

# ADVANCED FEE SCAMS: WHAT TO DO IF IT HAPPENS TO YOU

Category: Commercial Law, Privacy Law, Infosec, and POPIA  
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*I am Suleman Bello, the auditor general of African Development Bank here in Burkina Faso. During the course of our auditing, I discovered a floating fund in an account opened in the bank by Mr John Korovo and after going through some old files in the records I discovered that the owner of the account died in the (beirut-bound charter jet) plane crash on the 25th December 2003 in Cotonou (Republic of Benin).*

*And nobody has operated on this account again, the owner of this account is Mr John Korovo a foreigner, and a trader who trade on gold and mining, he died, since 2003 and no other person knows about this account or anything concerning it, the account has no other beneficiary and my investigation proved to me as well that Mr John Korovo die along with his tired family. The amount involved is (usd 25.2 m) twenty-five million, two hundred thousand united states dollars only, I am contacting you as a foreigner because this money cannot be approved to a local person here, but can only be approved to any foreigner with valid international passport or driver's license and foreign account because the money is in us dollars and the former owner of the account Mr John Korovo is a foreigner too, and the money can only be approved into a foreign account.*

*I need your strong assurance that you will never, never cheat me as soon as this fund hit into your account. With my influence and the position of the bank official we can transfer this money to any foreigner's reliable account which you can provide with assurance that this money will be intact pending our physical arrival in your country for sharing. The bank official will prove all documents of transaction immediately for you to receive this fund leaving no trace to any place and to build confidence.*

*On the conclusion of this transaction you will be entitled to 30% of the total sum as gratification, while 10% will be set aside to take care of the expenses that may arise during the time of transfer and also telephone bills, while 60% will be for me.*

*So on the indication of your willingness I want you to forward to me your full name: sex: company: if any full contact address: phone: cell: fax: city: state: zip code country: occupation and all the necessary information will be sent to you on the acceptance to champion this transaction with me.*

The above is just one example of an advance-fee scam, which is a type of fraud that involves a scammer promising a victim a significant share of a large sum of money, in return for a small up-front payment, which the scammer “requires” in order to obtain the large sum. If the victim makes the payment, the scammer either invents a series of further fees for the victim, or simply disappears.

The scammer will usually request what seems to be a small amount of money in order for them to return a much larger amount of money to the victim. There are variations of the scam that may also claim that the victim has won a lottery or been left an inheritance from an unknown relative, and the scammer needs a “nominal” fee to transfer the money to the victim. They may also request the victim’s bank information or photocopies of their identification, birth certificate or other official documents.

These requests can be made via emails or telephone calls, which can become rather persistent and waste your time. The level of perseverance these scammers have can easily cross the line into harassment.

Harassment is a broad term that encompasses a wide range of behaviour the Protection from Harassment Act (“**the Act**”), defines as *any conduct, whether indirect or direct, that the perpetrator knows or ought to know will cause mental, psychological, physical or economic harm or inspires the reasonable belief on the part of the victim and that harm will be caused to a person*. Harassment includes unreasonable verbal, electronic or other communication.

The Act makes provision for you to determine who, and where these scammers, who are constantly bombarding you with these scams, are, however there is a strict **procedure** that needs to be adhered to. Additionally, the court can direct your service provider to provide information relating to these scammers.

In terms of Section 4 the Act the **court** can issue a direction for the service provider to provide information relating to:

- The electronic communications ID number from where the harassing electronic communication originated;
- The name, surname, ID number and address of the respondent to whom the electronic communications ID number has been assigned;
- Any information which indicates that the electronic communications were not sent from the electronic communications ID number of the respondent; and
- Any other relevant information that would be of assistance to the court.

However, Section 6 of the Act states that the service provider is obliged to inform the respondent at least 48 hours before releasing the information of the following details:

- The information that will be provided to the court;
- The reference number of the direction; and
- The name and address of the court.

Additionally, in terms of Section 7, a service provider must bring any charge to the attention of the Director General.

Harassment is a serious infringement of your right to privacy and dignity, and although the process may be slightly tedious, the Act does protect these rights, and it would be worthwhile to explore legal avenues in order to prevent the growth of these scams and the unscathed escape of these scammers.

For more good, clear precise advice, contact us.