

June / July 2015

KHASHO



ENSURING PROSECUTIONS WITHOUT FEAR, FAVOUR OR PREJUDICE



**Bisho High Court
sends a strong
message to
criminals**

**Thirty two years
of service and
still going**

**Local care centre
the best in SA**

**NPA dared where
many are too
afraid to tread**



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Letter from the Managing Editor

The NPA leadership recently attended the DoJ&CD strategic planning session, where Deputy Minister John Jeffery re-emphasized government's commitment to the development of youth and creating economic opportunities for them. The Department has gone to the extent of establishing a Youth Desk in the office of the DG to drive innovative support programmes that are aimed at ensuring that all these plans are more than just fancy talk. This is how committed the Department is to the cause of youth development.

As part of celebrating Youth Month in June 2015, *Khasho* interviewed a few of those that fall within this age category share with us their experiences of opportunities to develop and prosper afforded to them in the NPA. Read all about their exciting responses on pages 12 and 13.

We also share with you how we participated in the 2015 Youth Month Programme for unemployed youth of Mannenberg in the Western Cape. The five-day programme which was mainly focused on skills development, information sharing and career expo which was attended by more than 130 young people of Mannenberg.

We participated in the Safer South Africa Foundation's two week programme that was held in order to educate the youth of Benoni about the different role players within the Criminal Justice System and the role of communities in assisting law enforcement authorities to uphold the

rule of law and aid in delivering justice to society at large. We cover this article on page 18.

We share with you an article that was written by the *Standard Newspaper* about the event where the Worcester Thuthuzela Care Centre (TCC) was named the NPA's Best Operating Thuthuzela Care Centre in SA. This recognition will definitely go a long way in the prosecution of sexual offences in the Western Cape. This really makes us proud!

The NPA once again participated in the Royal Show in Pietermaritzburg together with our partners in the Justice Cluster, and like in previous years, our exhibition stand was awarded a gold medal. Winning a medal means we have achieved over 80% for service excellence and overall look of our exhibition stand. Participating in the show afforded the NPA the opportunity to engage with members of the public directly.

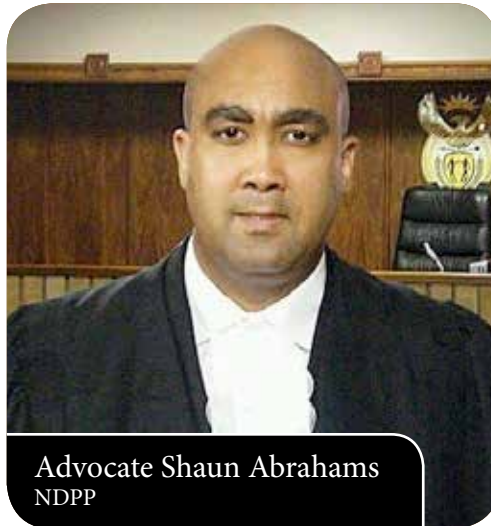
Well done to all who made it possible, particularly the KZN staff and aspirant prosecutors for making the NPA brand stand out at the Royal Show.

We hope that you will enjoy going through the variety of articles in this edition.

Best wishes!



Letter from the NDPP



Advocate Shaun Abrahams
NDPP



It is a great honour for me to be entrusted with the responsibilities of leading this all important institution in our country within the Justice and Crime Prevention Security Cluster (JCPS). By appointing me to the position of National Director of Public Prosecutions, the President placed immense confidence and responsibility in me to deliver justice to the people of this country without fear, favour or prejudice. This is certainly the greatest honour that could be bestowed on any career prosecutor.

I am deeply heartened and humbled by all your confidence in me, and the continued messages of congratulations, well wishes, kind words and commitments of support. I endeavour to hold each and every one of you in the NPA to these commitments.

As you know, I am a career prosecutor who came through the ranks from an administration clerk to a prosecutor. I prosecuted my first case in March/April 1997 when I was merely 21 years old. I am proud to say that I was part of an in-house mentoring programme in the Office of the Attorney-General, Natal (now DPP KZN) at the inception of my career.

Prosecutors play a crucial role in the administration of justice and are the proverbial cardinal gatekeepers of the criminal justice system. It is one of the highest callings – a noble profession indeed. We are bound by the Constitution, its values and ethos; and the Rule of law. We are further guided by the Code of Ethics for Prosecutors and the Prosecutorial Guidelines.

The exercise of prosecutorial discretion has an impact on the criminal justice system in terms of its efficiency, efficacy and is capable of destroying people's lives, careers and reputations. It is incumbent on each one of us to exercise such discretion responsibly with due cognisance of the rule of law, constitutional values and the integrity and responsibility of the office we hold. We are ultimately duty bound to assist the court in seeking the truth.

We must remain mindful of the core responsibility of the NPA is prosecutions. It is incumbent on all the support structures to prosecutions to provide sleek, efficient and effective support.

If there is a legacy that I would like to leave in the immediate future and during my term in office, it would be, inter alia, the following: to have brought stability to the NPA; to regain and entrench the staff's confidence in the leadership of the institution and in the institution itself; similarly, to regain and entrench the public confidence in the leadership of the NPA, the NPA as an institution and the administration of justice; to enhance stakeholder engagements and cooperation with key departments in the Justice and Crime Prevention Security Cluster (JCPS) and other stakeholders, both domestically and internationally, to enhance mentoring, transfer of skills and transformation initiatives; to fight the scourge of corruption, serious economic offences and organised crime, to build the NPA into an institution of excellence and choice; and of course to maintain a clean audit.

I cannot do this alone. I need each and every one of you to commit to this journey which we will walk together. After all the NPA is our institution, which we should be immensely proud of. It is only in this way that the integrity of the security of the Republic, the public's confidence in the NPA and the administration of justice can be guaranteed and a significant contribution made to peace and security.

I once again reassure you that, I have the deepest commitment to lead the NPA to a better tomorrow in its pursuit for justice and to make the Republic a safer place for all.

I am a prosecutor...and will remain a prosecutor at heart!

A people's lawyer!

I Thank you!





Letter from the CEO



Ms Karen van Rensburg
CEO

It's hard to believe we are already approaching the end of the second quarter of this financial year. Where has the year gone? As they say, time flies when you are having fun. In our instance, time has flown because we have had so many goal posts that we have had to focus on within tight timeframes. As you should all know by now, we in Corporate Services thrive on the energy induced by a high level challenge.

As I have endeavoured to keep you updated as much as possible previously, the process of integrating the NPA Corporate Service (CS) into the Department of Justice and Constitutional Development is well on its way through the alignment of the CS functions specifically reporting. We submitted the NPA inputs for the annual report and consolidated into the Department of Justice's, within the prescribed deadlines.

While we continued to be assessed by a separate audit team from the A-G's office for the duration of this audit cycle, our audit outcome report contributes to the DoJ&CD's. I am quite encouraged to say that from our side, while the audit process was brutal as it usually is, the nature of the queries and findings that we had to address display the high quality of our management of audit issues which we have really developed over the past few years.

Unfortunately no audit opinion was expressed in respect of the NPA and none will be in future. The NPA will in future be audited as part of the Department.

To this end, I will be amiss if I do not pause for a moment and recognise everyone's contribution to our journey of learning and consolidating our lessons towards the organisation's excellence in governance.

You all know where we come from with severe findings in areas of HR and IT before, for instance. In this year's audit, the findings in those areas were much fewer and minor in materiality.

Our continued sharp focus on the audit action plan paid dividends, and while there is still room for improvement in many areas such as performance information and some finance operations, none of these improvements could be realised without your co-operation and contribution.

We now await the tabling of the final annual report for the Department in Parliament by the Minister in September, as prescribed.

Two life sentences for Phangi Michael Mqathula

Frank Lesenyego



North West High Court has sentenced Phangi Michael Mqathula to 2 life sentences on 2 counts of murder, over and above 5 years for arson and 3 years for assault with intention to cause grievous bodily harm.

The 38 year-old from Maruping village in the district of Ottoshoop, unlawfully and intentionally killed both Refilwe Ditefo and Sibongile Ditefo by setting their shack alight.

On 25 December 2013 the accused and his girlfriend had gotten into an argument while the children were asleep. The accused demanded that money owed to him be returned. It is alleged that he demanded R200 and threatened to set the house alight if his demands were not met. Consequently, when the stipulated payment was not received the accused returned and proceeded to vandalise the premises by throwing stones against the house. The complainant tried to reprimand the accused which resulted in him dragging her out of the shack and stabbing her with a knife.

The accused then proceeded to burn down the house where children were sleeping. The children suffered fatal injuries due to his actions, costing them their lives.

The court expressed shock and disappointment to the accused who clearly had no appreciation for human life and property. He was neither offended nor had he showed any remorse and he still maintained his innocence. The court could not deviate from the prescribed minimum sentence of life imprisonment taking into consideration interest of society, deterrence, rehabilitation and retribution. The accused was given an appropriate sentence that would serve as a deterrent to those people who intend to attempt to commit these barbaric crimes and also to inspire confidence in our judicial system discouraging those who would rather resort to taking the law into their own hands.

Khasho asked Advocate Baitse Lekoma-Chulu some questions about the case



How do you feel now that this case is finalised?

I feel relieved that this matter is finalised especially with a guilty verdict. We worked tirelessly together with the investigating officer to ensure that justice is served.

What was your position during the trial?

My position was very difficult because there were no eye witnesses. The case was circumstantial and therefore I had to double my efforts to achieve conviction. It is vital to be well prepared and do thorough consultation. My challenge was that most of my witnesses could not read and write and therefore I had to read their statements and further explain their own statements in their own version.

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

I learnt that team work is pertinent to achieve any task. When I had doubts, I asked my colleagues on how we should proceed, especially since this was purely circumstantial.

It is also important for us, as the prosecutors to have a good working relationship with our law enforcement officials as they are the core of the justice system. I also learnt that in order to achieve a conviction you have to be exhaustively well prepared.



Bisho High Court sends a strong message to criminals

Tsepo Ndwalaza

In the case of State vs Nkomoni, Bisho High Court judge sentenced the 20 year-old accused to life imprisonment, 30 years for murder and another 15 years for robbery. The accused in this matter came from Matatiele and was taken in by the family of the deceased who knew him. He assisted the boyfriend of the deceased with jobs and also sold drugs for the deceased.

During the course of the trial, it transpired that tools and money went missing and the relationship between the accused and the deceased soured.

On 12 April 2013, the accused went to the deceased's home where she was alone with her 10 month-old baby girl and a five year-old boy. He raped and robbed her of her cell phones and jewellery and thereafter killed her and the two children. The adult deceased had multiple incised wounds, she was strangled and had skull fracture. The boy had multiple incised wounds and 2 skull fractures, and the baby girl had bruises, a crushed skull and was strangled. He left them in the house.

It is alleged that three days later, the accused, with the assistance of two friends (former co-accused) carried the bodies to a pit toilet where he dumped them. One of his friends who felt very bad about what they had done, informed the community about the bodies. He and the other friend pleaded guilty to accessory after the fact.

The accused was found guilty on three counts of murder and robbery. He was acquitted on the rape charge as he told the court that he had consensual sexual intercourse with the deceased a day before her death. Even though he was 19 years old, he was sentenced to life imprisonment for the murder of the adult deceased, 15 years each for the murder of the children and 15 years for the robbery. The presiding judge on the day was Judge AJ Jacobs.

Commentary by Advocate Chanzelle de Kock



Advocate Chanzelle De Kock, DDPP Bisho office

The case was allocated to me as I was the checking officer of the file.

The accused did not want to admit any details in the case and put all the blame on the previous co-accused. His version was that they committed the crimes and that he was "innocently" pulled into it. However under cross-examination he contradicted himself a lot. He was also the only one who knew the deceased and who had a key to her house.

I felt strongly about the case as there was absolutely no reason to kill two very small innocent children. Killing of children is happening more and more in SA. This goes to the core of our society. The accused showed no remorse and was still smiling when sentence was delivered.

I was disappointed that the court found that the state did not prove beyond reasonable doubt that he did not have consensual sexual intercourse with the diseased. But I felt that the sentence will ensure that a little bit of the rot has been removed from society.

Profiling

Performance Information Management Unit



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's Annual Performance Plan (APP). All 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 (DPME) guidelines.

All business unit heads are responsible for ensuring that the definitions and standards are adhered to by employees during reporting. The business units and regional heads are accountable for any irregularities or incorrect data found in this respect within their regions.

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

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). Findings in respect of performance information of an institution can result in an audit qualification or disclaimer.

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

Performance Information Management Unit is a directorate headed by Ms Salome Tau.

She is assisted by three Senior Specialists, Ms Alicia Victor, Mr Sello Sefara and Mr Tinyiko Baloyi, with one Assistant Director, Ms Goodness Mlati.

The Duties of the PIM Directorate entail:

- Submit, consolidate and finalise monthly and quarterly performance reports against the NPA Annual Performance Plan and Support Services Annual Performance Plan
- Monitor business units performance information
- Coordinate and facilitate the PIM Review Committee meetings
- Coordination of business units and regional awareness processes of performance information management
- Identify, monitor and evaluate needs
- Monitor support services performance information
- Prepare the NPA Adjusted Estimates of National Expenditure (AENE) and Estimates of National Expenditure (ENE) for submission to the Department of Justice and Constitutional Development (DoJ & CD) and National Treasury
- Coordinate, implement and maintain appropriate management information systems pertaining to PIM.



Salome Tau, Goodness Mlati, Phumzile Shange, Betty Langa, Sello Sefara, Tinyiko Baloyi



The NPA dared where many are too afraid to tread

Eric Ntabazalila

On 1 July 2015, the NPA participated in the 2015 Youth Programme for unemployed youth of Mannenberg. This five-day programme which focussed on skills, goal setting, professional etiquette, time management, self-confidence, CV writing and Career Expo was also attended by Grade 11 and 12 learners from schools in Mannenberg and surrounding areas. The programme was run by a non-profit organisation, Gaein, which ran the programmes at the Druiwelveli Community Centre in Mannenberg.

More than 130 youths attended the event and were addressed by professionals who informed them about their careers. Mannenberg is a Cape Flats suburb very well-known for its gangsterism activities. The area has been at the centre of calls for the army to be deployed in the Cape Flats. Primary school learners in this area know the drill when bullets start flying. Teachers have complained about how difficult it is to keep learners focussed while you have gangsters smoking tik on the stoep. The "The Americans", "Hard Living" and "Clever Kids" are gangs that live and operate in the area.

Representing the NPA was advocate Desire Berry from the Athlone Magistrates Court who attended Mannenberg High School in the area. She told the young people about the life choices she made while she was a learner at Mannenberg High School.

"The choices we make in life today will have an impact on our future. I studied at Mannenberg High School and decided to make a choice for myself. I went to study law at the University of Western Cape (UWC) and had no money for fees at the time, but I managed to secure myself a bursary and today I am a prosecutor."

The young people and some adults in the room later confessed that they had never seen a prosecutor before. Christol Moses, co-ordinator of the programme said it was encouraging to have the NPA at their first event in Mannenberg as many organisations and some institutions of higher learning refused to go to the area because they fear it is dangerous.

The young people showed interest in advocate Desire Berry's career and asked questions.

Natalie Daniels asked about how one becomes a prosecutor.

Advocate Berry explained that one needs to study law and obtain a LLB degree. She further explained about employment opportunities within the NPA and the Aspirant Prosecutor Programme.

Lonwabo Khonzo who wants to study Actuarial Science or B.Com Law and is a student at Leadership College asked about challenges one faces while studying law.

Advocate Berry: "Law is about a lot of reading. You need to love reading, be able to analyse issues and look at them from different angles. You need to be able to think on your feet. You need to do a lot of research, as law develops every day. You need to love your job. You take your work home. It's a challenge that you are able to enjoy. There are also other careers within the NPA on the Corporate Services side which one can be involved in."

Lonwabo Khonzo also asked whether there were guidelines for lawyers and prosecutors as they were human and make mistakes.

Advocate Berry: "Prosecutors are guided by policies. Remember, when I stand there in court and in front of you as I do now, I represent the NPA. There are certain things that I cannot do. I cannot be in court during the day and meet with drug dealers after hours. I must behave in a manner that is acceptable during and after hours, all the time."



Advocate Desire Berry

Gershwin Esau asked whether it's true that one just needs to plead guilty and will be given a lighter sentence. (holding the microphone in the picture)



Advocate Berry: "People do plead guilty as a sign of remorse and the presiding officers look at that when deciding on a suitable sentence for the accused. As prosecutors, we argue when we notice that people don't show genuine remorse and waste the court's time by pretending that they show remorse."

Advocate Berry further explained that most accused persons know what their human rights are.

"You can hear when they speak. You can hear that they have been through the court system more than once. Even juveniles know their rights. I have worked in the juvenile courts and I have heard them talk, clearly indicating that they know what their rights are."

Gershwin Esau: "Do you feel threatened in this job?"

Advocate Berry: "Yes, sometimes you do feel threatened. We chose this field to protect our communities. I decided to stand up and protect my community."

Gershwin Esau: "Do you take your job home?"

Advocate Berry: "Yes I do. At times when we talk at home my husband would remind me that he is not an accused person. I must not cross examine him. It happens because you think like a prosecutor all the time. You listen to words, read body language and take things down all the time."

The NPA has committed itself to attend future career expos/career awareness sessions in Mannenberg in order to help the young people of this and other surrounding areas make better choices in life.

Advocate Berry summed up the event of the day: "The youth showed great interest in the NPA's presentation and excitement stirred the atmosphere in the room. The NPA came as a ray of sunshine to many youth who view their circumstances as dismal. This is a step in the right direction for our youth."



NPA News June / July 2015



CEO participated in the 8th Annual Leadership Development for Women in Law Enforcement

The CEO participated in the 8th Annual Leadership Development for Women in Law Enforcement that took place at the Indaba Hotel on 27, 28 & 29 May 2015. She gave a remarkable speech under this topic: "Enhancing personal and professional development for leadership growth". She received overwhelming feedback from the organisers of the conference and Khasho thought of sharing it with you:

Dear Karen van Rensburg

Thank you for speaking at the 8th Annual Leadership Development for Women in Law Enforcement conference which was held on 27, 28 & 29 May 2015 at Indaba Hotel, Johannesburg.

You definitely added to the success of the conference. Please keep in contact regarding new developments and suggestions for next year's conference.

The conference was attended by over 100 delegates from different organisations and institutions with an interest in developing women within law enforcement.

The delegates rated the overall conference as follows:

Conference was rated as:

Excellent: 82%
Good: 18%

You were rated as:

Excellent: 97%
Good: 3%

Thank you once again for your contribution.

Regards





ETHICS IN ACTION SERIES

Relevance of the Public Sector Integrity Management Framework – Part 2

Public Sector Integrity Management Framework deals with a compendium of ethical and good governance measures in order to regulate ethics and integrity in the public sector.

In an effort to strengthen the implementation of ethics and good governance, the Public Sector Integrity Management Framework has identified the following measures in relation to the acceptance of gifts, hospitality and other related benefits:

- Public servants are prohibited from directly or indirectly soliciting or accepting gifts, hospitality or private benefits of any value from any person (natural and juristic) that is contracted to the department to which the public servant is an employee
 - Any person, when rendering services to departments in the public service should be prohibited from offering gifts, hospitality or private benefits to employees or their immediate families and relatives
 - Public servants are prohibited from accepting or soliciting any gifts, hospitality and private benefits from any person in return for performing or not performing his or her official duties
 - The prohibitions of gifts exclude all tokens that may be offered or accepted within normal standards of courtesy or protocol by any entity. This will include tokens such as conference packages (pens, bags, t-shirts, etc) and any promotional materials or gifts that are often offered at functions and events
 - In situations where public servants cannot decline a token of appreciation because it might be considered culturally disrespectful, such tokens must be declared and registered in the departmental gift register
 - These gifts will be registered in the Special Anti-corruption Unit web site to promote transparency
- Implementation of ethics and good governance measures is met with some challenges. Some of the implementation gaps include:

- Limited implementation and adherence to the Code of Conduct. The conduct of some public servants as highlighted in the various government reports have identified a culture of unethical and undesirable conduct by some public servants.
- Non-compliance with the Financial Disclosure Framework. Since the inception of the Financial Disclosure Framework in April 2000 and subsequent expanded application to all senior managers in 2001, a 100% compliance rate has not been achieved. Disciplinary action against officials who fail to submit their financial disclosure forms has also never been instituted. Weak enforcement of anti-corruption measures perpetuates non-compliance. This is also exacerbated by the lack of follow-up on recommendations of the Public Service Commission by some Executing Authorities on non-compliance with the Financial Disclosure Framework.
- Non-compliance with section 30 of the Public Service Act dealing with remunerative work outside the public service and section 31 dealing with recovery of losses.

- Non-compliance with the Minimum Anti-corruption Capacity Requirements.
- Supply chain management prescripts are not adhered to which results in tender related malpractices, fraud and corruption as a result of improperly awarded tenders, goods and services provided at grossly inflated prices, officials benefiting from government contracts, unnecessary purchases and payments for services not rendered.
- Weak enforcement and inconsistent application of disciplinary measures.
- Resignation and transfer to other departments before disciplinary processes can be instituted or concluded.
- Ineffective implementation of the Protected Disclosures Act, 2000.

The policy gaps which exist are as result of limited implementation of the measures which results in the measure not been fully effective. These gaps are as follows:

- The ambiguity with regard to the acceptance of gifts found in the Code of Conduct (Chapter 2 of the Public Service Regulations, 2001, as amended, and the Financial Disclosure Framework Chapter 3 of the mentioned Regulations. In terms of the Code of Conduct, a public servant is prohibited from using his/her position to obtain private gifts or benefits.) The Financial Disclosure Framework prescribes that member of the Senior Management Service (SMS) must disclose gifts valued at R350.00 or more.
- Limited application of the Financial Disclosure Framework has resulted in 'unregulated public servants' having business interests which are in conflict with public interest. In terms of the Financial Disclosure Framework, only members of the SMS are required to disclose their financial interests annually to the relevant Executive Authority. Recent government reports on the implementation of the Financial Disclosure Framework have pointed out a policy gap in the disclosure system. According to the Public Service Commission and the Auditor-General's reports, the majority of public servants with business interests are officials on salary levels 4 to 8 and are excluded by the Financial Disclosure Framework.
- Despite the Public Service Anti-corruption Strategy identifying the need to regulate post-public employment when it was introduced in 2002, no measures have been put in place in this regard.

In pursuit of accountable and transparent governance, the Public Sector Integrity Management Framework is there to assist us to deal with the ethical public service dilemma's we may find ourselves in. In the next edition of Ethics in Action we will focus on the Financial Disclosure Framework and how the NPA is complying in this regard. For further information on the work of the Ethics Promotion Office and the Public Sector Integrity Management Framework, officials can contact our Ethics Officers on 012 845 6978 or 012 845 6871.

Thirty two years of service and still going

Luxolo Tyali



For more than three decades, one person has loyally been a pillar of administrative support to the legal profession and thankfully, he has no immediate intentions of leaving the service.

Currently an administrative clerk and a go-to-guy in the Mthatha DPP office, Cleric Magwegwe Ntuse, 62 years of age, knows no other employer other than the National Prosecuting Authority.

Just after passing his Standard 7 (Grade 9), a young Ntuse joined the then Transkei Department of Justice on 05 April 1983 as a temporary messenger, a job that only required a Standard 6 (Grade 8) education then.

“Even though the job was on a 24-hour-basis contract, it was a great honour for me to work for the government, as being a government employee was a prestigious thing then in our rural villages.” Ntuse enthusiastically then revealed that his first pay cheque was R135 for the month.

He did not sit back but proceeded to further his studies. Rewarding his efforts, he was transferred to the then Office of the Attorney-General of the Transkei High Court as a Records Clerk in 1989.

In 1992, he was promoted to the position of a senior records clerk even though he did not complete his matric, and he occupied that position until the establishment of the NPA where things changed for the better for him.

“Since we became NPA things improved drastically, I started to enjoy my work and was sent to numerous training courses to develop my skills and open new avenues,” says Ntuse.

“It has been a long road indeed, from working on manual registers, collecting mail from the post office by foot, booking telephone calls with the switchboard operator and working without faxes, to this world of the internet and e-mails. I can only cherish the opportunity of experiencing all of that,” adds Ntuse.

In recognition of his long service, on his birthday on 06 May, the Mthatha DPP staff hosted a surprise birthday party in honour of their beloved “Madiba”- his clan name.

Everyone in attendance, from the most senior staff to the most junior in the office was in unison in confirming that the “ever-fresh” Ntuse, who seldom gets sick for his age, is indeed a

fountain of knowledge and experience, and a pillar of Corporate Services.

His secret to staying strong and healthy is to perform the simple chores like gardening and washing, and doing away with smoking and abusing alcohol.

Ntuse has only one advice for the youth and that is to never stop seeking education and knowledge as it is the only way to climb the ladder of success.



Cleric “Madiba” Ntuse

NPA News June / July 2015



Youth Day in South Africa commemorates the Soweto Uprising in the country. The day is celebrated on June 16 every year. The day is celebrated in order to recognize the role of youth in the liberation of South Africa from the Apartheid regime.

Khasho asked some young NPA employees what it means for them to be youth in the NPA



Sizibule Dibela, Admin Officer, DDPP office, PE

The NPA is pro youth. I say this because there are endless opportunities to be accessed by everybody who is willing to work hard and learn within the environment. I believe that this organisation is doing well in terms of empowering its youth as I am currently doing my LLB with UNISA and my studies are funded by the NPA bursary. After this I intend to continue working for the NPA so that I can contribute in the fight for justice in our society.



Sabelo Mthini, Admin Assistant, DPP office, Grahamstown

I think the NPA is pro youth. I arrived at the NPA and started working as a messenger, from there I worked my way up and became a switchboard operator and today I am an admin assistant and this might not mean anything to some people but to me it means a lot and I will continue to grow, with the assistance from my managers in the NPA, I believe that I will go far in this organisation.



Abigail Gopane, Switchboard Operator, DPP Mmabatho

Since I joined the NPA in September 2014, I have enjoyed every moment. I have learnt a lot about the organisation and what it stands for. I feel empowered and ready to contribute and assist the organisation in ensuring justice to the victims of crime by prosecuting without fear, favour or prejudice, and by working with our partners and the public to solve and prevent crime.



Adv Siphokazi Nkewuse, AFU PE office

I believe that I have achieved a lot since I started working for the NPA and chances for advancement are looking great. The only challenge especially in my field is that, you need to work twice as hard to prove yourself especially as a youngster but I believe that the youth is ready to lead and I can with confidence say that we are ready for bigger challenges.



Lerato Gras, Human Resource Clerk, DPP Kimberley

As youth I feel that we don't have a voice as the management within the organisation comprises of mostly if not all adult people. There are opportunities within the organisation such as skills development, career advancement and social growth; this is provided through formal training and bursaries.



Sasha Grigor, Secretary: Advocacy and Ethics Management, VGM

The NPA sees the value and need of young employees within the organisation. The NPA understands that they need the energy and innovative ideas from the youth coupled with the existing knowledge they have to move forward as a company. By providing training, workshops, conferences and forums the NPA allows ample of space for individual growth.



Ravhura Ndangano, Finance Clerk, DPP Mthatha

Firstly, I am grateful to be an employee of a good organisation of NPA's calibre. The NPA gave me a platform to achieve my goals and with attention and support from my colleagues, I am happily an active youth within NPA. I am given a chance to empower myself with skills and knowledge by undergoing training. I now have a broad mind to face and deal with any challenge that prevails. As a young person and sportsman I am also encouraged by the fact that employee wellness is taken seriously in the organisation.



Luzuko Tyala, DPP Western Cape

Firstly I would like to wish all the youth of NPA a happy youth month. It feels good to be young and to work for such a big and important organisation in South Africa. The NPA provides opportunities for young and old to further their education through their bursary schemes. However, I feel that after obtaining qualifications there are no opportunities for young people to be placed on a graduate programme to gain experience and help the organisation grow. To keep young people interested in our organisation I think the NPA should look at creating a graduates programme that will mentor them to become future leaders within the organisation.



Adv Sharon Masedi, DPP JHB

When I started working for the NPA I was only 23 years and I have grown so much in this department. I have met a lot of people from different social status and age groups. As a young person I was used to saying what was on my mind without people of my age group not feeling sensitive about my comment. I learnt to relate with people of different age groups and learnt to be careful when I speak or say insensitive things. Eleven years later I'm one of the youngest Advocates in the DPP, Johannesburg office and still growing.



Sikhunjulwe Mdogana, State Accountant, VGM

I'm from a work environment where I was not exposed to youth culture but when I started working for the NPA I've realised that I'm working for a youthful and vibrant work environment and I can add that I am proud that our newly appointed NDPP Adv Shaun Abrahams is also young. The youth is supported by the NPA, when we engage the managers they give us an opportunity to raise and have opinion on matters.



Vutomi Bayana, Intern SOCA Unit, VGM

I am proud to say yes, the NPA gives its youth that opportunity. I have learned that sharing information with employees is important because it not only helps to build trust; it also gives employees important information that will allow them to make the best possible decisions and it creates necessary framework which guides employees to make empowered decisions in order to keep customers/clients happy. Being part of youth in the NPA is a great experience as the management and employees are very supportive and motivating in so many ways to help us develop our career goals further.



Sindiswa Hadebe, Personal Assistant, AFU DPP KZN

The bursary and internship programmes offered by the NPA assist a lot in terms of equipping one with knowledge and experience. Feedback from the current interns is that they have gained a lot of experience and they are very grateful for the opportunity that they have received. Therefore the NPA seems to be doing a great job in that department. What I would suggest is a review of qualifications of staff members that wish to follow different career paths and are qualified in those fields and then be placed where they will be able to utilise their qualifications.



Conviction in bath salts matter

Natasha Ramkisson- Kara

Senior state advocate Mahendra Naidu has been with the NPA since 2002. He is based at the Organised Crime Component (OCC) in Durban, and recently finalised an interesting drug-related matter. Khasho engaged him on this conviction.

What are Bath Salts?

These are not the conventional commercial bath salts. This is a narcotic substance known across Europe and America as Bath Salts. The United Nations Drug Desk informed the South African Police Service (SAPS) that this was the first known clandestine laboratory in the manufacture of this drug that was found in the world. The SAPS laboratory established that this drug was more potent than cocaine and tik.

Could you give the readers a brief run-through on the highlights of this matter?

Acting on information that they received, members from the SAPS Durban Organised Crime Unit located this drug laboratory (lab) in a house in an exclusive gated estate in Amanzimtoti. Here, they found 51 000 tablets and a large quantity of chemicals in various stages of modification, as well as corn starch and chicken feed.

SAPS forensic lab members were called in and all exhibits were taken away. The lab established that the substances and tablets fell within Schedule 7 and 4 of the Medicines and Related Substances Act. The accused, Collins Orji Uwakememe and his wife Veliswa Uwakememe were arrested and more tablets as well as R83 000 in cash were found in their possession.

A further two properties, in Durban North, linked to the two accused were searched and more tablets as well as R123 000, mixing bowls with chemical residue and sieves were found. After a discussion with the analysts at the lab in Amanzimtoti, a request was sent for assistance from the Pretoria lab.

It was established that while the tablets had the appearance of ecstasy tablets, they were synthetic Cathinone and had been chemically modified to fall outside the schedules of the Drugs and Drug Trafficking Act. We were contacted by the Drug Enforcement Agency of the United States and met with two special agents who advised that a similar tablet was being used in the United States and Europe. This tablet caused severe hallucinations when ingested.

What were the accused prosecuted for?

The accused were prosecuted for contravention of the Medicines and Related Substances Act as well as money laundering.

What is the estimated street value of the drugs found?

Approximately R4.3 million and the chemicals that were found could have produced another 500 000 tablets with a street value of roughly R50 million.

What were the accused educational qualifications given the chemical processes that they used?

We were not able to establish any educational qualifications, but we did have evidence that they travelled to China and visited chemical companies there. They also had many laptops, iPads and tablet computers which were password protected. Although the digital forensic unit were unable to access and download these devices, it is believed that the accused extensively researched the drug production processes. The lab analysts testified that the processes used in the production of these drugs could only have been done by an expert.

What challenges did you encounter?

The challenge was in convincing the court that the substances were narcotics. This is because the accused had an elaborate defence claiming that the substances were not manufactured for narcotic purposes but for other cosmetic purposes; and still had to go through further processes to become the final product.

Any significant comments made by the presiding officer

The presiding officer found that the accused were operating a clandestine lab and that they did so with the intention to manufacture for narcotic purposes. She sentenced the accused to an effective 15 years imprisonment as she found that only a significant sentence would deter such activities again.



Senior State Advocate, Mahendra Naidu

DPP Free state hosted a women's dialogue to empower women

Phaladi Shuping



DPP Free State hosted a Women's Dialogue that was held at Kopano Nokeng Game Lodge on 11 May 2015 with the aim of creating awareness on the important role that women play in the NPA.

The dialogue was attended by approximately 40 female officials and was used to empower women and highlight significant contributions women have made for the betterment of the organisation.

In her speech, the Director of Public Prosecutions, Adv Xolisile Khanyile focussed on the rights of women that included the right to dignity, freedom of movement, equality, health and security and life as stipulated in the Constitution. She, stated that even though these rights are enshrined in our Constitution, we are still confronted with cases in which they are violated at ease.

"We are constantly confronted with cases in which women's rights to equality are not upheld because women are relegated to lower positions as a result of not being treated as equals to our male counterparts.

"We still have cases of women being raped just because they were walking alone at night which is totally against their right to freedom of movement that is enshrined in our Constitution," said Khanyile.

Adv Khanyile made an example of a case in Kenya where a woman called Munayo was beaten to death by her husband. Apparently the husband came home after work only to find that there is no meat for supper and beat her to death.

"You may find that the husband beats his wife for not cooking meat but he does not even know the price of meat," said Khanyile.

The Provincial Commissioner of the Department of Correctional Services, Subashni Moodley focussed on the challenges faced by women in the workplace. She stated that women of today have a responsibility to follow in the footsteps of the women, who in 1954, marched to the Union

Buildings in the fight to recognise women's rights.

"We should continue to be the torch of what was lit many years ago. We have to appreciate the efforts of the women of 1954 who sacrificed their lives to better the lives of other women. It is expected of us to encourage other women around us," said Moodley.

Moodley further emphasised that even though women continue to be marginalised, they should persevere to be rocks on which families and societies stand firm.

The last speaker, Judge Connie Mocumi spoke on gender equality and women empowerment. She encouraged women at the dialogue not to just go home to their normal lives after the conference but make sure that they change the lives of other women. She also voiced her concern on seeing more men than women heading Boards.

"The biggest problem is that women are relegated to secretary positions because we are told that we do not have experience and we end up believing it. You go to elective conferences and surprisingly more women vote men into senior positions. Why?"

"There are more men at the Supreme Court of Appeal than women and I fail to understand that if I have studied with men, why I am not next to them as they climb the corporate ladder. You go to a law faculty of any university in the country and you will find most of the students are women. Where do they end up if most of the institutions are headed by men?"

She also stressed that women are good at organising stokvels and baby showers, so it should not be difficult to share the same concept to change the lives of women for the better.

Mocumi concluded by saying to other women "don't bring the worst in me, nurture me and I will nurture you back."



Judge Connie Mocumi addressing women



Some of the women who attended women's dialogue

NPA News June / July 2015



DPP Northern Cape hosted “Take a Girl Child to Work Day.”

Mashudu Malabi

The Director of Public Prosecutions in Northern Cape was among companies, government institutions and various departments from around the country that participated in the “take a girl child to work day” on 29 May 2015 in Kimberley. The theme for this year was “Dream, Believe and Achieve”.

DPP Adv Ivy Thenga welcomed 20 Kimberley Technical High School girls. The DPP told them that the campaign is a great opportunity for girls to know what choices are available before they choose different careers. She urged them to join the profession if they have a passion to become prosecutors. She said that this was a noble profession and they need to understand the dynamics as they will be representing the state in criminal matters. Adv Thenga concluded by saying that they should work harder in order to achieve what they have set out to achieve.

The girls were given exposure on the side of the business by the Director of Administration, Nicholas Mogongwa. He told them about the Aspirant Prosecutor Programme -which assists students who have just completed their university studies to obtain prosecutorial skills. He emphasised confidentiality and information security because of the sensitive nature of prosecution.

Adv Mooketsi Molaudi explained the mandate of the Sexual Offences and Community Affairs (SOCA) Unit within NPA- dealing with gender based violence and the protection of vulnerable groups. He explained Maintenance, Domestic Violence, Child Justice, Sexual Offences, Harassment and Trafficking in Persons. He encouraged girls to study hard and be women of substance in the future. He further reminded the girls to put their dreams into practical purpose and ensure that they come to fruition

The girls were given a tour of the Northern Cape High Court and Kimberley Magistrate’s Court and made to understand how the courts and prosecutors play their role and this was done by Adv Kenneth Kgatwe. He explained the core functions of NPA. He encouraged them to study law and become prosecutors.

Sibongile Mboobo, a Grade 11 learner said, “I want to be a prosecutor to change things in the law field that needs change. I also enjoy debating and public speaking which motivates me more to study law and also I heard that most prosecutors who are serving in this province are coming from other provinces. I want to bring about changes too and I’m so impressed that the director of the NPA in our province is a woman; it tells me that I can achieve my goal as well”.



Learners from Kimberley High School with DPP Adv Ivy Thenga and Adv Kenneth Kgatwe

Local care centre the best in SA

The Worcester Thuthuzela Care Centre (TCC) has been awarded the highest award for its sterling work in assisting victims of sexual offences in the Boland and surrounding areas.

The Worcester TCC was named the National Prosecuting Authority's (NPA) Best Operating Thuthuzela Care Centre nationally for the 2013-'14 period. This facility initially won the Western Cape NPA Award for the same period and was nominated for the national award.

The Western Cape Director of Public Prosecutions, Adv Rodney de Kock, handed over the national award to staff members and stakeholders at the Worcester TCC offices at the Worcester Hospital.

In his address, Adv De Kock commended the Worcester TCC for its implementation of the TCC model and following a victim-centred, court-directed, prosecutor-guided approach to cases involving gender-



Adv Rodney de Kock hands over the trophy to Worcester Hospital CEO, Elbie Vosloo, who accepted the award on behalf of the Worcester TCC implementation team.



Case Manager Adv. Cindy Abdol, stationed at the Worcester Magistrate's Court, with the Worcester TCC 24-hour operational team Lucenia Williams (coordinator and lay counsellor), Karin Links (lay counsellor), Mildred Klink (victim supporter), Cindy Williams (victim assistance officer and social worker), Nolundi Sam (victim supporter) and Lidia Plaitjies (social auxiliary worker and victim supporter).

based violence and especially sexual offence cases. He also lauded departmental representatives, who form the implementation team, for their efforts in ensuring increased conviction rates, reduction of secondary victimisation and shorter case finalisation times.

The CEO of Worcester Hospital, Elbie Vosloo accepted the award on behalf of the Worcester TCC implementation team. She reiterated the importance of the Worcester TCC to the community and confirmed the commitment of Worcester Hospital in ensuring that a high standard of excellence is maintained.

The Western Cape Deputy Director of the Sexual Offences and Community Affairs unit, Adv Bronwyn Pithey, thanked all stakeholders for their support of the Worcester TCC. She highlighted the contribution of the National Prosecuting Services prosecutors and the regional court prosecutorial team in ensuring the

high conviction rate of TCC cases is well above the national average.

According to Eric Ntabazalila, regional communications manager for the NPA, the conviction rate for the 2013-'14 financial year was 84% for TCC cases. Since inception, the conviction rate has never been below 80%. The national average was 65.9%. About 569 cases were reported over this period of which 308 were children and 261 were adults.

TCC Operations are regulated by a signed protocol by all implementation team members. The TCC is accessible 24 hours and all services rendered on-site include medical, psycho-social as well as statement taking. This facility was established in 2010 and serves areas including Worcester, Touws River, De Doorns and Rawsonville. It is managed by case manager Adv Cindy Abdol, who is stationed at the Worcester Magistrate's Court. Cindy Williams is the victim assistance officer.



NPA Participates in Safer South Africa Foundation's 'Communities and Justice'

Phindi Louw

Driven by the purpose of restoring pride and dignity amongst the youth, the Benoni Court partnered with Safer South Africa Foundation, which is a non-government organisation (NGO) in reaching out to the youth of Benoni.

The NGO funded the two weeks programme called "Communities and Justice" that was rolled out to two schools, namely Ephes Mamkeli and Wordsworth Secondary Schools. Both schools were identified as high risk schools during a consultation process with the community of Benoni and the Department of Education.

The campaign's objective is to educate the youth about different role players within the Criminal Justice System and the role of communities in assisting law enforcement authorities to uphold the rule of law and aid in delivering justice to society at large. The programme was characterised by lectures from various law enforcement authorities to fifty students who were equipped with information and skills that they would transfer to their peers. These learners included those who held leadership positions like members of the Student Representative Council, prefects and also those who are in conflict with the schools' code of conduct, also labelled as "trouble-makers".

The NPA was scheduled to visit the schools on 12 and 13 May and its purpose was to enlighten the students about the roles of prosecutors, defence councils and presiding officers during criminal proceedings. Thereafter, both schools visited the Benoni Court on 18 and 19 May for a practical session on what was lectured to them. The Benoni Court prosecutors demonstrated the different roles of court officials during a moot court performance of an accused charged with theft.

During the visit at the schools, the Benoni Court prosecutors, December Mthimunye and Ronald Kabanyane taught them about the kind of matters dealt with in the various courts such as: District, Regional, High Court, Supreme Court of Appeals and the Constitutional Court by elaborating on the need and importance of their jurisdictions.

The NPA educated the students about the importance of credible witnesses to help ease the burden of proof bestowed upon the state. "We normally say a prosecutor's case is as good as his/her witnesses. As a prosecutor, I rely on witnesses to prove in court that a crime was committed and this is where members of the community play a crucial role" said Mthimunye. He further explained how evidence is led in court and elaborated on the different forms of evidence like word of mouth, documented evidence, etc.

Ronald Kabanyane's presentation was about youth in conflict with the law. His main focus was to enlighten the youth on the dangers of possession of drugs, drug trafficking and the abuse thereof. He warned the youth about the wrong perception of the diversion programme "never commit a crime thinking that you will be automatically diverted, as a prosecutor I will read the contents of the docket and after assessing the seriousness of the crime then decide how to deal with that matter".

The 77 learners who had successfully completed the programme through the completion of evaluation questionnaires (aimed at assessing the learners' experiences during the lectures and assisting the NGO to evaluate the success of the programme), as well as a successful completion of the prescribed assignments were awarded certificates during the award ceremony hosted at the closing stage of the programme at Wordsworth Secondary School Hall on 24 June 2015.



Learners from Ephes Mamkeli and Wordsworth Secondary Schools

Only the sky is a limit for this trio

Nomilo Mpondo



It was just a normal day in the NPA HQ when Khasho caught up with fellow NPA colleagues adorning high court regalia in the corridors. Khasho wasted no time and penned down their story:

Adv Tazi Nemaorani was appointed in the NPA in 2000 as a Junior Special Investigator by the former Directorate of Special Operations. At that stage she held a B.Com (law) degree. Through an NPA bursary, in 2002, she studied with the then Rand Afrikaanse Universiteit now University of Johannesburg and obtained a diploma in Criminal Justice and Forensic Auditing.

In 2009, again with the bursary from the NPA, studied towards a LLB Degree with the University of South Africa, which she completed in June 2013. She is currently with the Asset Forfeiture Unit as a Senior Financial Investigator since 2009. She was inspired to study law by the various cases she did while still at the DSO and also by the professionalism which was displayed by her colleagues that gave her the love for prosecution.

She got admitted as an advocate of the High Court of South Africa on 09 June 2015. Her aspiration is to be a prosecutor one day. She had to juggle being a wife, mother, a full time employee and studying at the same time. This was off course not easy but if one is dedicated and focused it is achievable.

She is greatfull to the NPA for the bursary and to those who are studying through the NPA she says they must make good use of the opportunities granted to them. If they fall they must pick themselves up and keep on keeping on.

Adv David Mfopha started working for the Directorate of Special Operations (previously known as the Scorpions) in March 2000 as a Special Investigator. He remained on this position until July 2009 when the organisation was disbanded. After the disbandment of the Scorpions he was seconded to the Asset Forfeiture Unit as a Financial Investigator which is the position that he is currently holding.

In 2009 he was awarded a bursary by the NPA to study LLB at Unisa. He completed his LLB in 2014 and graduated in October 2014. Same as his colleagues, he was admitted as an advocate on 09 June 2015. He is very happy of this achievement. His wish is to encourage fellow NPA colleagues to take up all available opportunities to develop themselves.

With the two officials was also NPA spokesperson, Adv Luvuyo Mfaku. He was also on the same day admitted as an advocate. Khasho congratulates this trio saying the doors of the high courts are wide open yearning for fresh air that they will bring forth.



Adv David Mfopha, Adv Tazi Nemaorani, Adv Luvuyo Mfaku



Silver Medallion for NPA - Royal Show

Natasha Ramkisson- Kara

The National Prosecuting Authority participated in the Royal Show in Pietermaritzburg from 29 May to 7 June 2015. The NPA exhibited in Hall 4 together with our partners in the Justice Cluster, namely, the South African Police Service (SAPS) and the Department of Correctional Services. Participating in the show afforded the NPA the opportunity to engage directly with members of the public. Members from our Sexual Offences and Community Affairs Unit (SOCA), Court Preparation, as well as the Thuthuzela Care

Centres were present at the stand to educate the public more about the services we offer and the work that the NPA does. Aspirant prosecutors from both the Durban and Pietermaritzburg centres also attended and engaged the public, especially learners from the various schools about the aspirant prosecutor programme. The NPA won a silver medallion at the Royal Show prize giving ceremony from an exemplary display and interaction with members of the community.



Aspirant prosecutors at the Royal Show



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