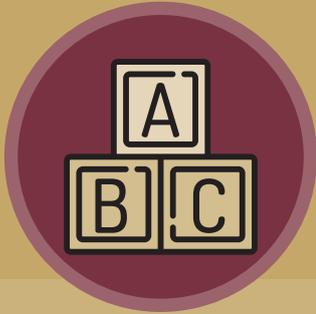

LAWYERS FOR THE PEOPLE

A tribute to the thousands
of prosecutors and support
staff who serve with integrity,
commitment and professionalism



NATIONAL PROSECUTING AUTHORITY
South Africa

HELPING TO BUILD A NATION



Contributing to **childhood development**
by prosecuting perpetrators of crimes
against children

Preserving the
environment
by prosecuting wildlife crime & pollution



Supporting
the rule of law
by prosecuting the corrupt

Building a
robust economy
by prosecuting tax fraud & white-collar crime



Keeping the lights on
by prosecuting cable theft

Improving
education and healthcare
by prosecuting corrupt officials

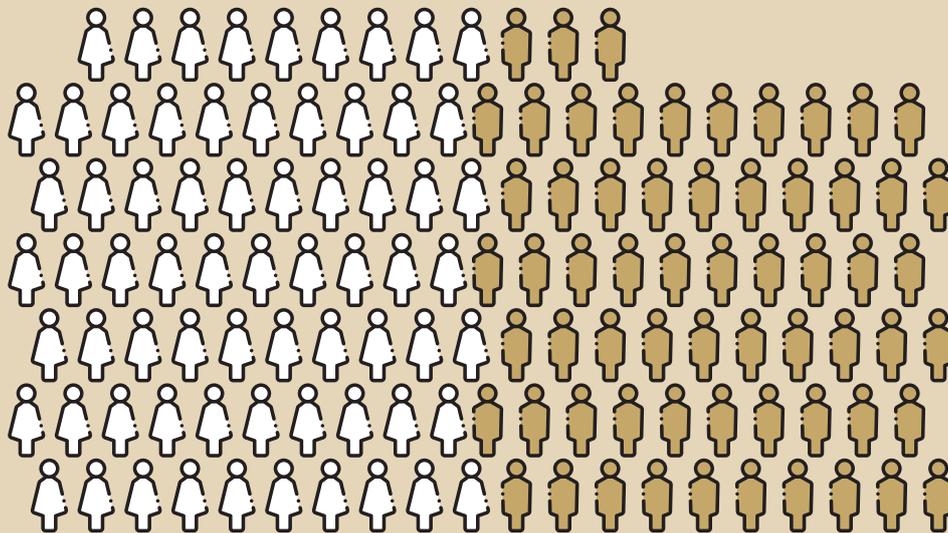


Protecting
women and children
by prosecuting sexual & gender-based violence

The NPA is the largest employer of lawyers
and legal support staff in South Africa

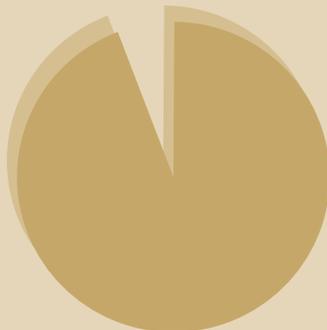
4 408 total staff

FEMALE 2 302 (52%) | MALE 2 106 (48%)



More than **five million convictions**
over **20 years**

260 456 convictions in 2018/19



**94.3% NPA conviction rate across
all criminal courts in 2018/19**



90.0%
in high courts

(up from 84.6% since 2002)



81.7%
in regional courts

(best performance in 17 years)



95.7%
in district courts

More than **11 million (11 121 294)** dockets received since 2002

99.3% clearance rate for decision dockets in 2018/19

966 474 dockets received and **964 897** dealt with



Conviction rates for specific crimes



**74.4% conviction rate for sexual offences
(up from 65% in 2012)**

4 716 convictions from 6 341 verdict cases

78.4% conviction rate for murder

3 490 convictions from 4 454 verdict cases



94.8% conviction rate for organised crime

294 convictions from 310 verdict cases

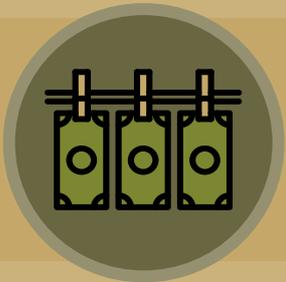
95% conviction rate for serious commercial crimes

760 convictions from 800 verdict cases



96.9% conviction rate in tax cases

- 188 convictions were obtained from 194 verdict cases
- 100% conviction rate in 87 money laundering cases finalised with a verdict



**98.2% conviction rate in environmental
crime was achieved**

1 221 convictions from 1 243 verdict cases



99.1% conviction rate in cybercrime prosecutions

440 convictions from 444 verdict cases



**210 government officials and 143 private persons
convicted for offences related to corruption**



THE NPA'S ASSET FORFEITURE UNIT (AFU) IS RECOVERING THE PROCEEDS OF CRIME AND CORRUPTION

The **R8.1 billion** of completed AFU confiscations and forfeitures could



Increase access to justice
by building six new magistrates court centres



Dismantle crime syndicates
by increasing the Hawks' budget



Help sick children
by running the Red Cross Children's Hospital for nine years



Improve education
by rebuilding or replacing 147 unsafe schools, provide water to 352 schools and sanitation to 2 403 schools

4 729 completed confiscations/forfeitures

6 143 restraints or preservations with a total value of R16.4 billion

R6.6 billion value of recoveries





Rebuilding an accountable and professional NPA

“Even during the NPA’s most challenging times, thousands of our prosecutors and support staff continued to serve with commitment and professionalism.”

In recent years, the NPA has too often been in the headlines for the wrong reasons. We suffered inappropriate interference that impacted negatively on our independence and accountability. We did not always prosecute without fear, favour or prejudice, which seriously compromised our credibility.

But the NPA is committed to once again become an organisation that puts justice first, upholds the rights of victims of crime, and is a prosecuting authority that South Africans can be proud of.

The Constitutional Court has emphasised the pivotal role of the NPA in a well-functioning criminal justice system. We have a central role in prosecuting those who flout the laws of the land, including those who undermine the rule of law to enable their selfish looting of state resources.

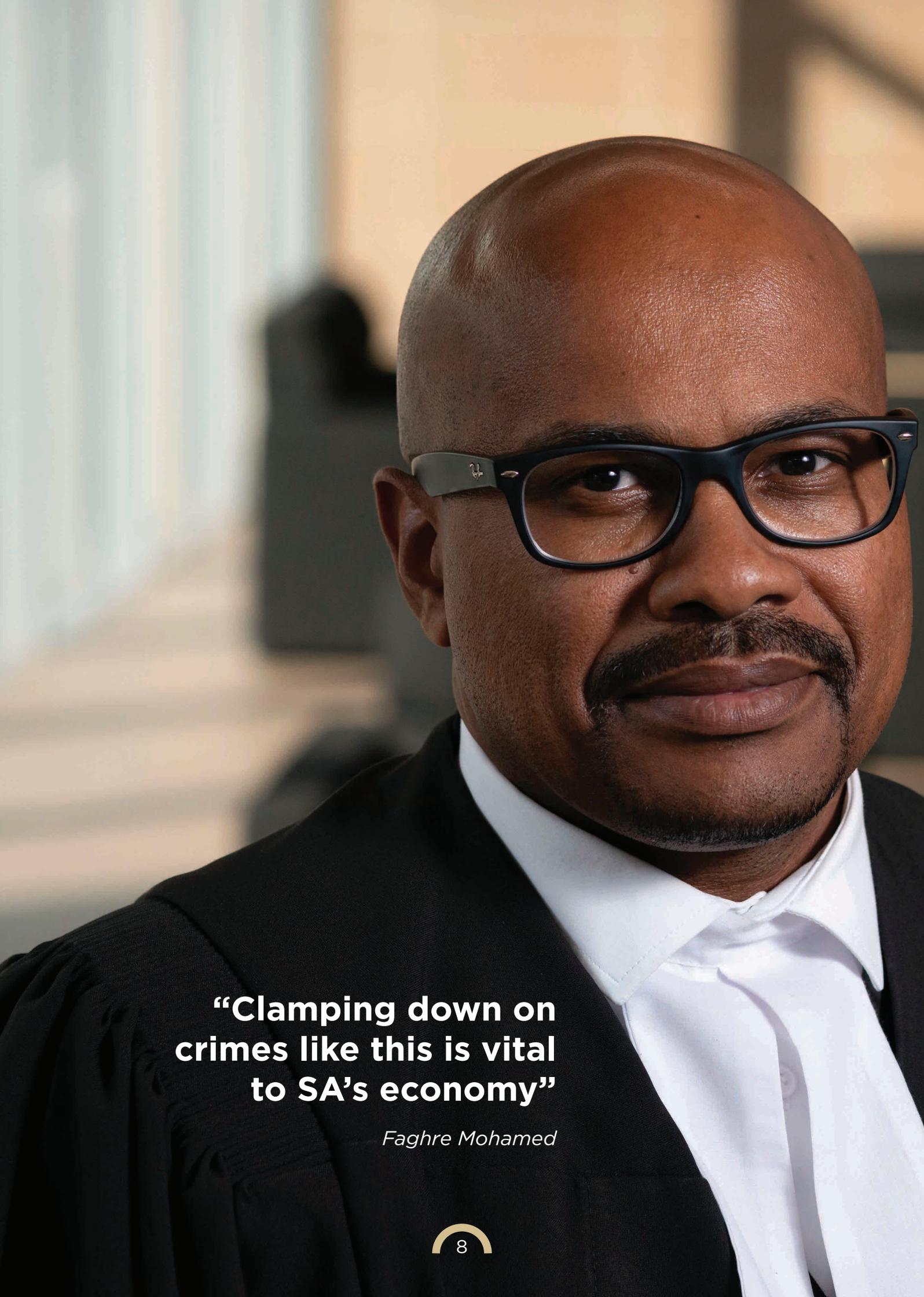
The good news is that, even during the NPA’s most challenging times, thousands of our prosecutors and support staff continued to serve with commitment and professionalism, often going the extra mile to deliver the justice that our Constitution promises.

They have been fulfilling the aims of the National Development Plan and the UN’s Sustainable Development Goals by, for example, prosecuting child abuse, sexual and gender-based crime, tax fraud, robbery, murder and environmental crime. We have many good people who in their daily work are striving to build a safe society, tackle racism, protect our natural resources and support economic development.

This is what we are demonstrating in this short supplement to our annual report. It is the beginning of a renewed effort to showcase important prosecutions and profile the dedicated women and men who serve the NPA, the justice system and all of this country’s people.

They are representative of a wider truth, that most South Africans are honest, hardworking and committed to building a nation. We are here to serve them as lawyers for the people.

Shamila Batohi
National Director of Public Prosecutions



“Clamping down on crimes like this is vital to SA’s economy”

Faghre Mohamed



OR Tambo thieves convicted

Gauteng prosecutor Faghre Mohamed had to overcome a chaotic docket to convict the robbers who snatched R24 million in cash from OR Tambo International Airport in March 2017.

The brazen robbery made international headlines as men disguised as police stole the cash in foreign currency off a plane heading to the UK.

The case was complex and made more difficult by parallel investigations across at least three provinces. But Mohamed knew a successful conviction was important to South Africa's commercial reputation. "Clamping down on crimes like this is vital to SA's economy," he says. "OR Tambo is one of Africa's most important commercial airports so this sort of security breach is extremely detrimental to how the international community

views the country and the continent."

A lot of the evidence couldn't be used and some charges had to be dropped because statements weren't collected properly. "The state's case was weakened as a result," says Mohamed.

The defence challenged flaws in the evidence and Mohamed had a tough time convincing Acting Judge Daniel Mogotsi during the trial at the high court in Johannesburg. Relying mostly on confessions, he managed to secure a combined 90 years behind bars for three of the four suspects.

CONTRIBUTING TO CHILDHOOD DEVELOPMENT





The NPA prosecutes child abuse and neglect



Picture: Proof Africa/Brett Eloff

**“We are often
the first person
witnesses and
victims come in
contact with”**

Kgomotso Lodi

The mothers of the court

The courts can be intimidating for victims and perpetrators of crime, so putting people at ease is in the interests of justice. This is the role of the Court Preparation Officer (CPO), a vital and compassionate part of the NPA support team.

CPOs are the ‘mothers of the court,’ says Kgomotso Lodi, who serves at the Pretoria Magistrates Court. “We are often the first person witnesses and victims come in contact with, and we help to improve their testimony by making them feel safe and comfortable,” says Elizabeth Dlamini, a CPO in the Sebokeng Magistrates Court.

Lodi, 41, is a qualified nurse who fell in love with the

CPO job and changed careers nearly 13 years ago. Today she has a degree in social work.

They have both been CPOs since the NPA introduced the role in 2006. They explain how the courts work, and the duty of each person in the courtroom. They see their work as essential to justice. “Most people have never been to court before and they are scared,” says Dlamini.



“There’s no place
for ego in this job”

Elizabeth Dlamini

Picture: Proof Africa/Brett Eloff

“We build a rapport with them,” says Lodi, who uses storytelling to put children at ease before their testimony. Working with victims of child sexual abuse is the most challenging, and they are often supported by a psychologist.

“It’s impossible not to think of your own children. But you have to stay professional, and remind yourself you’re playing a part in justice for them.”

Dlamini and Lodi organise their courts’ outreach programmes, sending magistrates and prosecutors to speak at schools about children’s rights and responsibilities. Cyber bullying, gangsterism and drug use are popular topics.

“We bring the kids to court, teach them about justice, show them the cells and talk about the consequences of crime,” says Dlamini. “They’re excited when they arrive, but you can see something has changed when they leave.”

“A CPO needs to be patient and understanding,” says Lodi. “People get emotional and you need to see things from their perspective. There’s no place for ego in this job.”

Court Preparation Officers have a significant impact on the lives of traumatised crime victims

518 community education
and awareness outreach
programmes to promote
victims’ rights

39% increase on 2017/18

110 181 witnesses assisted

10 539 victim impact
statements facilitated

19 519 witnesses under 18 years

51 844 sexual offences handled

All figures 2018/19



Legal precedent in House of Horror prosecution

Picture: Shutterstock/Katerina Lacovides



The conviction of a mother and father on 42 counts of child abuse and neglect, attempted murder, rape, defeating the ends of justice and drug possession brought a landmark case to a close in 2018, with the NPA having set an important legal precedent.

Acting on a tip off from neighbours, police raided a home in Springs outside Johannesburg in May 2014 and found four malnourished children, aged two to 16, in a dilapidated house filled with rats, pornography and fireworks. Four days later, the family's fifth child, aged 11, was found in the Free State town of Warden. He had tried to escape but was captured and beaten by his father. The neglected children were immediately taken into care.

For a decade the father had slapped, punched and shocked his children, tying them up with handcuffs and rope, pepper spraying his eldest son and raping his eldest daughter. Their mother had looked on as they were burnt and shot with a gas pistol. The neglected children were living on bread, chips and noodles. They lacked medical care, with teeth rotten to the bone.

The case, dubbed the 'House of Horror' by media, was tried in the high court in Pretoria and would set an important precedent. According to the Children's Act, an accused can be prosecuted for either neglect or abuse.

The judge agreed with Senior State Advocate Jennifer Cronjé, who argued that these parents were guilty of both.

The father was found guilty of rape, attempted murder, attempting to defeat the ends of justice, interfering with police, child abuse, child neglect, drug dealing and drug possession. He was sentenced to 67 years, and will be imprisoned for 35. The mother was found guilty of attempting to defeat the ends of justice, interfering with police, child abuse and drug use. She received a five-year suspended sentence.

The children's testimony was central to the prosecution's case but had to be handled carefully. They testified via closed-circuit television, and social workers monitored their emotional wellbeing. They were not able to see or hear their parents, and media were not allowed to disclose the identities of the children or their parents.

Cronjé remained mindful of the impact on the children of having to testify, and objected to inappropriate questions from defence attorneys. The children are now in foster care.



Rape survivor runs through the trauma

Running helped Ntombesintu Mfunzi overcome the trauma of a brutal rape, and a fellow runner sent her attacker to jail.

On her way by taxi to defend her 21km title at a race in Mthatha, Mfunzi was assaulted by a serial killer with previous convictions. He hit her over the head with a hammer and left her for dead.

She woke up in hospital and still won her race the next day in an act of extraordinary bravery and perseverance. It was her first day as a rape survivor, but the trauma persisted for three years as she waited for her attacker to go on trial in the high court in Mthatha.

“I wouldn’t have survived without running,” she says. NPA Advocate Mbulelo Nyendwana became a pillar of support. He was crossing the finish line of his own 21km race in Uitenhage when he heard about Mfunzi’s attack, and insisted on taking the case.

Mfunzi praises Nyendwana’s professionalism and perseverance, and his patience when she took her frustrations out on him. Her rapist was eventually sentenced to 22 years in jail in February 2019 after Nyendwana secured a guilty plea.

Mfunzi didn’t have to testify, but has become outspoken about her ordeal. She works in a prison and started by opening up to her inmates. “I told them what I went through, how it made me feel, the damage it did, the trauma and the pain, and the panic attacks when the case came to court.”

The power of her shared experience prompted convicted rapists to stand up and apologise, vowing never to rape again. They promised to share their stories with other violent men.

Mfunzi is today a motivational speaker, a champion runner who champions the strength of rape survivors. And she looks forward to running the 2019 Comrades Marathon with Nyendwana.

The power of her shared experience prompted convicted rapists to stand up and apologise, vowing never to rape again. They promised to share their stories with other violent men.

The drug-fighting Mamelodi prosecutor



Adv Anne-Marie Bendeman knew she had to do something when a desperate Mamelodi mother came begging for help. Her son had sold everything to buy drugs, even her nurse uniforms.

This was not an isolated case, says Bendeman, who's been a Senior Public Prosecutor at the Mamelodi Magistrates Court since 2013. She sees at least three drug-related theft cases a week, with housebreaking on the rise and children stealing from parents to support their habit.

Bendeman turned her focus to prevention, working with the Department of Social Development to arrange rehabilitation for young drug offenders. She's now a key speaker at dialogues about substance abuse and the Child Justice Act, the result of a collaboration between police and the Department of Justice and Constitutional Development.

The aim is to raise awareness of the social, economic, legal and health consequences of drug use. The events attract hundreds of parents and community members, as well as learners or street children who use drugs.

They have identified depression and loneliness as a driver of drug use, often by the children of single parents who must fend for themselves after school. Minors caught for drug crimes are now referred to the adolescent substance abuse prevention treatment (ADAPT) programme run by the non-profit NICRO.

Adult drug users cited unemployment, lack of accommodation, and a need to belong or make a living as the driver of their drug use. Bendeman educates them on the dangers of drugs, and how they can lead to criminal offences, arrest and a court appearance followed by sentencing. Sometimes it ends with rough justice at the hands of a mob. "They need to know that it gets harder and harder to turn back," she says.

When Bendeman gets a theft case caused by drug use, she postpones it and refers the offender for rehabilitation. If the accused completes a rehabilitation programme the matter is withdrawn.

Her job is to ensure justice, but she knows prevention is better than cure. "We want to stop them from using drugs and being arrested in the first place, not wait till they get to court," she says.

Bendeman became a prosecutor in Bloemfontein in 1995 and was appointed as Senior Prosecutor in 2003. She has spent many years training and assessing aspirant prosecutors across the country. She is committed to helping ordinary people to understand the law and exercise their rights, and her offices at the Mamelodi Magistrates Court have no security gates. "Prosecutors must be accessible to the public," she says.

ADV ANNE-MARIE BENDEMAN

“We want to stop them from using drugs and being arrested in the first place, not wait till they get to court”

POLITICAL VIOLENCE



Tackling political violence



An NPA task team investigating politically-motivated crimes in KwaZulu-Natal has secured 22 convictions.

Most cases involve killings, but also under scrutiny are intimidation, arson, malicious damage to property, defeating the ends of justice and assault. KZN's south coast and Kwa-Mashu regions are hot spots for political violence, where people have been assaulted in their homes and at political meetings in well-planned attacks.

The task team believes the violence is motivated partly by ambitions to take political positions and their associated salaries. Investigations have been challenging due to a lack of information, unwilling witnesses, testimonies not taken under oath, and resistance to witness protection programmes.

KZN political violence task team results



A precedent for racial abuse



Despite the known physical and emotional violence of apartheid, until recently racial insults would earn little more than a fine or a suspended sentence.

That changed forever after the March 2018 prosecution of Vicki Momberg, who was caught on camera using the offensive k-word 48 times in an infamous racist tirade aimed at police and emergency call centre operators. Senior Public Prosecutor Yusuf Baba ensured Momberg went to jail for two years after a conviction on four counts of *crimen injuria* – the unlawful, intentional and serious violation of the dignity or privacy of another. She became the first person in South Africa to be jailed for this crime.

Baba took to heart a 2017 Constitutional Court judgment in which Chief Justice Mogoeng Mogoeng urged courts to exercise a “very firm and unapologetic response” to racist conduct. Mogoeng made it clear that “nothing that threatens to take us back to our racist past should be glossed over, accommodated or excused”. Baba’s prosecution had to overcome Momberg’s defence claim of non-pathological criminal incapacity, that she lacked intent, and didn’t know right from wrong due to emotional stress.

Non-pathological incapacity has often been used in murder cases, but never in a *crimen injuria* case. But Baba found 23 aspects of Momberg’s evidence where she showed she was well-spoken and aware of what she was doing when she committed the crimes. “That is why the court rejected her defence,” he says.

Baba’s hope was that his hard-line approach would serve as a lesson to the wider public. In sentencing, Magistrate Pravina Raghoonandan said it would be a deterrent for “others who behave in a morally-reprehensible manner.”

Baba has already seen the impact of his work on the Momberg prosecution. He used to see around five racially-motivated cases a month at Randburg Magistrates Court. This has dramatically dropped and he now has just one racial case.

“People were still using the k-word... but this case highlighted how badly the dignitas of every black person has been affected. The public now have more faith in the judicial system for taking this matter so seriously.”

Yusuf Baba





Coach convicted of sexual assault



Picture: Shutterstock/Andrey Armyagov

A former water polo coach at a prestigious Johannesburg school was convicted of 144 counts of sexual assault after 23 teenage boys laid complaints against him.

Collan Rex, a coach at Parktown Boys High School, was sentenced to 23 years in prison on 144 counts of sexual assault and 14 of assault, in August 2018.

Several of the victims attempted suicide. “It was a difficult and emotionally draining case for everyone,” says Adv Arveena Persad, who prosecuted the high-profile case in the high court in Palm Ridge.

Psychologists were hired by the school and parents played a vital role in securing testimonies. Persad, herself the mother of a teenager, says it was important to build

individual relationships with the victims and to show that she and the NPA were their lifeline to accountability.

The case stands out for its number of victims and the volume of evidence she had to present to the court. Sexual abuse crimes affect more than the victim. “We had many victim impact statements from parents and families who will be dealing with this abuse for years to come.”

Rex was found not guilty of one count of rape, 94 counts of attempted murder, exposing children to porn, and sexual grooming.

Sexual crimes affect more than the victim. Parents and families will be dealing with this abuse for years.



Memory of a mother's justice

More than 30 years after his mother was attacked with a panga and narrowly avoided rape, Adv Johannes Masehela is dedicated to protecting Limpopo's women and girls from sexual abuse.

There were few police stations or courts in the rural province when his mother was attacked in 1986, and the traumatic event was never reported. Masehela was 12 at the time and remembers it clearly.

His mother still has the scar and is immensely proud of her son, now a specialist sexual offences prosecutor at the Mankweng Regional Court.

Masehela joined the NPA in 2005 and in 2015 began to specialise in sexual offences, often working with society's most vulnerable people, including young children, the elderly, and the mentally or physically disabled. He ensures sexual offence cases get individual attention and are treated with special care and patience, with time allocated to psychologists and social workers.

Masehela remembers his first sexual offence case, involving the rape and murder of a young woman. That ended in two life sentences for the accused. Another notable case was that of a 15 year old girl with a mental disability, raped by a labourer who said it was consensual. "She was so small," Masehela recalls, "and she functioned like a three year old." DNA evidence and parent testimonies, as well as evidence from forensic nurses, resulted in a life sentence for the accused.

He recalls the girl's gratitude. "She was able to understand that we were helping, and communicated her thanks through her mother. That was very special."

One particularly challenging case nearly pushed Masehela to resign. A social worker was raped by three strangers and lost her unborn child. Good police work got three men arrested, but only DNA evidence could link them to the crime. The accused were defiant in court, and their lawyer challenged the procedures, the evidence and the forensics. One mistake could have seen these rapists acquitted.

Masehela recalls the frustration of having to keep producing more evidence, but with a dedicated support team he eventually secured life sentences for all three rapists.

A father of four and community pastor, Masehela is motivated by the impact of his work on ordinary people. He sees the NPA's role as one of education as well as justice.

"When people learn about the NPA's role, they become aware of their rights. In 1986, my mother did not report her attack. But if it happened today, she may well have had justice."

Masehela is motivated by the impact of his work on ordinary people and sees the NPA's role as one of education as well as justice.

"In 1986, my mother did not report her attack. But if it happened today, she may well have had justice."

PROFILE

HENRY MAGALIE



A docket is vital to a court case. Henry Magalie’s job is to get them to the right advocate in the right court at the right time. He is an essential part of the NPA’s prosecution ecosystem.

Dockets are essential to successful convictions and include everything from confidential victim information and police reports to impact statements, crime scene photographs, forensics and other evidence.

One of 12 children, 58 year old Magalie left school at 17 to support his siblings. In 2013, he finished his matric at night school. Magalie has been a messenger for banks, police stations and transport companies, and now works at the office of the Director of Public Prosecutions in Cape Town.

He says his job is to make sure everything happens the way it is supposed to. Magalie also collects

prosecutors from the airport, manages incoming and outgoing deliveries, and keeps careful administrative records. “Every day is different, and it’s very important work,” he says.

Magalie is also very active in his community as a church leader.

Magalie’s commitment to his NPA job has seen him achieve his aim of putting his children through university. His eldest son starts work this year after completing a Bachelor of Commerce degree, and the youngest is studying architecture.

Keeping
the courts
running



Picture: Proof Africa/Brett Eloff

Henry makes sure everything happens the way it is supposed to. He is an essential part of the NPA's prosecution ecosystem.

Seizing the loan sharks

Police seized R1 million in cash and a thousand debit cards in a challenging case involving fraudulent loan sharks in the small town of Nigel in Gauteng.

Police raided two businesses and arrested 15 suspects. The NPA secured prosecutions against 11 of the con artists. They were charged with contravening the National Credit Act and sentenced to imprisonment with the option of a fine, with sentences suspended on condition that they don't repeat their contraventions.

A police investigation had found the men were targeting the most vulnerable people in their community. They took debit cards from their customers and drew money to repay loans with interest. They also kept their clients' South African Social Security Agency (SASSA) cards.

The evidence filled nearly 100 lever arch files and the accused faced 940 counts.

The scale and complexity of the case saw the Gauteng Director of Public Prosecutions called in to assist. "The sheer scale of the evidence made this a very unusual case," says Adv Johann Kotzé, who finalised the case and says it ended the accuseds' corrupt practices.





A BELIEF IN BEING THE BEST

Bookworm dedicated to legal knowledge

Cavin Mphaga nearly didn't pursue a legal career. He tried pharmacy at university, then education and commerce, before a student counsellor persuaded him to enroll for a law degree. South Africans can be grateful he followed that advice.

Mphaga is today a Senior Public Prosecutor in Bafokeng in North West province. He is 55 and religious, and believes the courts must serve people with utmost dedication, giving every case 100% of their attention. He says he is inspired by the first National Director of Public Prosecutions, Bulelani Ngcuka, and believes leadership is about changing perspectives.

"We can be the best in the country. It's just about changing how we see things."

Mphaga's 31-year career started in the former Bophuthatswana as a translator. In 1994 he was promoted to regional court prosecutor, and then Senior Public Prosecutor (SPP) for Bafokeng in 2002. At the time Bafokeng was seen as a weak link in the justice system, but now ranks first in the country.

A child rape case and a false accusation of corruption meant Mphaga nearly didn't make it to SPP. He had agreed the case wasn't strong enough to go to court, and requested further investigation. A local councillor accused Mphaga of taking a bribe to dismiss the case, a terrible stain on the career of an honest man.

Mphaga would clear his name by winning a defamation case in the high court in Pretoria, but only after his family and community had to watch him being labelled as corrupt. "It was the lowest time in my life," he says. But he persevered with the dedication that characterises his entire career.

Mphaga applied for the post of SPP with only an undergraduate degree, beating off candidates with Masters and LLB qualifications. He has since completed a Master's degree, and describes himself as a bookworm, committed to knowing SA law and the Constitution as well as religious leaders know their holy texts.

Mphaga's office has a 'parliament' session every morning, checking in with prosecutors, discussing strategies and sharing challenges. "We are efficient and we don't perform in silos," he says. "I don't want to waste tax payers' money."

Mphaga has seen adults weep in court when reading rape survivor statements, and believes prosecutors need support to process emotional trauma from their cases. "We have to learn to talk. I go for counselling and I encourage debriefing - it's important to detox."

Mphaga believes the courts must serve people with utmost dedication

THABO DHLAMINI

Thabo Dhlamini never imagined he'd become essential to the running of one of SA's busiest courts. Growing up on the dusty streets of Gauteng's Duduza township, he assumed he'd work as a labourer in the nearby industrial area.

But today this ambitious 35 year old is the personal assistant to the Chief Public Prosecutor at the Johannesburg Magistrates Court, Adv Pumeza Futshane, and helps to run six courts in the cluster.

Dhlamini's job is a juggling act. Every day he logs more than 20 representations from attorneys, then notes and files the outcomes. He answers phones and emails, scans, photocopies, faxes and prints documents, takes messages, manages Futshane's diary, and organises meetings.

Despite all that he is available to help anyone who walks through his door.

"Thabo is known for his kindness and hard work, a people's person who always helps with a smile on his face. He talks and laughs with everyone from cleaners and security to top management," says Senior Public Prosecutor John Metwamere.

In 2016 Dhlamini was recognised as the NPA's best admin clerk in Johannesburg, and in 2017 he got the Kahuna trophy for his excellent work in South Gauteng.

He had an interesting journey to the courts. After getting his management assistant national diploma at Sedibeng TVET College, he worked as a receptionist at a resort, then an admin clerk intern at a hospital.

While serving coffee at Mugg & Bean in 2015 he earned an NPA interview and a job as an admin clerk. Just one month after starting he was promoted to his current position.

Inspired by the prosecutors around him, some of whom started as court interpreters, Dhlamini is studying for a UNISA law degree.

"I want to make positive change in South Africa by being the best prosecutor in the country and to keep the NPA's flag flying high. I want to be a prosecutor who doesn't take bribes, who puts people first, works by the book and abides by the Constitution. I want to see people living freely, not scared to go to the police or prosecutors for help. I want to bring back that faith in our justice system."

Dhlamini has been exposed to both excellence and danger while working at the heart of the justice system. He is admiring of the trust Futshane has gained from community policing forums, which provide information about drug dealing and other crimes.

But he's also made enemies in the service of justice, facing threats from a gangster for refusing to help a drug mule who wanted to fast track a case against the police. "He came at me with knuckle dusters and said I was on his hit list and would die young...it's been traumatic."

The experience made him question his decision to study law, but his commitment to using the law to improve people's lives is greater than his fear.

Developing potential

I want to make a positive change in South Africa and bring back faith in our justice system

Crooked butcher's tax fraud shut down



Stealing more than R31m from the South African Revenue Service (SARS) has earned former butcher Johannes Kriek 20 years in jail.

He was convicted and sentenced in the Johannesburg Commercial Crimes Court after he convinced 18 companies to hire him as their tax expert, despite having no formal training.

Kriek submitted 29 fraudulent VAT returns between 2012 and 2015 resulting in SARS paying the companies more than R31 million of undue VAT refunds. Kriek then persuaded his clients that SARS had made a mistake, and forced them to pay half the money into his own company's bank account.

He used the money to gamble and to visit Elvis Presley's Graceland home in the US, also buying a car for his SARS accomplice, the VAT auditor Monica Pretorius.

Their crooked scheme was uncovered when Pretorius' colleagues became suspicious of her lifestyle and her insistence on doing VAT audits not allocated to her.

Kriek faced 119 charges of fraud, forgery, money laundering and corruption. Faced with overwhelming evidence, he pleaded guilty, and the NPA's Asset Forfeiture Unit has been tasked with recovering the money.

"Theft of taxes is an attack on South Africa's Constitution," says Senior Public Prosecutor Adv Marius Oosthuizen from the NPA's Specialised Tax Unit. "The government collects taxes to ensure its citizens' basic needs are met. The taxes stolen by the accused were meant for hospitals, schools and the police."

"Theft of taxes is an attack on South Africa's Constitution. The government collects taxes to ensure its citizens' basic needs are met. The taxes stolen by the accused were meant for hospitals, schools and the police."

Marius Oosthuizen





Accountable and impartial under pressure

On 1 April 2010 the new Child Justice Act came into effect, almost unnoticed amidst the excitement of the imminent football World Cup in SA.

But two days later the notorious white supremacist Eugene Terre'Blanche was murdered on his farm. The accused were black, one of them just 15 years old.

The new act was now under the spotlight. And so was Eileen Viljoen, the Senior Public Prosecutor selected for the preliminary inquiry in a high-profile case with potential to spark racial conflict and tear open the fresh wounds of apartheid.

The young accused's first court appearance featured a surge of international media, vocal supporters of the ANC and Terre'Blanche's AWB movement, and the then National Director of Public Prosecutions, Menzi Simelane, himself under scrutiny at home and abroad.

"I was nervous," says Viljoen, "but once I got up in court my professional training kicked in and I was fine. I had a job to do, and I needed to be professional, accountable and impartial, regardless of the noise and opposing passions around the case."

Viljoen ranks this historic moment as a highlight of her 23-year career. She worked for years at regional courts around Johannesburg, before heading to the North West as Senior Public Prosecutor in Potchefstroom, where she had to adjust to managing people who underpin the justice system in SA. She now looks after seven courts with a team of 13 prosecutors.

"I went from being a prosecutor taking credit for my own cases, to helping others do it to the best of their ability." Viljoen says she thrives on conflict management, and is proud of the relationships in her office, with a team that talks openly about grievances and resolves them together. She loves the challenge of getting prosecutors promoted, making way for new talent, and preparing court managers for new roles.

Fifteen years for bank heist explosive smuggler

In September 2018 a young woman entered SA from Zimbabwe with R200,000 worth of explosives hidden in her car. She was sentenced to 15 years in prison after a police expert testified in the Musina Regional Court that this type of explosive was commonly used in ATM and cash-in-transit bombings.

Eight-year case ends in conviction for corrupt education officials

Eleven officials from the Free State Department of Education were convicted in July 2018 of fraud, corruption, money laundering and contravention of the Public Finance Management Act.

Deputy Director General Tebogo Lioma was sentenced to 10 years in jail and his lawyer five years. Seven other officials got correctional supervision and suspended sentences.

The case had been in court since 2001. Lioma had used his position to give R30m in tenders for educational material to bidders who colluded in tender rigging. The case was prosecuted by Adv Mvuseni Ponye.

NPA works with civil society to jail blackmail rapist

A 56 year old man from Thaba Nchu in the Free State was sentenced to two life terms for raping his five year old niece. The child's mother is a Zimbabwean without proper documentation and the accused, her uncle, had threatened to report her if his sexual abuse was exposed. But civil society organisation World Vision reported the case to social workers and set the prosecution in motion. The case was finalised by state prosecutor Kano Losaba in the Thaba Nchu Regional Court.

Five life sentences for killer of mother and children

Adv Johan De Nysschen secured five life sentences in August 2018 for a man who murdered his girlfriend and four children. Lehlohonolo Tsiane, from Ratau township in Thaba Nchu, set her house on fire with the family inside.

Hefty jail term for gangsters

The Free State High Court sentenced seven members of the *Born to Kill* gang to 19 to 26 years in prison for murder, assault with intent to cause grievous bodily harm, housebreaking with intent to rob, and robbery. The gang, aged 19 to 24, had terrorised Bloemfontein communities. The case was finalised in March 2019.



Bloemfontein police officer jailed for fraud

Warrant officer Teboho Japhta Mohapi was sentenced to six years in prison in March 2019 for four counts of fraud. The Bloemfontein Commercial Crimes Court found Mohapi guilty of defrauding the police's crime intelligence unit of R38,000 by stealing money intended for confidential informants.

Woman and lover sentenced for husband's murder

A Bethlehem woman and her lover were sentenced to life in prison for the murder of her husband, and 15 years for possession of a firearm. Annah Sekhotho and Dika Piet Mosikili were sentenced in July 2018 for the murder of David Sekhoto. The accused hired men to pose as handymen to murder Sekhotho's husband. The case was prosecuted by Adv Lucky Bontes.



**NPA shuts
down rhino
poachers**

A determined Eastern Cape prosecutor has jailed three rhino poachers in a complicated case featuring the forensics of phones, chain-saws and dart guns.

SA's biggest rhino poaching trial saw Senior Public Prosecutor Adv Johannes 'Buks' Coetzee painstakingly piece together evidence from 13 cases spanning three years.

When the poachers were arrested in Grahamstown (now Makhanda) in 2016, he called for all unsolved Eastern Cape poaching dockets and proceeded to link them to the suspects, leading to 55 charges including rhino poaching, theft and possession of ammunition.

A large rhinoceros is shown from the side, grazing on green grass in a savanna setting. The background is filled with lush green trees and foliage, slightly out of focus. The text 'Prosecuting wildlife crime' is overlaid in white on the left side of the image.

Prosecuting wildlife crime

Picture: Proof Africa/Jonathon Rees

A rhino poacher in Limpopo also found himself on the wrong side of the law in 2018. Antonio Xavier Vasconcelos Freitas faced 15 charges of rhino poaching and related charges. The hard work of prosecutors Billy Mudavhi and Liezel Del Frate led to him being convicted and sentenced to 10 years imprisonment or a R10 million fine.

Many of the dockets had been closed due to lack of evidence and filed away at small police stations. In some cases, vital evidence had been lost. But Coetzee expertly drove a massive probe into cell phone records that showed the accused had used 70 sim cards and multiple phones over three years. More than 100 000 calls and messages were analysed, linking the suspects to the crimes through their movements and modus operandi.

In a world first, Coetzee used ballistic evidence to link darts found near the rhino corpses to a dart gun. With the help of a forensic expert he linked

a paint chip from one of the crime scenes to a chainsaw found in the suspects' possession.

His prosecuting experience enabled him to elicit formal admissions from the defence.

Coetzee's biggest challenge was getting the court to allow evidence obtained by police in a search and seizure without a warrant. After a week-long trial within a trial the evidence was allowed in the interests of justice.

The poachers' sentences will run concurrently, seeing them jailed for an effective 25 years each.

Life sentence for pick handle murder



Picture: Shutterstock



A Limpopo taxi owner was sentenced to life in prison after brutally beating a rival taxi owner to death with a pick handle.

Adv Calvin Chauke prosecuted the case in the high court in Limpopo, highlighting an increase in local taxi violence and the accused's previous convictions.

Matjawela Moagi, 37, from Sekororo received life imprisonment for murder, 10 years for attempted murder, five years for assault with intent to do grievous bodily harm, and 12 months for theft.

His Letaba taxi association was in conflict with the De Oaks taxi association over the Tzaneen-Lorraine route.

He led a convoy of 10 taxis to meet their rivals, who took refuge at the Maruleng satellite police station. They abandoned their vehicles and fled into the veld, but were pursued and beaten unconscious.

Moagi then took his convoy to Mawetjie taxi rank, where he beat Moses Mtileni to death. He pleaded not guilty but his version of events was rejected after witnesses and survivors testified.

THE BACKBONE OF JUSTICE



Dedicated Limpopo man protects and maintains NPA assets

Hardworking Dovhani Mutavhatsindi keeps the NPA running in Limpopo, often working at night and over weekends to protect and manage its cars, courts, facilities and assets.

His career took a roundabout route before he landed at the NPA.

He struggled to find a job after completing a cost and management accounting diploma. Mutavhatsindi spent two years as a driver for a bakery and used his salary to buy stamps and envelopes, making sure he was ready to apply for a better job.

He eventually got construction work on the Gautrain and in 2009 earned an internship at the NPA. In 2010 he became regional asset, fleet and facility manager. This makes him responsible for 53 courts, 42 cars, offices and other assets in the huge province.

Mutavhatsindi, 41, says life revolves around his hectic job. He keeps a record of every car, allocates them to prosecutors, and ensures they are well maintained and only deployed for official business.

He knows the exact distance of all routes in the province, and quickly picks up discrepancies in the log book. He runs workshops for colleagues on vehicle management, maintaining records, NPA policies and the consequences of abusing state assets.

Mutavhatsindi is away from home for up to two months a year as he verifies NPA assets across the province, scanning barcodes on every item twice a year.

He also monitors budgets, cleaning of buildings, and he allocates offices to new staff.

“The commitment of our administrative and service staff is what keeps the NPA going. They are as much part of the criminal justice system as prosecutors, police and judges.”

*Adv Ivy Thenga
Limpopo Director of Public Prosecutions*



Mpumalanga prosecutor powers through lengthy court roll

Adv Bianca Harmse works night and day to deliver justice in the small Mpumalanga town of Kwa-Mhlanga, often leaving home before dawn and returning after dark. In just two years she's reduced the local court roll from 153 to 33 cases.

Colleagues compliment her relationships with police and all parts of the court system, and how she's not afraid to collect and deliver all dockets for her region's courts as well as everyone's post. She's often the last person in the office.

Harmse, 43, says her laid-back character helps her handle a huge workload and long hours. "I don't stress easily," she says. "Not much gets me down."

In 2018 Harmse put a serial rapist in prison for life after he raped and robbed five women and two children, using DNA and medical evidence to link the seven incidents. In an unusual twist, she had to prove the rapist had used Facebook photos in a ploy to show one of his victims was his girlfriend and they'd had consensual sex.

She also prosecuted three women for the brutal assault and attempted murder of a teenage girl during a female initiation ceremony, securing five-year jail sentences after proving the girl could have died.

Harmse feels disheartened when she doesn't get a conviction, "but successful prosecutions make you feel like it's worth carrying on".

"For the complainant it's often the most serious thing that ever happened to them, and when they appreciate the outcome we know we're still fighting a good fight for justice."

Harmse studied at the University of Pretoria and was part of the NPA's Aspirant Prosecutor Programme. Her personal life is as busy as her work. She has four children aged five to 20 and does charity work for two orphanages and a cancer association.

In an unusual twist, she had to prove the rapist had used Facebook photos in a ploy to show one of his victims was his girlfriend and they'd had consensual sex



KZN cannibal gets life for muti murder

A traditional healer and confessed cannibal will spend the rest of his life in prison for murdering a young woman for her body parts.

Healer Nino Mbatha and several accomplices killed the woman in Estcourt, KwaZulu-Natal.

Mbatha was arrested after he went to a police station and pulled a human hand out of his back pack. He also produced a foot still in its shoe.

He claimed he had been held captive and forced to rape women and eat human flesh. Police used DNA tests to establish the woman's identity and show that all the body parts found in Mbatha's house were from the same person.

Senior State Advocate Wendy Greeff secured life sentences for two of the men. Proving Mbatha's case was easy as he confessed to murdering the woman and eating some of her body parts.

But Greeff and Assistant Prosecutor Val Dafel had to work hard to convict Mbatha's accomplice Lungisani

Magubane. She convinced the judge to accept the testimony of two police officers who overheard an incriminating conversation between Mbatha and Magubane while they were in police holding cells. Magubane was heard describing Mbatha's role in the killing, while Mbatha reminded Magubane how he had held down the woman's legs while he murdered her.

A third suspect was acquitted due to lack of evidence, while the fourth suspect committed suicide before the trial started.

Greeff often sees muti murder cases. She is currently prosecuting a man who was found with a human head which he planned to sell to a traditional healer. Recent case law has established that belief in witchcraft is no longer a mitigating circumstance in murder cases, especially where the accused have formal education.

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PROSECUTING STATE CAPTURE

Millions of rand meant for poor farmers was fraudulently pocketed by a lawyer and a senior politician, in a daring scheme orchestrated by the chief executive of the Land Bank.

The bank, a key institution in the agriculture sector, was captured and plundered. But the trio were caught and convicted of fraud in Pretoria's Specialised Commercial Crimes Court, and sentenced in 2018 to a collective 49 years in jail.

Land Bank boss Philemon Mohlahlane, attorney Dinga Nkwashu, and former MP and chair of Parliament's Portfolio Committee on Agriculture, Ruben Mohlaloga, plundered the Agri-BEE fund, a support programme set up by the former Department of Agriculture, Forestry and Fisheries. The fund aims to drive transformation by helping small black-owned enterprises to participate in mainstream agriculture.

Mohlahlane instructed the fund's manager to transfer money, without authorisation, into Nkwashu's trust account where it wouldn't be detected. The attorney then shifted the money into various family accounts and to Mohlaloga, who promptly bought two BMWs.

The case was challenging, says Senior Public Prosecutor Adv Dries Janse van Rensburg, as the accused began to cover their tracks once they realised they were being investigated. They complicated the trial by submitting false documents and got approval from the fund's committee for a fake project.

The defence then challenged every little fact on the charge sheet.

The accused also paid as much money as possible back into the trust account, and laundered it into a bushveld farm in Limpopo in a bid to hide their criminal actions.

Having seen through their fraudulent scheme and attempted cover-up, Janse van Rensburg now had to convince the court. He turned the fund manager into an excellent state witness, who was able to tell the court about each stage of the crooked transaction.

After six years the three were finally convicted of fraud. Mohlahlane was handed a seven-year prison sentence, while Nkwashu got 24 years and Mohlaloga 20. The bushveld farm and one of the BMWs was seized by the Asset Forfeiture Unit.

"This was a state capture case," Janse van Rensburg says. "They captured the Land Bank, and they captured and looted the Agri-BEE scheme. But we have shown that the NPA will relentlessly prosecute politicians who commit crimes and prejudice the people they're supposed to protect."

Janse van Rensburg also made an important point by charging the attorney's firm for the offences. "I wanted all attorneys to see the consequences of fraud," he says.

"This was a state capture case. They captured the Land Bank, and they captured and looted the Agri-BEE scheme. But we have shown that the NPA will relentlessly prosecute politicians who commit crimes and prejudice the people they're supposed to protect."





**Protecting
emerging
farmers from
fraud**



NATIONAL PROSECUTING AUTHORITY
South Africa