation**

There is a need for a comprehensive review of existing legislation to identify areas where penalties for fraud and corruption may be insufficiently dissuasive. Amend the legislation to incorporate harsher penalties, including:

Custodial sentences: authorities and policymakers should consider coming up with sanctions which are custodial sentences on serious offences to offenders to deter would-be fraud and corruption offenders.

Disqualification from public office: Authorities should impose a disqualification from holding public office for individuals convicted of fraud and corruption.

Training and capacity building: Training and capacity building should be provided to law enforcement officers on financial investigations, digital forensics, and other relevant skills.

Collaboration with international partners: It is critical to foster collaboration with international law enforcement agencies to combat cross-border fraud and corruption.

By implementing these recommendations, the country can strengthen its legal framework and enforcement mechanisms to effectively deter fraud and corruption, promote good governance, and protect public resources.

4.5.6 The investigation of current procedures and methodologies used in fraud investigations in Eswatini

A comprehensive review of relevant literature revealed significant challenges in the cross-jurisdictional investigation of fraud cases. These challenges stem primarily from the diverse investigative practices and procedures employed by law enforcement agencies across different jurisdictions, which impact the efficiency and timeliness of case resolution. To address these limitations, it is recommended that law enforcement agencies actively participate in and promote forums that facilitate enhanced international cooperation in combating transnational crime. This includes full participation in all relevant law enforcement forums within the Kingdom of Eswatini that focus on exchanging critical information. Further recommendations are represented in what follows.

a) **Harmonise investigative practices**

Promote international standards: It is important to adopt international standards and best practices in criminal investigation, including data protection, investigative techniques, and evidence gathering.

Participate in training and capacity-building programmes: There is a need to participate in international training and capacity-building programs to enhance the skills and knowledge of law enforcement officers in conducting cross-border investigations.

b) **Address jurisdictional challenges**

Develop clear jurisdictional frameworks: Clear jurisdictional frameworks for investigating and prosecuting transnational crimes should be developed, accounting for the complexities of cross-border investigations.

Explore mechanisms for joint investigations: Mechanisms for conducting joint investigations with law enforcement agencies in other jurisdictions, such as establishing joint investigation teams should be explored.

By implementing these recommendations, law enforcement agencies in the Kingdom of Eswatini can effectively address the challenges of transnational crime and enhance their capacity to investigate and prosecute these complex offences.

4.5.7 The investigation of the modus operandi of the perpetrators of fraud dealt by the police in Eswatini

The findings indicate that interviewees identified a limited range of modus operandi compared to the literature, suggesting a potential knowledge gap among law enforcement officers. The findings necessitate the following measures.

a) **Improved data collection and analysis**

Centralised database: A centralised database should be developed to track reported fraud cases, including details on modus operandi, victim profiles, and suspect information.

Data analysis: There is a need to conduct regular analysis of reported fraud incidents to identify emerging trends, hotspots, and patterns.

b) **Public awareness campaigns**

Disseminate information: Public awareness campaigns should be conducted to educate the public about common fraud schemes, including cybercrime, scams, and financial fraud.

Utilise multiple channels: Various channels should be utilised for dissemination, including social media, local media, community events, and educational institutions.

Empower victims: Information should be provided on how to recognise and avoid fraud; report suspected criminal activity and seek assistance from relevant authorities.

By proactively addressing this knowledge gap, law enforcement agencies can better equip themselves to effectively combat the evolving landscape of fraud and protect the public from these increasingly sophisticated criminal activities.

4.5.8 The analysis of the challenges encountered by investigators during fraud investigations in Eswatini

The study revealed that there is a gap in terms of techniques used to investigate fraud which may lead to a low prosecution rate of fraud cases. To address the above gap, it is recommended that training/retreats be provided to judicial officers dealing with commercial crime and requests for international intervention where necessary. It is further recommended that a centralised digital forensic laboratory will enhance the finalisation of fraud cases where evidence was obtained digitally. Additionally, it is imperative to implement the following practices.

a) **Enhance investigative techniques**

Specialised training programmes: Comprehensive training programmes should be implemented for law enforcement officers, investigators, and prosecutors specialising in commercial crime.

Focus: The training should focus on advanced investigative techniques, including:

- **Financial investigations:** money laundering, asset tracing, and financial statement analysis.
- **Digital forensics:** data recovery, mobile device forensics, network security analysis, and social media investigations.
- **Interview and interrogation techniques:** specialised techniques for interviewing witnesses, suspects, and victims in fraud cases.

b) **Establish a centralised digital forensic laboratory**

State-of-the-art equipment: The laboratory should be equipped with state-of-the-art forensic tools and software for the analysis of digital evidence, including computers, mobile devices, and network data.

Skilled personnel: Hire and train highly skilled forensic experts to operate the laboratory and conduct in-depth analysis of digital evidence.

Secure and reliable infrastructure: Ensure the security and reliability of the laboratory's infrastructure, including data storage, access control, and chain-of-custody protocols.

By implementing these recommendations, the country can significantly enhance its capacity to investigate and prosecute fraud cases, leading to a more just and equitable outcome for victims and a stronger deterrent effect for potential offenders.

4.5.9 An analysis of the challenges encountered by investigators during fraud investigations in Eswatini.

The literature consulted pointed out the challenges faced by key stakeholders involved in dealing with fraud and to close the identified gap, it is recommended that basic mandatory training be provided to all stakeholders dealing with commercial crime. It is recommended that human resources be added to the commercial crime investigation team. Moreover, the following should be considered.

a) **Mandatory training for all stakeholders**

Develop a comprehensive training curriculum: It is imperative to develop a comprehensive training curriculum covering key aspects of commercial crime, including:

- **Legal frameworks:** Relevant laws, regulations, and legal procedures.
- **Fraud typologies:** Common types of fraud, including online scams, identity theft, financial fraud, and corporate fraud:
- **Investigative techniques:** Basic investigative techniques such as evidence collection, witness interviews, and report writing and
- **Ethical considerations:** Ethical considerations in investigating and prosecuting commercial crime.

Implement mandatory training programmes: Mandatory training programmes should be implemented for all stakeholders involved in commercial crime, including law enforcement officers, prosecutors, judges, court staff, and even private sector representatives.

Regular refresher training: There should be regular refresher training sessions to ensure stakeholders remain updated on the latest trends and developments in commercial crime.

b) Increase human resources for investigation teams

Adequate staffing levels: To effectively address the escalating volume and complexity of cases, commercial crime investigation teams must be adequately staffed with qualified personnel.

Specialised skills: It is recommended to recruit and hire investigators with specialised skills in areas such as financial investigations, digital forensics, and data analysis.

Salaries and benefits: Competitive remuneration and benefits should be offered to attract and retain qualified personnel within the investigation teams.

By implementing these recommendations, the country can enhance the capacity of its criminal justice system to effectively combat commercial crime and ensure that justice is served.

4.6 RECOMMENDATIONS FOR FUTURE RESEARCH

Further research is recommended to explore the economic impact of fraud on the Eswatini economy and the private sector. It is further recommended that the research includes the risks associated with fraud in Eswatini as well as the vulnerability of citizens of the country. The implementation of the recommendation will add value to academic knowledge and will come up with mitigation actions to address the impact of fraud in the country.

4.6.1 The comprehensive definition of fraud within the context of commercial crime in Eswatini

Explore the scope of private sector corruption: It is critical to conduct in-depth research to understand the nature, extent, and impact of private-sector corruption in Eswatini. This could include empirical studies, case studies, and surveys to identify key vulnerabilities and develop effective countermeasures.

Analyse the effectiveness of existing anti-corruption measures: Future studies should evaluate the effectiveness of existing anti-corruption laws, policies, and institutions in addressing corruption in Eswatini. This could involve analysing case data, conducting surveys, and conducting cost-benefit analyses of different interventions.

Investigate the role of technology in combating corruption: Other studies can explore the potential of technology to enhance anti-corruption efforts in Eswatini, such as data analytics, artificial intelligence, and blockchain technology to detect and prevent corruption.

Examine international cooperation in anti-corruption: Research should investigate the role of international cooperation in combating corruption in Eswatini, including asset recovery, mutual legal assistance, and information sharing with global partners.

4.6.2 The nature and characteristics of corruption relevant to the Eswatini context

Assess the impact of private sector corruption: There is a need for further research to assess the extent and impact of private sector corruption on the economy, society, and governance. This could include studies on the economic costs of corruption, its impact on competition, and its contribution to inequality. Other studies should analyse the effectiveness of existing anti-corruption measures in addressing private-sector corruption.

Explore international best practices: Future studies should investigate and analyse international best practices in combating private sector corruption, including legislative

frameworks, enforcement mechanisms, and international cooperation initiatives. Identify successful models and adapt them to the specific context of the country.

Investigate the role of technology: It is critical to explore the potential of technology to enhance the prevention and detection of private sector corruption, such as data analytics, artificial intelligence, and blockchain technology.

4.6.3 The concept of commercial crime and its impact on public institutions in Eswatini

Evaluate training effectiveness: There is a need to conduct rigorous evaluations of training programs to assess their impact on the knowledge, skills, and performance of stakeholders involved in commercial crime investigations and prosecutions.

Identify training gaps: Research should identify specific knowledge and skill gaps among stakeholders and develop targeted training interventions to address these deficiencies.

Explore innovative training methodologies: Other studies should investigate the use of innovative training methodologies, such as simulations, case studies, and technology-based learning platforms, to enhance the effectiveness and engagement of training programmes.

Assess the impact of training on case outcomes: Further research should analyse the impact of training on the successful investigation, prosecution, and adjudication of commercial crime cases.

4.6.4 The extent of fraud at Mbabane Police Station

Conduct regular surveys and needs assessments: There should be regular surveys on needs assessments to understand the evolving nature of fraud in Mbabane and identify the most effective public awareness strategies.

Evaluate the effectiveness of awareness campaigns: Further research should evaluate the effectiveness of public awareness campaigns through surveys, focus groups, and analysis of reported fraud incidents.

Investigate the impact of socioeconomic factors: Studies should investigate the impact of socioeconomic factors, such as poverty, lack of education, and access to technology, on vulnerability to fraud.

Explore the role of technology in fraud prevention and detection: Other studies should investigate the potential of technology such as artificial intelligence, machine learning, and blockchain technology.

4.6.5 The legislative framework governing the investigation of fraud and corruption in Eswatini

Evaluate the effectiveness of deterrent penalties: There is a need for research to evaluate the effectiveness of existing and proposed penalties in deterring fraud and corruption. This could involve analysing trends in reported offences, conducting surveys of potential offenders, and examining the impact of specific penalties on conviction rates.

Investigate the role of public perception: Studies should investigate public perceptions of penalties for fraud and corruption and assess whether current penalties are perceived as sufficiently severe.

Explore international best practices: Other studies should investigate international best practices in implementing dissuasive penalties for fraud and corruption, including case studies from countries with successful anti-corruption regimes.

Analyse the economic impact of fraud and corruption: Further research should analyse the impact of fraud and corruption, including its effects on economic growth, investment, and public trust. This information can inform the development of more effective deterrence strategies.

4.6.6 The current procedures and methodologies used in fraud investigations in Eswatini

Assess the impact of international cooperation: Future research should assess the impact of global collaboration on the successful investigation and prosecution of transnational crimes.

Identify barriers to international cooperation: Other studies should identify and analyse the obstacles to effective international cooperation in criminal investigations, such as legal, linguistic, and cultural barriers.

Investigate the effectiveness of different cooperation mechanisms: Future studies should investigate the effectiveness of different mechanisms for international cooperation, such as mutual legal assistance treaties, joint investigation teams, and information-sharing platforms.

Explore the use of technology in international cooperation: Other studies should explore the potential of technology to enhance international cooperation in criminal investigations, such as secure communication channels, data analytics, and artificial intelligence.

4.6.7 The modus operandi of the perpetrators of fraud dealt by the police in Eswatini

In-depth analysis of fraud trends: There is a need to conduct in-depth research to:

Identify emerging fraud trends: Studies should analyse trends in reported fraud cases to identify new and evolving schemes.

Profile victim demographics: Research should determine the characteristics of victims most vulnerable to different types of fraud.

Investigate the role of technology: Future studies should examine the role of technology in facilitating fraud and the evolving methods used by criminals.

a) **Assessment of law enforcement capacity**

Assess the current capacity of law enforcement agencies: Studies should evaluate the resources, training, and technology available to law enforcement agencies to combat fraud.

Identify resource gaps: Further research should identify critical gaps and develop strategies to address these deficiencies.

b) **Evaluation of public awareness campaigns**

Evaluate the effectiveness of public awareness campaigns: Studies should assess the impact of public awareness campaigns on public knowledge and behaviour regarding fraud prevention.

Identify areas for improvement: Future studies should identify areas for improvement in public awareness campaigns to enhance their impact.

c) **Investigation of the impact of fraud on victims**

Study the impact of fraud on victims: Research should investigate the psychological, financial, and social impacts of fraud victims.

Develop victim support services: Other studies should focus on developing and implementing effective victim support services to assist fraud victims in recovering from their losses.

4.6.8 The identification and evaluation the techniques used in fraud investigation in Eswatini

Evaluate the effectiveness of training programmes: Research should assess the impact of training programmes on the knowledge, skills, and performance of investigators and prosecutors.

Investigate the use of technology in investigations: Studies should explore emerging technologies, such as artificial intelligence and machine learning, to enhance the efficiency and effectiveness of fraud investigations. It is essential to analyse the potential of data analytics and predictive modelling to identify and prevent fraud.

Assess the impact of the centralised digital forensic laboratory: Studies should evaluate the impact of a centralised laboratory on case clearance rates, conviction rates, and the quality of evidence presented in court. A cost-effectiveness analysis of the laboratory is crucial to identify areas for improvement in resource allocation and operational efficiency.

Investigate international best practices: Research should analyse best practices in other jurisdictions regarding the investigation and prosecution of fraud cases, including the use of specialised units, advanced investigative techniques, and digital forensics.

4.6.9 The challenges encountered by investigators during fraud investigations in Eswatini

Assess the impact of training: Future studies should rigorously evaluate the impact of mandatory training programmes on stakeholder knowledge, skills, and performance outcomes. Other studies should analyse the effect of training on case outcomes, such as arrest rates, conviction rates, and the time taken to resolve cases.

Identify training needs: There should be needs assessment surveys to identify the specific training needs of different stakeholder groups and develop targeted training programs to address these needs.

Investigate the impact of increased resources: Research should analyse the impact of increased human resources on the effectiveness and efficiency of commercial crime investigations. Studies should also evaluate the return on investment of improved case outcomes and reduced costs associated with crime.

Explore the use of technology in training: Future studies should investigate technology to enhance the delivery and effectiveness of training programmes, such as online learning platforms, virtual reality simulations, and mobile learning applications.

4.7 CONCLUSIONS

The study sought to evaluate the investigation of fraud and corruption at Mbabane Police Station, Eswatini, focusing on the various techniques used by commercial crime investigators. The researcher conducted a literature review of local and international literature and interviews with commercial crime investigators and prosecutors. When gathering the data from the literature and the participants, the researcher addressed the research questions highlighted in the earlier chapters.

The study delved into fraud and other related commercial crime investigations at Mbabane Police Station, including how fraud is investigated, the modus operandi on

fraud cases, challenges when conducting commercial crime investigations, and techniques used by fraud investigators. It also highlighted the mandates and roles of the Royal Eswatini Police, the Director of Public Prosecutions and the Anti-Corruption Commission in investigating commercial crime including fraud and corruption.

The findings advance scientific knowledge on the topic. The study presents valuable insights into the investigation and prosecution of commercial crime. In particular, the study underscores the importance of regular needs assessment surveys and the need for continuous professional development among commercial crime investigators. The recommendations provide practical steps to facilitate effective commercial crime investigation and directions for further research.

LIST OF REFERENCES

Ajayi, E.F.G. 2016. *Challenges to enforcement of cyber-crimes laws and policy*. Journal of Internet and Information Systems*, 6*(1), pp. 1-12.

Akinbowale, O.E., Klingelhöfer, H.E. and Zerihun, M.F., 2020. *An innovative approach in combating economic crime using forensic accounting techniques*. Journal of Financial Crime*, 27*(4), pp.1253-1271.

Alok, S. 2011. *Handbook of Research Methodology: Compendium for Scholars & Researchers*. Retrieved from www.educreation.in

Association of sCertified Fraud Examiners. 2013. *Fraud examiners manual. international edition.*

Association of Certified Fraud Examiners. 2020. *Report to the nations: Global study on occupational fraud and abuse.*

Bergman, M.M., 2010. *On concepts and paradigms in mixed methods research*. Journal of Mixed Methods Research, *4*(3), pp.171-175.

Bergman, J. & Popov, O.B. 2022. *The Digital Detective's Discourse-A toolset for forensically sound collaborative dark web content annotation and collection.* Journal of Digital Forensics, Security and Law*, 17*(1), pp.1-25

Betts, M.J. 2023. *Investigation and case management, in Investigation of fraud and economic crime (*Blackstone's Practical Policing)*.* City of London police

Betts, M.J & Clark, D. 2017. *Investigation of fraud and economic crime*. Oxford: Oxford University Press

Bird, D., 2022. *Reinforcing the Importance of Host Forensics for Customer Environments Hosted Using Amazon Web Services and Azure Public Cloud Platforms*. *In Breakthroughs in Digital Biometrics and Forensics* (pp. 367-385). Cham: Springer International Publishing.

Boateng, A.A., Boateng, G.O. & Acquah, H. 2014. *A literature review of fraud risk management in microfinance institutions in Ghana*. Research Journal of Finance and Accounting*, 5*(11), pp.42-51

Brown, C.S.D. 2015. *Investigating and prosecuting cyber crime: Forensic dependencies and barriers to justice*. Australian National University, Australia*, 9*(1), pp.55-119.

Buono, L. 2016. *Fighting cybercrime between legal challenges and practical difficulties:* EU and national approaches. ERA Forum, 17(3), pp.343-353.

Bryman, A. & Bell, E. 2017. *Research methodology: Business and management contexts.* (3rd edition). Oxford University Press Southern Africa (Pty) Ltd.

Bhowmik, R. 2008. *Data mining techniques in fraud detection*. Journal of Digital Forensics, Security and Law*, 3*(2), p.3

Buzzard, J. 2007. *Phipson on evidence*. (11th Edition). Sweet & Maxwell.

Castillo, D. 2018. *State, Monopoly and Bribery. Market Reforms and Corruption in a Swedish State-Owned Entreprise*. Economics & Sociology, 11(2), pp.64-79.

Connolly, P. 2007. *Quantitative data analysis in education*. Routledge, Taylor Group.

Creswell, J.W. 2012. *Planning, conducting, and evaluating quantitative and qualitative research.* (4th edition). Lincoln: TexTech International.

Denscombe, M. 2012. *Research Proposals: A Practical Guide.* Open University Press.

Desai, A.B. and Deshmukh, R., 2013. *Data mining techniques for Fraud Detection.* International Journal of Computer Science and Information Technologies, *4*(1), pp.1-4.

Dlamini, S. and Mbambo, C., 2019. *Understanding policing of cybercrime in South Africa: The phenomena, challenges and effective responses.* Cogent Social Sciences, *5*(1), p.1675404.

Dorminey, J., Fleming, A.S., Kranacher, M.J. & Richard, R.A. 2012. *The evolution of fraud theory*. Issues in accounting education, 27(2):555-579.

Easttom, C., 2021. *Digital forensics, investigation, and response*. Jones & Bartlett Learning.

FATF (Financial Action Task Force) (2012-2023), *International standards on combating money laundering and the financing of terrorism & proliferation: the FATF recommendations. Financial Action Task Force.* Retrieved from https://www.fatf-gafi.org

Feess, E. and Timofeyev, Y., 2020. *Behavioral red flags and loss sizes from asset misappropriation: Evidence from the us. In Advances in accounting behavioral research* (Vol. 23, pp. 77-117). Emerald Publishing Limited.

Glassman, M.J. & Mudigere, D. 2017. *Doing your homework: Witness in the U.S. Tax Court.*

Greene, J.R. 2007. *The encyclopaedia of police science*. (3rd Edition). Francis Group.LLC.

Horan, C. & Saiedian, H. 2021. *Cyber Crime Investigation: Landscape, Challenges, and Future Research Directions*. Journal of Cybersecurity and Privacy, 1(4), pp.580-596.

Hunton, P. 2011b. *The stages of cybercrime investigations: Bridging the gap between technology examination and law enforcement investigation.* Computer Law & Security Review, *27*(1), pp.61-67.

Hunton, P. 2012. *Data attack of the cybercriminal: Investigating the digital currency of cybercrime*. Computer Law & Security Review, *28*(2), pp.201-207.

Irwin, A.S.M. & Turner, A.B. 2018. *Illicit Bitcoin transactions: challenges in getting to the who, what, when and where.* Journal of Money Laundering Control, *21*(3) pp.297-313.

Jarrett, A. and Choo, K.K.R., 2021. *The impact of automation and artificial intelligence on digital forensics.* Wiley Interdisciplinary Reviews: Forensic Science, *3*(6), p.e1418.

Johnson, D., Faulkner, E., Meredith, G. & Wilson, T.J. 2020. *Police Functional Adaptation to the Digital or Post Digital Age: Discussions with Cybercrime Experts.* The Journal of Criminal Law, *84*(5), pp.427-450.

Jonker, J. & Pennink. B. 2010. *The essence of research methodology: A concise guide for master and PhD Students in Management Science*. London: Springer.

Joseph, C., Omar, N.H., Janang, J.T., Rahmat, M. and Madi, N., 2021. *Development of the university fraud prevention disclosure index*. Journal of Financial Crime, 28(3), pp.883-891.

Kader, S. and Minnaar, A., 2015. *Cybercrime investigations: Cyber-processes for detecting of cybercriminal activities, cyber-intelligence and evidence gathering.* Acta Criminologica: African Journal of Criminology & Victimology, 2015(sed-5), pp.67-81.

Kazemian, S., Said, J., Hady Nia, E. & Vakilifard, H. 2019. *Examining fraud risk factors on asset misappropriation: evidence from the Iranian banking industry.* Journal of Financial Crime*, 26*(2), pp.447-463

Khan, A.A. and Ali, S.A., 2021. *Network forensics investigation: Behaviour analysis of distinct operating systems to detect and identify the host in IPv6 network.* International Journal of Electronic Security and Digital Forensics, 13(6), pp.600-611.

Kemp, S., Buil-Gil, D., Moneva, A., Miró-Llinares, F. and Díaz-Castaño, N., 2021. *Empty streets, busy internet: A time-series analysis of cybercrime and fraud trends during COVID-19*. Journal of Contemporary Criminal Justice, *37*(4), pp.480-501.

Kothari, C.R. 2004. *Research methodology: Methods and techniques*, (2nd edition). New Age International Publishers.

Leppänen, A. & Kankaanranta, T. 2017. *Cybercrime investigation in Finland.* Journal of Scandinavian Studies in Criminology and Crime Prevention, 18(2), pp.157-175.

Lagerberg, G. & Butter C. 2009. *Litigation Support. (5th edition).* Great Britain: PricewaterhouseCoopers.

Merriam, S.B. 2009. *Qualitative research: A guide to design and implementation*. John Wiley & Sons.

Oatley, G.C. 2022. *Themes in data mining, big data, and crime analytics.* Wiley Interdisciplinary Reviews: Data Mining and Knowledge Discovery.

Rossy, Q. & Ribaux, O. 2020. *Orienting the Development of Crime Analysis Processes in Police Organisations Covering the Digital Transformations of Fraud Mechanisms.* European Journal on Criminal Policy and Research, 26(3), pp.335-356.

Royal Eswatini Police Service. 2018. *Annual report*. Mbabane: Government Printers.

Royal Eswatini Police Service. 2019. *Annual report*. Mbabane: Government Printers.

Saunders, M., Lewis. P & Thornhill, A. 2009. *Research methods for business studies.* (5th edition). Pearson Edition Limited.

Smith, C. 2011. *Achieving Best Evidence in Criminal Proceedings*: Guidance on interviewing Victims and Witnesses, and guidance on using special measures. London, England: Ministry of Justice.

Sikos, L.F. 2021. AI in digital forensics: *Ontology engineering for cybercrime investigations.* WIREs Forensic Science, 3(3), e1394

Snyman, C.R. 2008. *Criminal law*. (5th edition). Durban: LexisNexis.

Eswatini Government. 2019. *Anti-Corruption Commission annual report*. Government Printers.

Swaziland Government. *The Constitution of the Kingdom of Swaziland (Act 1 of 2005)*. Mbabane: Government Printers.

Swaziland Government. 1938. *Criminal procedure and evidence Act 67 of 1938 (as amended).* Mbabane: Government Printers.

Swaziland Government. 2009. *Electronic records (evidence) Act 6 of 2009*. Mbabane: Government Printers.

Swaziland Government. *Income tax order of 1975 (as amended).* Mbabane: Government Printers.

Swaziland Government. 2017. *Royal Swaziland Police Service: Fraud and Commercial Crimes Annual Returns.* Government Printers.

Eswatini Government. 2018. *Royal Eswatini Police Service: Fraud and commercial crimes annual returns*. Government Printers.

Swaziland Government. 2019. *Royal Eswatini Police Service: Fraud and commercial crimes annual returns*. Government Printers.

Swaziland Government. *The anti-money laundering and financing of terrorism (prevention) Act of 2011*. Mbabane: Government Printers.

Swaziland Government. 2017. *National corruption perception survey*. Government Printers.

Swaziland Government. 2006. *The Prevention of corruption Act 3 of 2006*. Mbabane: Government Printers

Swaziland Government. 2018. *The Prevention of organized crime Act of 2018.* Mbabane: Government Printers.

Eswatini Government. 2018. *The Police Service Act 22 of 2018*. Mbabane: Government Printers.

Eswatini Government. 2019. *Royal Eswatini Police Service: Register of crimes and contraventions investigated.* Government Printers.

Swaziland Government. *Value added tax act. 2011. (Act of 2011 as amended).* Mbabane: Government Printers.

Taherdoost, H. 2021a. A review on risk management in information systems: Risk policy, control and fraud detection. Electronics, 10(24), pp.3065.

Terrell. S.R. 2016. *Writing a proposal for your dissertation: Guidelines and examples.* The Guilford Press.

United Nations Office on Drugs, 2004. *United Nations convention against corruption (UNCAC)*. Retrieved from https://www.unodc.org/unodc/en/corruption/uncac.html

University of South Africa. Department of Human Resource Management. 2015. Human Resources: only study guide for RME101Q: *Steps in research: Research problems, hypothesis and literature review*. Pretoria: UNISA.

Venegas, J.C & Betts, M.J. 2021. *Investigation of fraud and economic crime.* Policing: A Journal of Policy and Practice, 15(1), pp.659–660

Velosco, C. 2015. *Cybercrime jurisdiction: past, present and future. ERA Forum*

Zeffertt, D.T & Paizes, A. 2010. *Essential evidence*. Durban: Juta and Company.

Zeffertt, D.T & Paizes, A. 2009. *The South African law of evidence*: Second Edition. Lexis Nexis, Durban.

Zinn, R. & Dintwe, S. 2016. *Forensic Investigation*. Cape Town: Juta and Company.

ANNEXURES

ANNEXURE A: UNISA ETHICAL CLEARANCE

UNISA university of south africa

College of Law_RERC

Ref #: 2849
Name: Mr Templeton Dlamini
Student #: 50590243

Date: 26/06/2024

Dear: Mr Templeton Dlamini

Decision: Ethics Approval from 26/06/2024 to 26/04/2027

Researcher: Mr Templeton Dlamini

Ezulwini, Eswatini

Mbabane

malibongwe.dlamini@icloud.com +26876028795

Supervisor: Dr Godfrey Thenga tshabg@unisa.ac.za

An analysis of Fraud Investigation

Qualification: Master of Arts in Forensic Science and Technology

---

Thank you for the application for research ethics clearance by the College of Law_RERC for the above mentioned research study Ethics approval is granted for {one year}{two years }{three years }{ five years}.

The **medium risk application** was **reviewed** by College of Law_RERC on 26/06/2024 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.

The proposed research may now commence with the provisions that:

1. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the College of Law_RERC .
3. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.

5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.

6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.

7. No field work activities may continue after the expiry date 26/06/2027. Submission of a completed research ethics progress report will constitute an application for renewal, for Ethics Research Committee approval.

Additional Conditions

1. Disclosure of data to third parties is prohibited without explicit consent from Unisa.
2. De-identified data must be safely stored on password protected PCs.
3. Care should be taken by the researcher when publishing the results to protect the confidentiality and privacy of the university.
4. Adherence to the National Statement on Ethical Research and Publication practices, principle 7 referring to Social awareness, must be ensured: "Researchers and institutions must be sensitive to the potential impact of their research on society, marginal groups or individuals, and must consider these when weighing the benefits of the research against any harmful effects, with a view to minimising or avoiding the latter where possible." Unisa will not be liable for any failure to comply with this principle.

Note

The reference number 2849 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Kind regards,



Prof Lincoln Fitz
Chair of College of Law_RERC
E-mail: fitzlg@unisa.ac.za



Executive Dean / By delegation from the Executive Dean of College of Law_RERC
E-mail: koleoj@unisa.ac.za

ANNEXURE B: PERMISSION LETTER FROM THE REPS

Telegrams: COM POL
Telel>hone: (09268) 4042501/5
(09268) 404 5541/5
Telex: 2017 WD
Tdefax: 404 4545
NOTE: All correspondenec should be uddressed to
The Commissioner of Police and not to individual.



THE ROYAL SWAZILAND
POLICE HEADQUARTERS
P.O. BOX49
MBABANE

23rd February, 2024

Our Ref: NATCOM/41/4/111/86

TEMPLETON MALIBONGWE DLAMINI

+268 76028795

Malibongwe.dlamini@icloud.com

Dear Malibongwe,

RE: PERMISSION SOUGHT TO CONDUCT A RESEARCH INTERVIEW WITH THE FRAUD AND COMMERCIAL DEPARTMENT.

We acknowledge receipt of your letter dated 13th February 2024, seeking for permission to conduct research interview with detectives under Fraud and Commercial Department on a study entitled **"An Evaluation of Fraud Investigation".**

The office of the National Commissioner of Police hereby grants you permission to conduct the research. However, for the smooth running of the interviews, we request that you furnish us with your tentative dates so that we follow the right procedure in notifying the affected Regions in time.

Over and above, we appreciate such research, hoping that it will yield good benefits even to the Organization as feedback will also bring shape and changes.

Thanking you in advance.

D.T. Ngwenya.

FOR: ACTING NATIONAL COMMISSIONER OF POLICE

ANNEXURE C: PERMISSION LETTER FROM THE ACC

Anti-Corruption Commission
3rd Floor, Sibekelo Building 2 (Pension)
Mhlambanyatsi Road, Mbabane

P.O. Box 4842
Mbabane H100
Eswatini

Tel: 2404 3179
Fax: 2404 0758
Toll-free 800 3500

email: anticorruption@acc.org.sz
www.acc.gov.sz

TO WHOM IT MAY CONCERN

Dear: Mr Malibongwe Dlamini

RE: REQUEST TO CONDUCT A RESEARCH AT THE ANTI-CORRUPTION COMMISSION

Reference is made to your email dated 13th April 2024, requesting to conduct a research at the Anti-Corruption Commission of the Kingdom of Eswatini.

We hereby accept your request and please contact our Chief Anti-Corruption, Officer Sipho Mthethwa @+268 76064413 and/or at siphomthe@acc.org.sz to assist you with the research.

.....

MAPHEVU MKHATSHWA

ACTING COMMISSIONER, ANTI-CORRUPTION COMMISSION

ANNEXURE D: PERMISSION LETTER FROM THE DPP

DIRECTOR OF PUBLIC PROSECUTIONS
3RD FLOOR MINISTRY OF JUSTICE BUILDING
USUTHU LINK ROAD
P. O. BOX 1055 MBABANE ESWATINI
TEL.: (0268) 2404 4293 FAX NO. (0268) 2404 5617

Our Ref.: DPP.1/msc/6 Your Ref.: Date: 8TH March 2024

Mr Templeton Malibongwe Dlamini
University of South Africa

Dear Sir,

RE: REQUEST PERMISSION TO CONDUCT RESEARCH AT DIRECTOR OF PUBLIC PROSECUTIONS' CHAMBERS.

On behalf of the Director of Public Prosecutions I hereby acknowledge your letter dated 13th February 2024.

May I also indicate that you have been granted permission to conduct the requested interviews.

The contact person to assist you in this regard is the writer hereof.

Yours sincerely

Daniel Bryan Magagula

DIRECTOR OF PUBLIC PROSECUTION
HEAD OFFICE
08 MAR 2024
P.O. BOX 1055
MBABANE H100
ESWATINI

ANNEXURE E: INFORMED CONSENT

Informed Consent

Dear participant,

You are invited to participate in a study entitled **"AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI."**

The purpose of the study is to analyse fraud investigation at Mbabane Police Station, Eswatini, focusing on law enforcement agencies. The study will explore the roles played by each stakeholder using the various pieces of legislation which empower them to deal with commercial crime at different levels including gathering information for adding value to the investigation of commercial crime.

Your participation in the study will include taking part in an interview. Your identity and that of your professional details shall not be revealed. Also, the information gathered shall be used strictly for the research project. No part of it shall be used to prejudice you in whatever way or form.

If you agree to participate in the study, kindly append your signature in the attached consent form, as proof thereof. Please note that you are at liberty to withdraw from the research at any given point.

Yours Faithfully,

Templeton Malibongwe Dlamini

As per the terms outlined in the letter of consent, I hereby agree to participate in the study entitled: **AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI**

Participant's signature	Date
Researcher's signature	Date

ANNEXURE F: INTERVIEW GUIDE (REPS)

INTERVIEW QUESTIONS

I Templeton Malibongwe Dlamini a post graduate student who is currently busy conducting research for the degree Master of Arts in Forensic Investigation and Technology at the University of South Africa. My supervisor is Dr. Godfrey Thenga and can be contacted at tshabg@unisa.ac.za or +27832650557 with regards to any matter pertaining to my research.

The aim of the research is to effectively evaluate the investigation of fraud investigation which includes the challenges faced by the various stakeholders involved in the investigation of fraud as well as other commercial crimes.

The following questions will be answered in the study.

You are kindly requested to answer the following questions in the interview questionnaire, for the researcher.

SECTION A

Background information

1. To which department/division are you attached to?

_____
_____
_____

2. What are your daily duties and responsibilities?

_____
_____
_____

3. Are you currently investigating fraud or any commercial crime?

_____
_____
_____

4. For how many years have you been attached under the division?

_____
_____
_____

5. Did you undergo any fraud or commercial crime investigation course in the past five (5) years and if so, can you please state the trainings?

SECTION B

6. Can you comprehensively define fraud in your own words in the context of commercial crime in Eswatini?

7. What is the nature and characteristics of commercial crime relevant to the Eswatini?

8. What is the extent of fraud at Mbabane Police Station?

9. What is the difference between fraud and corruption, according to your understanding?

10. In your own words, what is forensic investigation?

11. In your own words, what is digital forensics?

12. What digital forensic investigation tools do you normally use when conducting fraud investigation?

_____
_____
_____

SECTION C

13. What are the main objectives of financial crime investigation, including fraud in your opinion?

_____
_____
_____

14. What is the concept of commercial crime and its impact on public institutions in Eswatini?

_____
_____
_____

15. What are the investigation techniques used to investigate fraud in Eswatini?

_____
_____
_____

16. What is the legislative framework governing the investigation of fraud in Eswatini?

_____
_____
_____

17. What are the challenges encountered by investigators during fraud investigations in Eswatini?

_____
_____
_____

18. What do you think needs to be done differently in the investigation of fraud to successfully investigate fraud?

_____
_____
_____

19. What are the current procedures and methodologies used in fraud investigation in Eswatini?

_____
_____
_____

20. What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini?

_____
_____
_____

21. Do you have anything to say, and may add value to the study?

_____
_____
_____

ANNEXURE G: INTERVIEW GUIDE (ACC)

INTERVIEW QUESTIONS

I Templeton Malibongwe Dlamini a post graduate student who is currently busy conducting research for the Master of Arts in Forensic Science and Technology at the University of South Africa. My supervisor is Dr. Godfrey Thenga and can be contacted at tshabg@unisa.ac.za or +27832650557 with regards to any matter pertaining to my research.

The aim of the research is to effectively evaluate the investigation of fraud and corruption which includes the challenges faced by the various stakeholders involved in the investigation of the above commercial crimes.

The following questions will be answered in the study.

You are kindly requested to answer the questions for the researcher to effectively conduct the study.

SECTION A

Background information

1. To which department/division at the Anti-Corruption Commission are you attached to?

_____
_____
_____

2. What are your daily duties and responsibilities?

_____
_____
_____

3. Are you currently investigating corruption or any commercial crime and if so, which other offences do you investigate?

_____
_____
_____

4. For how many years have you been attached under the unit?

_____
_____
_____

5. Did you undergo any corruption or commercial crime investigation course in the past five (5) years and if so, can you please state the trainings?

SECTION B

6. What is the nature and characteristics of corruption relevant to the Eswatini context?

_____
_____
_____

7. What is the legislative framework governing the investigation of corruption in Eswatini?

_____
_____
_____

8. What are the challenges encountered by investigators during corruption investigation?

_____
_____
_____

9. What is the difference between fraud and corruption, according to your understanding?

_____
_____
_____

10. In your own words, what is forensic investigation?

_____
_____
_____

11. According to your understanding, what is digital forensic investigation?

_____
_____
_____

12. What forensic investigation tools do you normally use when conducting corruption investigations?

_____
_____
_____

SECTION C

13. What are the main objectives of financial investigation, including corruption in your opinion?

_____
_____
_____

14. What are the different tools commonly used to investigation fraud in your area?

_____
_____
_____

15. What are the common investigation techniques used to investigate corruption?

_____
_____
_____

16. What is the legislative framework governing the investigation of corruption in Eswatini?

_____
_____
_____

17. What are any other issues you may want to say concerning the investigation of corruption?

_____
_____
_____

18. What do you think needs to be done differently in the investigation of corruption?

_____
_____
_____

19. What is money laundering, and do you investigate Money Laundering in your day-to-day work?

_____
_____
_____

20. Do you work with other stakeholders in the fight against fraud and if so, who are they?

_____
_____
_____

21. Do you have anything to say and may add value to the study relating to corruption investigation?

_____
_____
_____

ANNEXURE H: INTERVIEW GUIDE (DPP)

INTERVIEW QUESTIONS

I Templeton Malibongwe Dlamini a post graduate student who is currently busy conducting research for the Master of Arts in Forensic Science and Technology at the University of South Africa. My supervisor is Dr. Godfrey Thenga and can be contacted with regards to any matter pertaining to my research.

The aim of the research is to evaluate fraud investigation which includes the challenges faced by the various stakeholders involved in the investigation of fraud as well as other commercial crimes.

The following questions will be asked during the study.

You are kindly requested to answer the following questions in the interview questions to assist the researcher to finalise the project.

SECTION A

Background information

1. To which law enforcement agency are you attached to?

_____
_____
_____

2. What are your daily duties and responsibilities relating to dealing with fraud and other commercial crimes?

_____
_____
_____

3. For how many years have you been attached under the department?

_____
_____
_____

4. Did you undergo any fraud or commercial crime investigation course and if so, can you please state the trainings?

YES	NO

SECTION B

5. What is the comprehensive definition of fraud within the context of commercial crime in Eswatini?

_____
_____
_____

6. What is the nature and characteristics of fraud relevant to the Eswatini context?

_____
_____
_____

7. What is the concept of commercial crime and its impact on public institutions in Eswatini?

_____
_____
_____

8. What is the extent of fraud of fraud at Mbabane Police Station?

_____
_____
_____

9. What is the legislative framework governing the investigation of fraud and corruption in Eswatini?

_____
_____
_____

SECTION C

10. What are the current procedures and methodologies used in fraud investigations in Eswatini?

_____
_____
_____

11. What is the modus operandi of the perpetrators of fraud dealt by the police in Eswatini?

_____
_____
_____

12. What are the techniques used in fraud investigation in Eswatini?

_____
_____
_____

13. What are the challenges encountered by prosecutors when dealing with fraud and corruption cases in Eswatini?

_____
_____
_____

14. What are any other issues you may want to say concerning the prosecution of fraud and corruption?

_____
_____
_____

15. What do you think needs to be done differently in the prosecution of fraud and corruption cases, in your opinion?

_____
_____
_____

16. What is money laundering, and do you prosecute any Money Laundering related cases on your day-to-day work?

_____
_____
_____

17. Do you work with other stakeholders in the fight against fraud and who are they?

_____
_____
_____

18. Do you have anything to say which may add value to the study.

_____
_____
_____

ANNEXURE I: INFORMED CONSENT FORM (DPP)

Informed Consent

Dear participant,

You are invited to participate in a study entitled **"AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI."**

The purpose of the study is to analyse fraud investigation at Mbabane Police Station, Eswatini, focusing on law enforcement agencies. The study will explore the roles played by each stakeholder using the various pieces of legislation which empower them to deal with commercial crime at different levels including gathering information for adding value to the investigation of commercial crime.

Your participation in the study will include taking part in an interview. Your identity and that of your professional details shall not be revealed. Also, the information gathered shall be used strictly for the research project. No part of it shall be used to prejudice you in whatever way or form.

If you agree to participate in the study, kindly append your signature in the attached consent form, as proof thereof. Please note that you are at liberty to withdraw from the research at any given point.

Yours Faithfully,

Templeton Malibongwe Dlamini

As per the terms outlined in the letter of consent, I hereby agree to participate in the study entitled: **AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI**

_____	_____
Participant's signature	Date
_____	_____
Researcher's signature	Date

ANNEXURE J: TURNITIN REPORT

AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI by Templeton Malibongwe Dlamini (50590243)

ORIGINALITY REPORT

13%	10%	6%	3%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to University of South Africa Student Paper	1%
2	media.oiipdf.com Internet Source	<1%
3	uir.unisa.ac.za Internet Source	<1%
4	researchspace.ukzn.ac.za Internet Source	<1%
5	rsilpak.org Internet Source	<1%
6	hdl.handle.net Internet Source	<1%
7	Submitted to University of KwaZulu-Natal Student Paper	<1%
8	kuscholarworks.ku.edu Internet Source	<1%
9	www.policinglaw.info Internet Source	<1%
10	bora.uib.no Internet Source	<1%
11	Scott N. Romaniuk, Christian Kaunert, Amparo Pamela H. Fabe. "Countering	<1%

ANNEXURE K: LANGUAGE EDITING CERTIFICATE

Kay Consulting®
Professional Academic Editors
(+268) 7625 3794 / 7925 3794 | Email: kayconsultingsz@gmail.com | Fairview North, Manzini

To God be the glory

31 December 2024

KC-EDT-311224-MT-LC-DTM

LANGUAGE EDITING CERTIFICATE

This serves to certify that in December 2024, the following Master's Dissertation was submitted to us for professional language editing, which was duly performed.

Title of edited document:

AN EVALUATION OF FRAUD INVESTIGATION AT MBABANE POLICE STATION, ESWATINI

Author:

TEMPLETON MALIBONGWE DLAMINI (50590243)

Care was taken to ensure that the work is clear, coherent, and free of grammatical errors. We are confident that the language quality meets the generally accepted academic standards for dissertations at the master's level. Please note that the dissertation adheres to British English and the Harvard referencing style.

Should any questions arise from this exercise, kindly contact our editing team.

Yours faithfully

Mfanukhona W. Kunene (Editor-in-Chief)

For Kay Consulting®

Credentials
PhD Candidate (UKZN), Editing Skills for Academics (Capstone Editing, Australia), M.Ed. in English Language Education (University of Eswatini), Understanding Research Methods (University of London), Statistics (Stanford University), IBM SPSS, TEFL, PGCE, BA Humanities, published scholar, and peer reviewer. https://www.linkedin.com/in/wanda-kunene-academic/