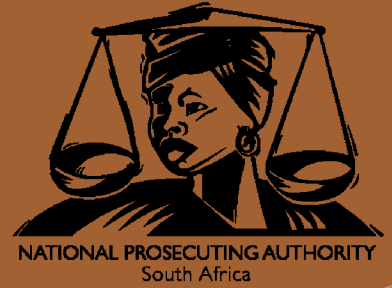


January / February 2015

# KHASHO



ENSURING PROSECUTIONS WITHOUT FEAR, FAVOUR OR PREJUDICE



**NPA  
Attractive  
Employer**

**Meet New  
Head for  
DDPP Bisho**

**Recognition  
for South  
Gauteng Duo**

**Gender  
Based  
Summit Held**



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## *Letter from the* Managing Editor

We have always positioned Khashe as a repository of information for our readers. We have also translated this intention into one of our performance delivery indicators, so that we are able to continuously assess how relevant and effective our news and internal information dissemination services and tools are to you, our valuable readers.

We engaged the NPA Research unit to assist us in this task, by administering a perception survey, so that we can establish a benchmark from which we will move and strive to improve on an annual basis, based on your constructive feedback.

You may have been part of this survey recently and we would like to thank you for your participation. We can't wait to see how your feedback will shape the way forward on the positioning of our internal communication tools. We encourage you to continue to share your feedback, even when there is no official perception survey being conducted, by emailing us to [khashe@npa.gov.za](mailto:khashe@npa.gov.za).

To add to our internal news and information arsenal, we have recently issued the first edition of Rationalisation News, to provide internal updates regarding progress on the implementation of the incidental restructuring process that has been necessitated by the introduction to law of the Superior Courts Act as well as the revised Magisterial

Districts recently proclaimed by the Minister of Justice & Correctional Services, as part of the rationalisation of courts project. We have also created a resource site on the intranet where all documents related to the rationalisation project will be published, for your convenience.

In this edition, we bring you the Ethics Promotion Office's (EPO - previously Integrity Management Unit) first of a series of articles, under the theme of "Ethics in Action." This is a platform that the EPO will use to keep awareness about ethics issues which have a significant impact on how we conduct ourselves in our personal and organisational space.

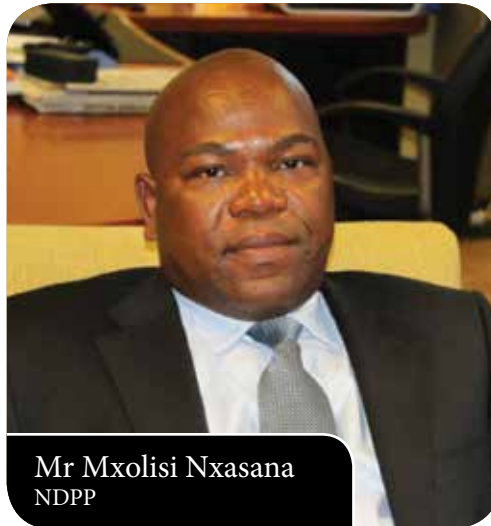
We also continue to share with you insights from our esteemed prosecutors on some of the cases they have prosecuted.

You will recall that DPP Western Cape enjoyed a victory from the Constitutional Court after the over litigious J Arthur Brown attempted and failed to challenge the SCA's decision to overturn his previous lenient sentence. Read about the long journey undertaken by our team of prosecutors as they share the key aspects of this important case.

We hope that you will enjoy this publication and that you will find it useful, as usual.



## Letter from the NDPP



Mr Mxolisi Nxasana  
NDPP



I am delighted to share with you good news about the latest performance information. Historically, quarter 3 registers a dip in performance due to it being largely over end of year holidays. However, during this financial year the NPA performed exceptionally well over this period and recorded an improvement on performance compared to last year. An overall improvement of 6% in performance compared to Q2 was noted. The NPA has also achieved 80% of its year to date targets and the organisation is in a strong position to achieve all of its annual targets.

Without the sterling work of the Enterprise Performance Management Committee, this would not have been achieved. Through the committee's monitoring efforts, corrective measures to ensure improvement in performance were implemented. As we move into the new financial year, we will continue to focus on improving organisational performance.

EXCO had a very fruitful discussion with Minister Masutha recently during the NPA Strategy and Annual Performance Plan briefing. While the minister appreciated our conviction rate, he emphasised on the quality of prosecutions that we must all strive for. This might require setting up of new processes in order to evaluate our performance processes.

This year promises to be a testing one with some challenges ahead. Some of the challenges are brought about by the commencement of the implementation of new magisterial districts resulting in the rationalisation of courts and the establishment of new high court jurisdictions as a result of the Superior Courts Act. This milestone of our democracy requires cool heads from all of us and I therefore implore you to be supportive of the internal processes that will unfold during the restructuring of resources.

A resource site has been created on the intranet for your convenience where you can find information about the relevant demarcations.

Stakeholder engagement remains a key success factor for the NPA and priority is given to this area at all levels. My recent visit to Mthatha to participate in a forum instituted by the Chief Justice where issues of case flow management, court performance and other challenges were discussed bears testimony to this commitment.

We will continue with these stakeholder engagements to ensure an effective judicial system.

We have also been part of a Serious Corruption workshop that took place recently in Gauteng. It is very heartening to have been part of an enriching workshop that sought consensus with stakeholders and partners to ensure effective systems and processes to identify and report matters that involve serious corruption or corrupt government officials. The workshop was very successful and we look forward to implement learned best practices.

The date has been set out for the commission of enquiry that seeks to determine my fitness to hold the NDPP office and the enquiry is envisaged to start on 11 – 15 May 2015. I request all of you colleagues to focus on your work during this period and make a positive contribution to the lives of ordinary citizens of the country by embodying the long-term vision of the JCPS Delivery Agreement that seeks to ensure that people are and feel safe.

Let me also thank you for your continued support. I would not have made it this far if it was not for you.





## Letter from the CEO



Ms Karen van Rensburg  
CEO

National Treasury has announced cost-saving measures for all of us to adhere to after this year's Budget Speech by the Minister of Finance emphasising the financial constraints within which government must function. This calls for all of us to plan our projects accordingly to ensure that our expenditure is managed efficiently.

The audit season has begun in earnest and the interim audit for 2014/15 financial year has been conducted.

I am pleased to report that the numbers of audit findings have significantly been reduced and this is an indication of a positive outcome. I wish to recognise you for your efforts so far in making sure that this process continues uninterrupted.

I am happy with the way the organisation is performing so far and we are on the right path to achieving all our targets. I appreciate every contribution that you make to ensure that the targets we set are met.

As we all know, the President has instituted an enquiry into the fitness of the NDPP to hold office, scheduled to start on 11 May. Your support during that time will be highly appreciated, also asking you not to be distracted. Our eyes should be on the bigger responsibility that we all have which is to serve the people of the Republic.

It is with regret that I announce Deputy CEO, Ambassador Sisulu's retirement at the end of March. Her decision to retire will bring to a close a remarkable career of nearly four decades of continuous service to the country and, of course, the NPA.

I am very grateful for her innumerable contributions to the organisation and her distinguished tenure as Deputy CEO over the last eight years and I trust you all join me in wishing her a well-deserved rest. She leaves the NPA Corporate Services at a time when we are reaping the fruits of our hard work of the last few years, at the pinnacle of which is the clean audit we achieved for two successive years.

She will always be part of this proud legacy and ours is to continue to strive for more excellence as we continue with our important work of delivering a service to the people of our country.

At the beginning of February, we communicated to you the implementation of revised names for some of Corporate Services chief directorates and directorates. To avoid unnecessary delays in the approval of your memos please take cognisance of these new names, communicated in the internal bulletin of 09/02/2015. They will also be published on the intranet, for your convenience.

We have extended the deadline for inputs on the Subsistence & Travel Policy. Whilst we thank those that have already participated on the revision of this policy we also encourage more inputs, as this policy will directly affect you.

There are also other policies that we are finalising and once they are signed off they will be made accessible and I implore you to adhere to them.

# NPA VOTED ONE OF THE MOST ATTRACTIVE EMPLOYERS IN SOUTH AFRICA!



February 2015

NPA News



## About the Universum Most Attractive Employer Rankings:

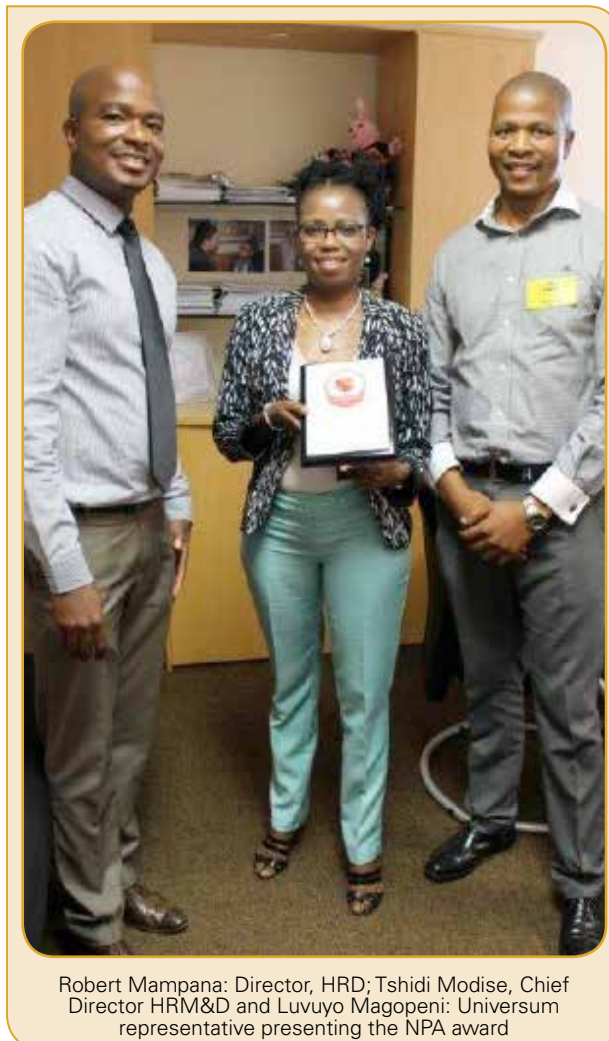
Every year, Universum surveys students and professionals asking them a range of questions about their career expectations, how they perceive employers and what they associate with each employer. Respondents are also asked which companies they would most like to work for and the Most Attractive Employer Rankings are drawn from this.

Universum's Most Attractive Employer Rankings reveal which companies are the most popular to work for in different target groups. The rankings are an indication of how attractive companies are as employers and a good indicator of successful employer branding strategies.

In 2014, 44 640 South African Students gave their opinions on a range of their career related preferences and expectations, including which companies they find most attractive. The survey was conducted between July and November 2014 in partnership with all 25 universities in South Africa, surveying students in the following Fields of Studies:

- Business/Commerce/Management
- Engineering/Technology
- Sciences
- Humanities/Liberal Arts
- Law
- Healthcare/Health Sciences

In the Law category, the NPA got a Top 3 ranking coming hot under the hills of Legal Aid and Webber Wentzel. The NPA is very proud of this achievement!!!



Robert Mampana: Director, HRD; Tshidi Modise, Chief Director HRM&D and Luvuyo Magopeni: Universum representative presenting the NPA award

# TWO NAMIBIAN NATIONALS FOUND GUILTY - ILLICIT CIGARETTES

Frank Lesenyego

The Lehurutshe Regional Court sentenced Andreas Katepe and Festus Imene to a fine of R50 000 or three years imprisonment, of which R35 000 or two years imprisonment was suspended for five years each. The accused were found guilty of contravening section 80 (1) (a) of the Customs and Excise Act 91 of 1964, as he had under his control or custody of illicit goods. Both the accused pleaded guilty to the charge preferred against them.

The accused were arrested at Kopfontein Border Post in the North West Province by police who were conducting routine searches on their vehicles. Both were travelling in trucks. Katepe was arrested on 13 January 2013 and Imene on 17 July 2013.

During the search, the police uncovered cigarettes which were hidden in a concealed compartment at the back of the vehicle, which were not declared to the SARS. In the vehicle driven by Katepe, 90 master cases of cigarettes discovered by the police.

In the vehicle driven by Imene, 88 master cases of cigarettes were discovered. Each master case of cigarettes contains 50 cartons, each carton contains 10 packets and each packet contains 20 cigarette sticks.

These cigarettes were confiscated for either not having the diamond stamp on the packaging as prescribed by section 35A (2) and 54 of the Customs and Excise Act 91 of 1964 and/or the cigarettes were not declared at the port of entry as prescribed in section 15 of the Act and are therefore illicit cigarettes.

The accused admitted to driving the trucks which entered the Republic of South Africa. They further admitted in court that the cigarettes were hidden inside the vehicles in concealed compartments at the back of their trucks.

They admitted that they did not declare the cargo upon entry into the Republic of South Africa to avoid paying the prescribed duties on the cigarettes.

They were promised a sum of money to transport the cigarettes which they never received.

The state entered into a plea and sentence agreement in terms of section 105A of Criminal Procedure Act 51 of 1977 with both

the accused. The prosecutor consulted with the investigating officer during the negotiation of the plea and sentence agreement, and the agreement was reached based on the nature of and circumstances relating to the offence, the personal circumstances of the accused, previous convictions and the interest of the community pursuant the requirements of section 105A (1) (b) of Criminal Procedure Act 51 of 1977.

The prosecutor argued in aggravation of sentence that the trading of illicit cigarettes is a prevalent offence and the country suffers huge tax losses due to trade in illicit cigarettes as no duties are paid. Drivers of trucks that transport cargo across the border posts are targeted by syndicates to transport the cigarettes they intend to smuggle into the country. They are rewarded for their services and their greed contributes to illegal cigarettes being smuggled across the border into the country.

## Khsho asked Advocate Douw Jacobs some questions about the case



How do you feel that these cases are now finalised?

It is always very satisfactory to finalise cases successfully.

What was your position during the trial?

I am part of the Specialised Prosecution Unit in our office which deals specifically with environmental and tax-related offences. The tax-related offences that I deal with, consist mainly of illicit cigarettes that are smuggled into the Country. I have a hands-on approach and guide the investigations from the onset.

I work closely with other role players like the SAPS, Customs, SARS, Crime Intelligence (CI) and Asset Forfeiture Unit (AFU) to ensure the successful prosecution of these cases



Both the accused, who were the drivers of the trucks, indicated that they wanted to plead guilty, thereafter the defence and I entered into negotiations in terms of section 105A of the Criminal Procedure Act 51 of 1977. I drafted the agreements, they were signed by all parties and were presented in court. The accused were subsequently convicted and sentenced.

Any lessons learnt as you move forward to deal with other cases?

I make sure that I am well prepared before going to court. Being prepared means that you are confident and also ready to deal with any situation there and then.

Further, it is very important to have a good working relationship with other role players, you cannot win the fight against crime alone.

## SIX LIFE TERMS FOR RAPIST

Mashudu Malabi

On the evening of 7 December 2012, Jacques Basson and Lehlohonolo Mashinini aged 27 and 19, respectively, accosted two women and a man who was accompanying them from the tavern to Paballelo. The accused first hit and stabbed the male complainant with a sheep shears and robbed him of his cellphone before leaving him alone. They then not only raped the two women and stole their cellphones but also kidnapped them to Basson's house where they continued to take turns raping the two women for the night. The next day the two women escaped through a window and reported the matter to the police.

Lehlohonolo Mashinini was arrested the following day. He was identified by one of the victims while still wearing a cap which he had stolen from one of them. Basson was arrested in Kimberley after he fled from Upington.

Both the accused were linked through DNA of one of the victims and Basson was also linked to another victim. Both the accused defence was that it was consensual sex with one victim and in respect of the other victim, they denied ever having sexual intercourse with her.

On Friday, 13 February 2015 the two accused were sentenced in the Upington Circuit Court. Lehlohonolo Mashinini was sentenced to 25 years direct imprisonment on five counts of rape and 3 years on three counts of robbery with aggravating circumstances on each count.

Jacques Basson was given six life term imprisonments for six counts of rape, 3 years on assault with intention to do grievous bodily harm, 12 months on kidnapping and 5 years direct imprisonment on three counts of robbery with aggravating circumstances.

Advocate Tebogo Kelaotswe addressed the court and said that the accused should be removed from society and should receive a lengthy custodial sentence which includes life imprisonment. The community expects the courts to severely punish rapists. Rape imposes a risk as the complainants may contract sexual diseases, including HIV/Aids. The court took into account the trauma the victims had to endure by retelling their terrible and horrific suffering. They were degraded, humiliated and their privacy invaded. The complainants were very emotional during their testimony and cried throughout.

### COMMENTARY BY ADVOCATE TEBOGO KELAOTSWE



I took this case from my colleague and it was a matter which was in the regional court. I had to familiarise myself with the case within a short period of time.

The legal representatives were secured only on the Friday preceding the trial, after the other

member of the defence team had withdrawn from the matter.

I was pleased with the outcome and happy that the families of the victims were satisfied and pleased with the convictions. During mitigation, accused number 1 admitted that he indeed committed these offences and wanted to tender his apologies to the victims and the court. Unfortunately, it was late for an admission at this stage.

I have learnt that one has to be patient when dealing with victims of sexual offences, for it is emotionally traumatic for the victims to retell their horrific experience. It was evident in this matter. On several occasions the victims cried while giving their testimony and the court had to adjourn so that they could regain their composure.

# BETHLEHEM RAPISTS SENTENCED TO LIFE IMPRISONMENT

Phaladi Shuping

The Free State High Court sitting in Bethlehem, sentenced Mokete Maduna, 26, Pitso Makibinyane, 25 and his brother Ditabe Mokibinyane, 26 to life imprisonment each for rape and another 15 years in prison for robbery with aggravated circumstances. They were convicted of raping an 18-year-old girl in March 2013 and robbing her of her personal belongings.

The court heard that on the day of the incident, the victim from Phuthaditjhaba was walking alone in the evening when she was attacked by the three young men who were under the influence of alcohol. They approached her near the school yard, forced her into the school toilets and then took turns raping her. They also robbed her of her cellular phone, shoes and money.

The victim reported the matter to the police and the three men were arrested after she managed to identify two of them.

State prosecutor, advocate Carel van der Merwe argued during aggravation of sentence that the accused did not have respect for another human being as they raped an innocent girl who happened to be a victim just because she was walking alone after sunset.

"These young men are opportunistic because they pounced on the victim just because she was walking alone at night. They violated her in the most inhumane way by raping and robbing her of her belongings. They also treated her as if she does not have freedom of movement because in their eyes her crime was to walk alone at night. The only way to protect our communities from these ruthless young men is to remove them permanently from our society," said advocate Van der Merwe.

The court took another turn on the day of sentencing when the accused requested to take to the stand once again to tell the truth. Maduna admitted that he raped the victim but did not rob her of her belongings. Ditabe informed the court that he did not take part in the rape of the victim but only admitted robbing her of her belongings. However, Pitso came up with a different version of the events when he told the court that they all took part in the rape.

Before handing down his sentence, Judge Fouche lambasted the trio for showing no remorse for their actions and lying in court on many occasions. He further stated that the accused's attempt to tell the truth before sentencing was to take a chance to get a lesser sentence because that was only after they were found guilty by the court.

"You were like vultures taking advantage of a young, helpless girl and leaving her barefoot. You did not just take her belongings on that day but also took away her dignity," concluded the Judge.

## COMMENTARY BY ADVOCATE VAN DER MERWE



All the accused pleaded not guilty and said that they had an alibi. The state called 11 witnesses in order to prove their guilt.

The incident took place at night and it was raining which made identification of perpetrators difficult for the

witnesses. Thorough consultations were necessary to prepare them for the trial. Two suspects were linked by DNA evidence. The report of the DNA analyst was challenged and the witness had to come from Pretoria to testify. The witness was excellent and convincing in his testimony and the court accepted his evidence.

The evidence of the complainant was attacked by the defence in cross-examination. She was very emotional and the court had to be adjourned. Acknowledgement must go to the Bethlehem Court Preparation Officer, Ms Eaglet Moletsane, who assisted and supported the complainant during the court case.

The biological mother of the Makibinyane brothers was a state witness, and it was very difficult for her to testify against her sons. She stuck to her story when the defence challenged her evidence and the court found her to be a credible witness.

The accused maintained their innocence even after being found guilty. When the judge was ready to pass sentence, the three accused approached the court to testify in mitigation. They tried to minimise their roles and blamed one another but the court rejected their claims and all three were sentenced to life imprisonment.



# DDPP BISHO OFFICE GETS A NEW HEAD



The DDPP office in Bisho welcomed the appointment of Advocate Elaine Moonsamy who was appointed after Advocate Malcom Sotenjwa retired last year as the Deputy Director of Public Prosecutions. Khasho reporter visited Advocate Moonsamy in her new office and asked her a few questions.

## Tell us briefly about yourself

I was born and brought up in KwaZulu-Natal (KZN) and I am the eldest of four children. I am a dedicated person and enjoy my work very much. I am a people's person and enjoy interacting with others about current affairs affecting our communities. I like simple things in life and I have a beautiful 4 year old son with my partner.

## Where did you study and what qualifications did you obtain?

After I matriculated, I studied at the University of KwaZulu-Natal where I obtained my B. Proc and LLB degrees. I also did a B.Com (Management) degree with the University of South Africa (UNISA), followed by a Diploma in Compliance Management from the University of Johannesburg (UJ). My thirst for knowledge has led me to register with UNISA for a Master's degree in Company Law which I am currently busy with. My Dissertation is in Alternative Dispute Resolution.

## Briefly, how do you feel about this appointment and what does it mean to you?

I am really excited about this appointment and as a woman I feel that I finally have the platform to showcase my skills and capabilities. It will make me proud to work closely with my colleagues and all the relevant stakeholders to put the Bisho office on the map. Since I started working for the NPA in 1999, the experience has enriched me with vast knowledge of criminal law and I have had the opportunity to work with different people, including judges, magistrates, community leaders, high ranking members of the South African Police Service (SAPS), members of Social Services, Correctional Services and the Department of Health. I also hope to continue to make a contribution in the fight against crime for the benefit of our communities.

## What are your immediate goals as well as long term goals for this office?

I want to instil a culture of professionalism, dedication, commitment, high work ethics and for advocates to take ownership of their cases, but to also to filter this culture to the lower courts. I also intend to lead by example, as I will be going to court when my schedule allows me to do so. The service that we provide to our customers must be professional; we

must maintain high ethical standards and very importantly, we must be able to provide justice for all.

## Any milestones in your career?

One of the high profile matters which I prosecuted: S v Jack Mogale a serial rapist and killer, was sentenced to 20 life terms and 324 years imprisonment. This sentence is the second highest sentence in the history of the country. This made me believe that if we can work hard we can achieve justice in our society.

## How do you relax when you are not working?

I enjoy shopping, jogging, reading, travelling and watching television. I am also involved in community projects where I assist in worthy causes.

## Any challenges so far?

I am very excited about the challenges as I see them as opportunities to improve. I will be travelling a lot and this will help me to be hands-on and will give me an opportunity to interact with all the relevant stakeholders. I also want to identify where the office is in terms of statistics and where we want to be in the next financial year, and then work collectively with corporate services and all other stakeholders, coupled with mutual respect for each other so that we can realise those goals as we stand poised to deal with crime.

## How have you been received by your colleagues and your general comments before we close?

My colleagues have been very welcoming and I am beginning to enjoy my new environment. During my relocation, I had to leave my family behind but the comforting part is that they are joining me later in the year and I can finally call the Eastern Cape my home.



Advocate Elaine Moonsamy, new Deputy Director of Public Prosecutions, Bisho



# WELL DESERVED RECOGNITION SOUTH GAUTENG PROSECUTORS

February 2015

NPA News

The NPA hosted its first ever National Service Excellence Awards in December where two prosecutors from South Gauteng Adv Lethabo Mashiane and Cobus Ehlers scooped the NDPP Special Award and Prosecutor of the Year Award, respectively. Khasho spoke to them about their awards and red carpet experience:

## **Background on the start of their careers and how it continues to grow:**

Adv Lethabo Mashiane: "I started prosecuting in Pretoria in 2000, then moved to Polokwane in the same year. In 2001, I was appointed as a relief prosecutor until 2003. Later I was appointed as a junior state advocate at the then Witwatersrand Local Division, now called the South Gauteng Local Division. In 2005, I was appointed as Senior State Advocate, the position I hold to date. Cases I can highlight amongst other high profile cases that I prosecuted in my career are: the appeal in the Max the Gorilla case, the Lucky Dube murder trial, as well as the Brett Kebble murder trial, and now I am busy with the Radovan Krejcir trial."

Cobus Ehlers: "As with most young people, I had a very vague idea of what I wanted to become after school. I even had the radical idea of becoming a game warden. However, I recognised my God-given gifts of a sharp intellect and talent to speak, so furthering my studies was the next step and law seemed like a challenge, and indeed it was.

I was inspired by a fellow law student to pursue the path of prosecution, who ironically became a public defender. Any person who knows me well will tell you that this profession is the perfect fit for my personality. I have always been one for fairness and strict moral conduct, with little care for exuberant amounts of wealth and prestige.

My start at the NPA was much the same as everyone else's. I was moved to the branch court of Newlands after serving at the Johannesburg Central Court for two years. It is here that I find my career most fulfilling. Working in a single court, within a concentrated jurisdiction area has the advantage of giving one the opportunity to get to know the community and its strife, becoming more involved and not just see the job some mill at the works. Of course, I have grown a lot and new horizons await me, perhaps even elsewhere."

## **Congratulations on achieving your awards. You epitomise what giving real service really means. How did you feel when your name was called out as the recipient of the award?**

Cobus Ehlers: It is a very surreal feeling and hard to believe. When they started to read

the breakdown of my achievements, I did not think it was me. It was only at the end of the announcement that I realised that it was me. It was at that point that the world blurred out around me and the noise faded. I saw all the smiles facing me, but all I could hear was my own voice in my head asking "Is this really happening?"

As quickly as a flash the event was over. I could barely recall even being on the stage. The part I remember best though was the people congratulating me at my table during and the rest of the proceedings.

Lethabo Mashiane: Thanks for the congratulations. To say I felt overwhelmed is actually an understatement. I felt ecstatic. It was quite unexpected. When the NDPP started speaking about the award, and briefed the audience about my case, I felt shivers going down my spine. When my name was called, I was still in some dreamland. It only dawned on me when I descended from the podium and heard the applause from the DPP, Adv. Chauke and others that I started to realise what an achievement it was.

## **Were you confident that you stood a chance of taking the award? Why?**

Cobus Ehlers: I was truly surprised, not because I thought I did not deserve it, but realising that the NPA is a large area and institution, one cannot help but feel small in a massive group of people to choose from.

Lethabo Mashiane: Not at all, I did not even think there was going to be such an award. It took me completely by surprise. However, I am thankful to God I was the chosen one. I am very happy with my achievement.

## **What did you do differently that made you stand out from your peers?**

Cobus Ehlers: This is probably the hardest question, because there are many of my peers who I believe could just as easily have received the award. I would not have thought of them less worthy for a second.

I would say my involvement at a local drug and rehabilitation group as a speaker was my greatest contributing factor. I believe also that my choice to manage my court as a single prosecutor showed my diligence and sense of duty, above taking the easy way of asking for a secondary prosecutor. I was also fortunate in working with a couple of high publicity cases. However, as a christian I will not fail to recognise the blessing of God and His will in this.

Lethabo Mashiane: I don't think it's necessarily doing things differently but rather taking pride



in what you do, the powers vested in you to make a difference in society and striving to be the best in what you do. If you asked me what made me the best candidate for the award I would say, I am not so sure what the NDPP considered for the award, but I am so happy that my contribution to the NPA is being recognised. I will continue to do my best.

**Was receiving the award the proudest moment in your employment career?**

Cobus Ehlers: Most certainly. I would love to meet the person who would not say the same. It is not the only moment I pride myself in, though. I try and conduct my work in such a manner that I can reflect on any one day and feel proud of what I did.

Lethabo Mashiane: Yes of course, I think everyone should be happy to be singled out amongst their peers for outstanding performance. But I must indicate that, that does not mean others are not putting their utmost effort in their work. We have many prosecutors who go all out and put in many hours in executing their work efficiently.

**How has this award ignited you/those around you to excel in all your/their duties?**

Cobus Ehlers: I cannot really speculate on how my peers feel, but being awarded this prestigious honour, I realise that it is more in reach than what it previously seemed.

Lethabo Mashiane: Everyone around is very happy to be associated with me. Colleagues from all over the country sent congratulatory messages. Thanks to all. I think everyone is inspired to achieve more.

**What message can you share with future nominees or all employees about being nominated for an award?**

Cobus Ehlers: The very first thought I had when sitting down at the awards and seeing the high calibre of people around me was that being nominated was an award in itself. Even if I did not win that night, I knew having my name appear in that category and attending a ceremony with such individuals was enough for me to still feel in awe.

A piece of advice I would offer is to speak to the people around you at the ceremony. I received some good advice from senior NPA members and hearing the opinions and passions of other prosecutors from all over the country, and thus motivated me even more.

Lethabo Mashiane: Let us put in more effort in our work, not necessarily with a view to get awards, but so that justice prevails at the end of the day, and we are able to put that smile back on the face of the victims of crime. It further illustrates to criminals that crime does not pay.

**What message can you share with management about their initiative of recognising diligence and hard work to boost employee morale?**

Cobus Ehlers: This is extremely important, I cannot stress how critical recognition is in a non-corporate environment. No prize money or trophy could equal the joy of knowing your seniors and peers have noticed your hard work and dedication.

Lethabo Mashiane: Being recognised is the most fulfilling reward to every employee. These awards go a long way to motivating employees to do the best in executing their duties.



Cobus Ehlers



Adv Lethabo Mashiane

# GENDER BASED SUMMIT

Sibongile Mogale



The Gender Based Summit was held last year in December, Cape Town. Welcoming the attendants, Adv Rodney de Kock said that "Gender Based Violence (GBV) is a particular sketch that affects the whole world."

The summit envisages to bring solutions that will make vulnerable groupings feel safe in their homes, schools and on streets, which can only be achieved if the following questions are answered:

1. How do we achieve this vision now?
2. What lessons have we learnt?
3. What lessons can we learn from other countries?

## The countries that were represented are follows:

Swaziland, Angola, Namibia, Malawi, Uganda, Mozambique, DRC, Egypt, South Africa, Guinea and ect.

Adv Thoko Majokweni informed the participants many countries present, South Africa has a Memorandum of Understanding with. She added that since the vulnerable are often targeted by criminals, there was a need to focus on the most vulnerable.

Adding to what Adv Majokweni said, Michael McCord, Deputy Mission Director of Southern African Region, (USAID) praised the summit and added that GBV cannot be attended to as a stand-alone but needs to be added to sexual violence. He said that as a result of this partnership thousands have been assisted. He

urged government and the private sector to work together to combat violence. He further urged that agencies such as local governments and Non-Governmental Organisations (NGOs) must be supported.

"Together with the NPA we have worked in combating gender based violence. Together we stand to ensure that the children are our future leaders."

Supporting what McCord said, D Herve Ludovick De Lys, the Country Representative of South Africa (UNICEF) said it is impossible to separate violence between women and children.

"This scourge can be prevented by better services and political influence'. This can be achieved by "mummifying and adopting customs of discrimination against women and children." He concluded by saying "change is possible."

Adv Dawood Adam, representing the Africa Prosecutors Association (APA) explained that the APA was developed to enable prosecutors to prosecute issues that affect vulnerable groups. Deputy Minister, John Jeffrey informed the attendants that the summit is based on the statistics on the abuse against women and children.

## Sexual Offences Knowledge

He added that much has been done in South Africa to combat sexual violence. In the past five years, criminal law has been introduced to deal with gender based violence against women and children.

He also lauded the value added by TCC's, 51 of which are currently in operation. TCCs restore dignity and are proof of combating sexual violence and minimising the second victimization of the victim. He said that more specialised advocates are needed in this area

In closing, Adv Majokweni, reminded the

delegates to think about how sexual abuse can be prevented. 'It is important for us to know these things so that we can stop them from happening further', she lamented.

Her dream is to see Africa become a different place because prosecutions take a different stand.



## DID YOU KNOW? PERFORMANCE INFORMATION FINDINGS MAY RESULT IN AN AUDIT DISCLAIMER

### Who is responsible for management of performance information?

The Performance Information Management (PIM) Directorate is responsible for the management of performance information in the NPA, through monitoring the organisational performance in line with the approved Strategic Plan and NPA Annual Performance Plan (APP).

### What can Business Units do to assist PMI?

Business unit heads are responsible for providing the directorate with monthly and quarterly performance information reports, as per the submission dates stipulated in the Performance Information Management Policy. The directorate consolidates, analyses and submits the quarterly reports in line with the National Treasury and the Department of Planning, Monitoring and Evaluation (DPME) guidelines.

It is the duty of business unit heads to ensure that definitions and standards are adhered to by employees during reporting. The business unit and regional heads are accountable for any irregularities or incorrect data found in this respect.

### Who ensures quality on performance reports?

Quarterly performance reviews are conducted by the Enterprise Performance Review Committee at the end of each quarter. All committee members of the committee and EXCO are responsible for the quality of the performance reports from their respective areas of responsibility.

The information relating to the performance against predetermined objectives is subject to auditing by the Auditor-General (AG) in terms of section 20(2)(c) of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA). The AG adopted a phasing-in approach and fully implemented in the 2010/11 financial year. Findings in respect of the performance information of an institution can result in an audit qualification or disclaimer.

### What is your responsibility?

To ensure that the NPA works towards another clean audit, it is imperative that managers and officials ensure that adequate controls and measures are in place to verify the reported information. It is also important that managers verify and sign off on the monthly and quarterly statistics to ensure accountability.

# LIFE FOR “STEPFATHER” TSHIRANA

A pretty eight-year-old was pitted not only against the accused and his family but also her own mother. Even a gambling man may have been disinclined to bet on her.

The tiny 7-year-old resided with her mother and her mom’s boyfriend, the accused. The child slept in the lounge in the main house while the two adults slept in the accused’s outside flat.

The mom often went out drinking with her friends and her boyfriend used these times to fetch the victim and rape her in his flat.

His defense was that since he did not have a key to the house at night, he would not have been able to take the child from where she was sleeping in the lounge as she shared that space with five other people. His version was corroborated by two family members, including the complainant’s own mother, who swore that she never left the complainant unattended at home.

The victim suffered from incontinence due to prolonged anal rape.

She ultimately moved in with her paternal grandparents and that is when the wise granny noticed the discharge and took her to the nurses to whom she made her first report.

When her boyfriend was arrested, the mom used a ruse to collect the child from her grandparents’ home. She and the accused’s attorney took the child to a doctor and a gynecologist. When both doctors found that the victim had never been raped, the accused was released on bail.

Sharon consulted again and despite budgetary constraints, got help from one of the best in the business from East London: the tiny Dr. Natalia Novikova. She has impressive academic qualifications and seven years’ experience in sexual assault cases. She provided assistance gratis and travelled to Grahamstown to testify.

Days before the trial, Dr. Novikova examined the complainant with a second expert in child sexual assaults, Dr. Anthea Klopper (who has assisted the NPA previously). Their findings in respect of the child’s genitalia were photographed and accepted in court over that of the defence’s gynaecologist and doctor. Dr. Novikova testified that the child had been raped. The injuries to the anal sphincter, which caused her incontinence, were so severe as to prove chronic penetration conclusively.

The odds were loaded against the prosecution but extreme efforts by Advocate Sharon Hendricks and the caring State experts, made the seemingly impossible, possible.

## COMMENTARY BY ADVOCATE SHARON HENDRICKS

The case touched me deeply. The child was 8-years-old when she testified. She was suffering from depression and was severely traumatised.

Despite searching cross-examination, she answered questions confidently and rationally for her age. Judge Beshe noted that it was hard to believe that this was the same child who just three months earlier, could not

stop crying and was unable to provide a spontaneous account of what had happened.

The accused was given life, partly as a result of the severe anal injuries. The complainant will be examined again on 25 February 2016, when the final decision with regard to the need for surgery will be made. If the surgery proceeds as expected, the child will undergo three operations and have a colostomy bag fitted.

The period of recovery is expected to be a year and there is no guarantee that she will recover full functionality of her anal grip.

# NPA ETHICS IN ACTION

Ethics Promotion Office



If we acknowledge that there is a global consciousness to better the world then there is a possibility of engineering a new social epidemic. As long as there is a bedrock belief that change is possible and that people can radically transform their behaviour and beliefs, then we must all work towards making a positive difference for a sustained future.

For too long ethics has been taken for granted, and left to the periphery of our thinking. Institutions like the NPA are fortunate to have a well established Ethics Promotion Office, and the fact that the Department of Public Service and Administration (DPSA) has developed a Public Sector Integrity Management Framework for Government Departments, somehow gives credence to the role that such ethics promotion office play in driving the much needed integrity dialogue across our institutions.

This, being our first article in the NPA Ethics in Action Series in Khasho, we thought it fitting to get our officials to reflect; connect with others; share best practices; draw emotional support and even motivate each other.

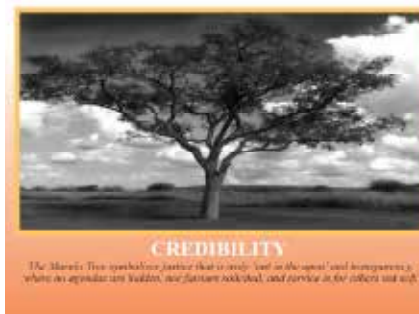
How about creating informal interactions, councils, forums and networks, where you can open a country-wide dialogue with officials, to craft a new way? We believe that this will create new flows of information and a resurgence of the pride that people feel in their day-to-day work. Through this, you can mobilise emotions to motivate higher levels of performance.

We also believe that we should move you away from a culture of dependency to a 'Can Do,' philosophy. Believe it or not, the 'Can do' philosophy, can become contagious across the NPA, and can help shape your office, influence your business unit culture, and impact your region in unprecedented ways.

We have a responsibility to continually explore our self correcting capacity, which will lead to moral progress. The examples we set, the choices we make and the lives we live, send out clear ethical signals to all those who we interact with. We can no longer avoid responsibility for our moral environment. After all, we have helped to create this moral vacuum in our institution through our own apathy and actions.

Through this series and other ethics stimuli, you will see that you have accepted more falsehoods about your ethical behaviour than you should have. Can we get you out of your comfort zones and get you to re-perceive possibilities? Of course there will be some deeper questions to be asked and some fundamental choices to be made. Challenges must be seen as a transformational moment; and an opportunity not to be missed. Remember if we do what we have always done we will get what we have always got.

*"No problem can be solved from the same level of consciousness that created it"*  
Albert Einstein



February 2015  
NPA News



# J ARTHUR BROWN'S AVENUES TO AVOID JAIL CAME TO AN END

Eric Ntabazalila

Finally, J Arthur Brown can continue with his 15-year jail term as avenues to avoid jail came to an end and finally put the case to rest.

The case against J Arthur Brown was one of the cases quoted whenever the NPA was criticised for having failed to properly prosecute commercial crime cases. We can say today that despite severe criticism, the NPA succeeded in convicting and having lengthy prison sentences imposed on three of the main culprits in the Fidentia group of companies collapse. Graham Maddock was sentenced to an effective seven years imprisonment while Steven Goodwin was sentenced to ten years imprisonment. The related part-heard prosecution against Dr Pieter Bothma in the Johannesburg SCCU still continues.

This case against J Arthur Brown started after the Financial Services Board (FSB) discovered serious irregularities relating to the Fidentia group

of companies in 2006. It was followed by a lengthy litigation process peppered with allegations of an agenda by the State and the curators. In the end, the accused was sentenced to 15 years direct imprisonment for which he applied for leave to appeal at the Constitutional Court.

The NPA opposed his application for leave to appeal the sentence on the grounds that:

The appropriate minimum sentence in a fraud matter is not a constitutional issue for the purpose of section 167(3)(b)(i) of the Constitution. We further argued that: The appropriate sentence for fraud does not raise an arguable point of law of general public importance which ought to be considered by the Constitutional Court for the purposes of section 16 (3)(b)(ii). There are no reasonable prospects of success in the appeal.

The Constitutional Court agreed with the NPA and dismissed the application for leave to appeal.

## COMMENTARY BY ADVOCATE BILLY DOWNER SC

### INTRODUCTION

On 12 February 2015, a full bench of the Constitutional Court (CC) dismissed convicted accused, J Arthur Brown's application for leave to appeal against his concurrent double prison sentences of 15 years for fraud because it bore no prospects of success. The Constitutional Court order brought a final and satisfactory close to a protracted investigation and prosecution process, fraught with obstacles for almost eight years.

### BACKGROUND

In 2006, the Financial Services Board (FSB) discovered serious irregularities relating to the Cape Town-based Fidentia group of companies. It was placed under curatorship in 2007. A Scorpions/Hawks investigation resulted in the prosecution of various accused for offences committed in relation to Fidentia's business. Accountant Maddock and businessman Goodwin concluded plea and sentencing agreements with the State at an early stage in the investigation and received hefty prison sentences. The related part-heard prosecution against Bothma in the Johannesburg SCCU still continues.

Fidentia's controlling director, J Arthur Brown, involved the prosecution, the police and the FSB in protracted litigation of various sorts over years, all designed to avoid his trial. Having lost or withdrawn all the preliminary litigation, his trial on fraud, corruption and related offences eventually commenced in 2012 at the Western Cape High Court.

Mr. Brown initially pleaded not guilty. After months of trial and after evidence was led, he changed his plea in 2013, pleaded guilty to and was convicted on two counts of fraud, each involving tens, if not hundreds of millions of rands of investor trust funds.

The trial court sentenced him to pay fines. The DPP considered that the sentences were shockingly

lenient and that each of the two offences should have attracted the minimum sentence of 15 years attached to fraud involving more than R500 000. The State consequently applied to the trial court for leave to appeal against sentence in terms of section 316B of the Criminal Procedure Act, No. 51 of 1977 (the CPA). The trial court dismissed the application.

The State petitioned the Supreme Court of Appeal (SCA), which granted leave to appeal in July 2013. The preparation of the record and the SCA roll delayed the hearing of the appeal to November 2014. In the intervening period, lead prosecutor Adv. Jannie van Vuuren SC retired and Adv. Billy Downer SC, who had helped to settle the appeal papers and heads of argument, argued the appeal with Senior State Advocate Max Urban, who had assisted during the trial. Senior State Advocate Thersia du Toit, who was also a part of the investigating and trial team for about eight years and from the outset, was disappointed not to be able to appear in the SCA, as the hearing coincided with her maternity leave!

### THE SCA JUDGMENT

The SCA handed down judgment on 1 December 2014.<sup>1</sup> The SCA allowed the State's appeal and ordered that two concurrent sentences of 15 years' imprisonment should replace the trial court's non-custodial sentences of fines.

Since the Constitutional Court dismissed the application for leave to appeal, the SCA judgment remains authoritative on the various and important issues that were decided. The four most important legal points from the SCA judgment that prosecutors will find most useful are the following:

1. Minimum sentence applies despite potential prejudice and *dolus eventualis*

<sup>1</sup> S v Brown (681/2013) [2014] ZASCA 217 (1 December 2014)





The SCA determined that the minimum sentence provisions applied to the two counts of fraud, despite the fact that only potential, and not actual loss, had been proved. Brown's intention in the form of *dolus eventualis* also did not remove the frauds from the ambit of the minimum sentence provisions for fraud. The SCA found as follows:

- "[i]n respect of each of the transactions in question, Brown committed fraud involving tens of millions of rands, way beyond the R500 000 threshold, which is the jurisdictional fact that triggers the minimum sentence provisions. Those assets were at risk and the potential prejudice has to be viewed from that perspective."<sup>2</sup>
  - Fraud is defined as "the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another." [My emphasis]. The unlawful and intentional making of a misrepresentation does not have to cause actual loss for it to constitute fraud. Fraud that "involves" more than R500 000 must include fraud involving potential loss in excess of this amount for the purpose of the minimum sentence legislation.<sup>3</sup>
- II. First offender, *dolus eventualis* and/or potential prejudice not substantial and compelling circumstances

In the light of the seriousness of the fraud and Brown's complete absence of remorse, there were no substantial and compelling circumstances that justified a departure from the minimum sentences, including the facts that Brown was a first offender, that he had committed the frauds with *dolus eventualis* and that the prejudice was potential and not actual.<sup>4</sup>

- III. Evidence on record on the merits and sentence may be considered in addition to the bare facts admitted in the plea of guilty

Where an accused changes his plea of not guilty to guilty after evidence has been led, the court is not restricted to the bare facts contained in the plea in order to properly fulfil its sentencing function, providing that no regard is paid to evidence inconsistent with the plea.<sup>5</sup> Based on this reasoning, the SCA found that the trial court was incorrect

<sup>2</sup> SCA judgment para 118

<sup>3</sup> SCA judgment para 118

<sup>4</sup> SCA judgment paras 119 - 121

<sup>5</sup> SCA Judgment para 103

simply to have ignored the evidence that the State had led on the merits before the change of plea and on sentence. The SCA rectified the trial court's error and considered such evidence, in addition to the bare facts that the accused had admitted in the plea of guilty.

IV. Gravity of the crimes necessitates imprisonment  
The SCA considered that the non-custodial sentence imposed in the High Court:

"tends toward bringing the administration of justice into disrepute. Less privileged people who were convicted of theft of items of minimal value have had custodial sentences imposed. We must guard against creating the impression that there are two streams of justice; one for the rich and one for the poor."<sup>6</sup>

#### **Trial judge's performance merited judicial sanction**

In an unusual step, the SCA decided that the trial judge's performance during the trial merited judicial sanction. He had repeatedly and improperly intervened during the trial in favour of Brown.

#### **BAIL PENDING APPLICATION TO THE CC**

After the SCA judgment, Brown launched an urgent bail application pending an application for leave to appeal to the Constitutional Court. The bail application was later withdrawn, when the accused was warned by the duty judge that the High Court did not have jurisdiction to grant bail once the SCA had ruled authoritatively (*vis-a-viz* the High Court) that the appropriate sentence was imprisonment. The bail issue became moot after the CC dismissed the application.

#### **CONCLUSION**

The NPA was at the receiving end of severe criticism after the non-custodial sentences were handed down by the trial court. The SCA judgment has gone a long way to redressing the mostly unfair criticism and recognising the NPA's pursuit of appropriately severe sentences in serious white-collar crime.

Senior State Advocate, Advocate Max Orban who co-prosecuted in the matter of the State vs J Arthur Borwn and Senior Deputy Director of Public Prosecution in the Western Cape, Advocate Billy Downer who presented the NPA at the SCA and dealt with the matter when it went to the Constitutional Court.

<sup>6</sup> SCA judgment para 121



# FORMER MAYOR GUILTY AS CHARGED

Frank Lesenyego

February 2015

NPA Performance

Former Mayor of Ditsobotla Local Municipality in the North West Province was sentenced in the Lichtenburg Regional Court on 5 counts of fraud to R10 000 or five years imprisonment, half of which was suspended for five years, 2 counts of contravening the Municipal Funds Management Act 56 of 2003 and five years' imprisonment wholly suspended for five years.

The 60 year old Councillor Itumeleng Elizabeth Lethoko is currently an African National Congress (ANC) Councillor for Ward 2 in the Ditsobotla Local Municipality. Tsietsi Koos Mokgabi, accused 2 was convicted on 5 counts of fraud and sentenced to R 10 000 or five years imprisonment, half of which was suspended for five years while accused 3, Molefe Pamphilus Gaobepe was found not guilty and discharged.

Lethoko, accused 1 faced 9 criminal charges including fraud and other statutory offences for contravening the Municipal Funds Management Act. In August 2007, Lethoko, Mokgabi and her co-accused, Gaobepe attempted to

influence the Chief Financial Officer (CFO), Sello Kleinboo Maroga to pay services for her birthday celebration from municipal funds under the pretence that it was for a Women's Day celebrations.

In another count, Lethoko and her co-accused, during November 2007, unlawfully and deliberately influenced or attempted to influence the CFO to pay a service provider R200 000 for services or goods provided for the Diamond Festival, which amounted to irregular and unauthorised expenditure.

During 2007, Lethoko and her co-accused unlawfully and in grossly negligent manner, failed to take reasonable steps to implement the municipality's supply chain management policy by facilitating and/or authorising payment in excess of R200 000 to Phakisa Civils Trading as Bamabanani Civils, without a competitive bidding process being followed in respect of such expenses.

## **Khasho asked Advocate Wessel van Biljon Specialised Commercial Crimes Unit of North West some questions about the case**

How do you feel now that this case is finalised?

These types of cases are notoriously difficult to investigate. One usually has only the evidence of the so-called whistle-blower to rely on and there is seldom a paper trail. In this case, the former Chief Financial Officer reported the case to the police. Despite the fact that there were attempts to influence him to withdraw his statements, he stuck to his guns throughout the investigation and the trial. He had the presence of mind to keep copies of all the relevant documents, which proved to be invaluable evidence in court.

What was your position during the trial?

It is due to the persistence of the investigating officer and the complainant that the state succeeded in gathering sufficient evidence to

proceed with prosecution and finalise the case successfully.

Any lessons learnt as you move forward to deal with other Cases?

Although the Municipal Finance Management Act currently does not provide for heavy penalties, it is still worth considering prosecutions in

terms of the said Act. The Act places certain duties on the officials of a municipality. In terms of the Act, it is sufficient for the state in some instances to merely prove negligence on the part of an official in order to obtain a conviction.

# MEET THE NEW CHIEF PROSECUTOR FOR THE BUTTERWORTH CLUSTER

Luxolo Tyali



Chief Prosecutor, Jabulani Cebekhulu

Jabulani Cebekhulu has recently taken over the ropes as the new Chief Prosecutor for the Butterworth Cluster in the Mthatha Division. With just over 3 months in the job, Khasho takes this opportunity to get to know the new kid on the block better.

## Where does Jabulani Cebekhulu come from?

I was born and bred in Hambanathi Township, north of Durban in KwaZulu-Natal where I schooled until I matriculated. Born the fourth among six siblings, to a policeman father, I grew up like other children playing sports, mainly soccer, cricket and swimming, and eventually qualified as a lifeguard. During my high school days, I dreamt of being a doctor or a lawyer, and I chose the latter.

## What is your academic and professional background before joining NPA?

After matriculating in 1995, I did my B. Juris degree at the University of Zululand where I was a member of the sports council, among others. On completion of my degree, I joined the Natal Cricket Union as a Development Officer and was responsible for the development and coaching of young talent in the townships north of Durban. In order for me to be able to raise enough money to further my studies, I joined Standard Bank as a financial consultant until my big break came and I was employed by NPA, completing my LLB degree while already being employed.

## How did you join NPA and what has been your experience so far?

I was part of the Aspirant Prosecutor Programme that started on 1 July 2002, and was privileged to receive the best guidance from Dyson and the late Augustyn who were tutors at the time.

I qualified as the District Court Prosecutor three months later and since then, have never looked back. I started at the Durban Magistrate Court, moved to Wynberg, Athlone and Phillipi Magistrates Courts in the Western Cape. After 2 years in the Cape, I went back to Chatsworth in KZN and started relieving at the Durban Regional Court until November 2006, when I was appointed as District Court Control Prosecutor in Durban, a position that I occupied for 11 months. In October 2007, I assumed duties as Senior Public Prosecutor at Mpangeni, in the north coast of KwaZulu Natal where I worked until June 2014 and transferred to Durban but little did I know that I would only work at my place of birth for just over three months. By November 2014, I took up the appointment of Chief Prosecutor in the Butterworth Cluster.

## Having spent a few months in your new position, what is your impression?

On arrival here, I did an assessment and analysis of the Mthatha region as a whole and the cluster performance and I was not impressed with the fact that the cluster was occupying the lower end of the national rankings. It is therefore my challenge to turnaround the performance of Butterworth and push it to the top half of the national rankings by ensuring that on a quarterly basis there is noticeable improvement.

The challenges of the cluster are not very different from other clusters, but as an entirely rural cluster with some districts as far as 350 kilometres from my office, there is a need for an innovative approach. The fact that the regional courts operate in a circuit with only one permanent court sitting in Butterworth, also tends to slow performance down and needs to be addressed. Some of the offices are also not appropriately staffed. For example, there is a regional court that is designated as a backlog court, sitting five days a week but serviced by one prosecutor.

These are just a few challenges that I have picked up and hopefully with the support of the DPP and all other stakeholders, these can be easily resolved.

## What have you introduced to improve the situation?

As a cluster, we have started having frequent engagements with the aim of ensuring that we have a strong team with a common vision. For now, all I can stress is that we can continuously improve from where we are.



# KZN LAUNCHES EIGHTH THUTHUZELA CARE CENTRE

Natasha Ramkisson-Kara

On 11 December 2014, the National Prosecuting Authority (NPA) together with the Department of Health launched a Thuthuzela Care Centre (TCC) at the Madadeni Provincial Hospital. TCCs are one-stop facilities for victims of abuse, thus preventing secondary victimisation. This is the eighth TCC to be launched in KwaZulu-Natal (KZN).

The Chief Executive Officer (CEO) of the hospital, Dr Hlehla informed the audience that it took two years of engagement between the role players to culminate in the launch of this TCC. She commended the NPA for driving the initiative and for assisting victims of rape who might have otherwise 'fallen through the cracks' and have their matters unreported without the necessary assistance.

Advocate Mbakaza, the regional head for the Sexual Offences and Community Affairs (SOCA) unit in the province explained the TCC model and each department's role in reducing secondary victimisation. He also mentioned the

involvement of non-governmental organisations and international organisations – all working together to deliver speedy, excellent and experienced services.

In her keynote address, Shabalala, the district manager for the Department of Health, commented that it was fitting for the launch to take place after the 16 Days of Activism for no violence against women and children campaign. She said, "It shows that the message of no violence goes beyond the campaign. We are working throughout the year and our efforts are just intensified during the campaign period."

Shabalala added that in order for government to strengthen services, partnerships have to be strengthened, and this can only be done by tapping into the potential and resources of each partner.

The event was hosted to inform the surrounding communities as well as hospital staff about the services offered by the TCC.



Left; Captain Nsele (SAPS); Adv Rusi (SOCA); Adv Coleman-Malinga (SOCA); Mrs Shabalala, District Manager (Dept of Health), Adv Mbakaza (SOCA) and Mr Nzuzi, (Dept of Health)

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