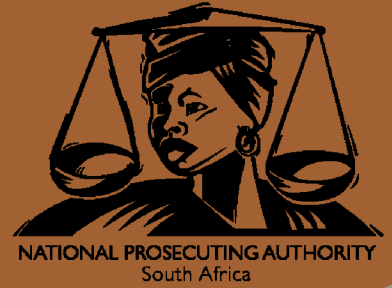


September / October 2015

KHASHO



ENSURING PROSECUTIONS WITHOUT FEAR, FAVOUR OR PREJUDICE



**The NDPP Visits
Regions**

**Isabet Erwee
and Ansie Venter
receive Silver
Awards**

**NPA Celebrates
Heritage Day**

**Meet New Head
of Admin and
OWP**



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Letter from the Managing Editor

As we all know, the National Director of Public Prosecutions (NDPP), Advocate Shaun Abrahams, after his appointment, re-shuffled the top leadership structure of the NPA, and re-allocated the portfolios of the Deputy National Directors. In this issue we profile Dr Silas Ramaite in order to find out more about his new role. He was previously responsible for National Prosecutions Service (NPS) and he is now responsible for Administration and the Office for Witness Protection. Read all about Dr Ramaite's plans on page 5-6.

As part of his strategy, the NDPP also recently embarked on NPA regional visits in an effort to meet all staff and share his vision for the organisation. During these visits, we also re-emphasised our media relations efforts to improve awareness about the work of the NPA. Find the feature on page 3-4.

We have over the years tried to share with you articles and news about some of our colleagues who receive recognition for their hard work and commitment to serving justice to our people. To this effect, an article about two of our specialised prosecutors, Isabet Erwee and Ansie Venter is featured on page 15. The two prosecutors have jointly received a Silver Award at the International Rhino Awards for their 100% conviction rate in rhino related prosecutions.

We continue to bring you the Ethics Promotion Office's part two series of "Ethics in Action: Relevance of the Financial Disclosure Framework." EPO uses this platform to keep awareness about ethics issues which have a significant impact on how we conduct ourselves in the work place.

Khasho is pleased to share with you a letter of appreciation from an elderly lady, Teresa Oakley Smith who is unfortunately a rape victim, where she compliments some of our colleagues who played an important role in ensuring that faith in our Criminal Justice System is restored. She commends them of their assistance and humanity on page 5.

In the month of October the NPA's Sexual Offenses & Community Affairs (SOCA) Unit was graced by visitors from Iraq, UNICEF, Machakos Assembly County of Kenya, and the United Nations. The delegations were embarking on study tours to learn about the significant progress that has been made in preventing and responding to gender-based violence (GBV). As part of this tour they visited the Mamelodi Thuthuzela Care Centre (TCC). Find out more about this visit on page 13.

Most of our cases in this edition are related to the fight against sexual offenses, and Khasho would like to remind the public about the Thuthuzela Care Centers which are one-stop facilities that have been introduced as a critical part of South Africa's anti-rape strategy, aiming to reduce secondary victimisation, improve conviction rates and reduce the cycle time for finalization of cases. For further information on TCC's, contact the NPA on 012 845 6000. The NPA is closing all ranks in prosecuting those that are sex offenders. Follow this edition and learn how our prosecutors are ensuring that these sex offenders are brought to book.

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

Best wishes!

The NDPP In Action

The NDPP recently visited all the DPP offices with his management team. He addressed the DPP's, DDPP's, state advocates, regional court prosecutors, district court prosecutors and administrative personnel. During these engagement sessions he outlined his vision for the institution going forward. He also explained in detail the rationale behind the decisions he has taken since taking office.

Members of the NPA pledged their commitment to the institution and committed themselves to ensuring that his vision for the institution is realized. The response from the regional visit is really encouraging and is a reflection of a stable organisation.

The NDPP also had impromptu walkabouts in the

VGM building meeting and greeting staff. He had an opportunity to engage with the members of the Communication's Unit, as they gathered to review the media strategy for the NPA. On the agenda was the NPA's current negative public perception and the development of a strategy to ensure that a more symbiotic relationship between itself and the media is strengthened. This will serve to turn around the public about the work of the NPA.

The NPA is to ensure the media's easier access to information via the NPA's approved sources; this will increase the authority's visibility in relevant news reports, making for a generally more balanced and informative presentation of its activities.



Regional visit: DPP Mthatha office



Regional visit: DPP Western Cape office



Regional visit: DPP Mthatha office



Regional visit: DPP North West office





Regional visit: DPP KZN office



Regional visit: DPP Northern Cape office



Regional visit: DPP North Gauteng office staff



Regional visit: DPP South Gauteng office



NDPP Shaun Abrahams with Supply Chain Management staff at VGM, HQ



NDPP with the Communications Unit at VGM, HQ

NPA's new Head of Admin & Office of Witness Protection (OWP) on his new role

Nomilo Mpondo



The NDPP reshuffled the Deputy National Directors of Public Prosecutions' portfolios and the reshuffle was made in line with the NDPP's vision for the institution. Khasho spoke to the DNDPP: Administration and OWP, Dr Silas Ramaite, SC and this is what he had to say about his new role:

You have been appointed to head Administration; how is your experience in this new role so far?

My experience has both been exciting and challenging – sort of a revelation for me although I've been familiar with Administration which we used to call Corporate Services (CS) but from a different angle. In a sense, I was looking at it from the outside. We started with the NPA in 1998 and we battled to establish the functions that support prosecutions. We particularly struggled with HR issues as a result we had to call in a few people to come and assist but since then things have stabilised. We come a long way; we gained invaluable experience from both our successes and some of the mistakes we made, so my experience is quite exciting. I'm enjoying the challenges, there are so many of them that we need to deal with. Our main role is to support prosecutions so I have a sense of what needs to happen to support prosecutors. Having been a prosecutor myself; prosecuting in all the courts starting right at the lower courts, I know the sort of things that we need to do. Fortunately, the basic things are already there. There are not many things that we need to change but to strengthen what is there already.

Support to prosecutors is needed at the local level. We need to give the Directors of Administration in the DPP offices more space to do the work under our supervision, so we are looking at streamlining some of these functions. Although I have been in the NPA and familiar with Corporate Services (CS) there is still so much that I need to understand. We have been to all the DPP offices in the country; that also has given us a lot of insight on what needs to be done.

How has this change affected your perception towards CS now known as Administration?

CS had a particular perception of itself and prosecutors had a different perception. My challenge is to change this whole attitude so that we can all have one perception. We are one organisation; we simply serve different purposes. Prosecutors cannot function properly without the support of Administration and Administration will not be relevant without prosecutors support.



Dr Silas Ramaite, SC

One of the challenges for me is for people in Administration to have a very good understanding of the needs of prosecutors. If one has not been a prosecutor, they may not very well understand their needs. That is where I think I have an advantage because I understand the needs of prosecutors very well.

I have spent most of my professional life in the NPA and wherever I have served I've always done my level best. I'll put as much effort as I have in the past in this one too. I have not done so on my own but have done it with the support of many excellent people in the NPA which is what I'll continue to do. I rely so much on the efforts of others - all I can do is to provide ideas in terms of improving prosecutions.

There are many challenges in the criminal justice system and I have a good understanding of them. My biggest function is to get people in Administration to actually provide the best support that we can to prosecutors and also people to understand that for each and every successful prosecution by a prosecutor, administration has played a role. Many people come and do their work on a daily basis and they don't realise that it's their efforts that led to those successful prosecutions. In the same way, if things are not done properly some of the prosecutions may be lost because of that.

How do you intend to do all these things?

I tend to interrogate things that appear not to be working. I don't easily make assumptions. I have heard prosecutors complaining about so many things – either real or it's a perception, but you can never ignore what prosecutors are saying in terms of administrative support. It's simple, you can simply group the complaints. I'm a more of a methodical

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NPA Performance



person because I want things in the right places. We get so many complaints and all of them are different so trying to deal with them in the same way and at the same time messes you up. I need to group them and correctly place them whether at Finance or HR; then, I am able to drill down to the problem and it is only on that basis that I'm able to engage. That's why I have Mr George Maphuthuma here, he has a better understanding of these things. I worked with him before. We therefore need to streamline things, put them into correct categories and try to understand what the real issues are.

I spend my time signing – signing is mainly around decisions and not just a question of signing and pushing paper. I really need to apply my mind and satisfy myself. My training as a lawyer makes me think of legal implications before anything and I have to protect the people that work on these things.

Are you totally lost to prosecutorial services?

Not at all, I'm a prosecutor at heart; I follow what prosecutors are doing. One of the things that we are now thinking of introducing is to do regular reviews of cases – post-mortem review of a case to determine what good things can be learnt and bad things that we need to avoid. At some stage I will need to establish a proper framework and have a repository of some of the important cases that we have done. They need to be recorded properly and be made available to prosecutors. It's a tall order but the idea is there and this is what the NDPP has been saying when we visited the regions. It's also administrative in the sense that it's about our records and somebody has to manage and administer that to make sure that it works. IT and Library Services have to come to the party on this one. In any organisation there is so much useful information but must be organised and not scattered all over. A formal way of keeping information is still needed and the biggest problem is not just about its availability but ease of access to it.

What governance issues would you like to instil as you forge ahead in your new role?

It's a question of accountability and responsibility in the sense that we are accountable to the public first of all. In the public sector there's a tendency of just spending knowing that money is going to come. We must spend money for what it is meant and with the delegated powers as the accounting officer that is going to be my first responsibility: that our expenditure as per our budget is consistent with the objectives of the NPA. In essence, the other deputies and DPPs will have to account for the allocations given to them. They must be able to account and we must not force them to but they must themselves have that obligation and

duty. It's that sort of spirit that I would want to instil. Everybody must internally and on their own have an accountability and responsibility conviction. We do not need to be policing people. Each and every employee should have that ideal of serving the interest of the NPA and being proud of actually fulfilling their functions because, in doing so, we are actually serving society. We don't want to find ourselves in the situation of disciplining people; discipline starts from within. That is the sort of spirit for each and every employee: to take responsibility of doing the right thing so that when one is given a duty to perform I don't have to keep on asking how far they are.

It is your desire to inspire confidence amongst Administration staff. What message do you have for them in the midst of the Department of Justice's (DoJ) integration that has been in the pipeline for quite some time and other organisational changes?

The long and short of it is that the issue of integration is still under discussion. The DG has given me delegations in respect of her functions to the extent that they affect the NPA, in particular with respect to the Public Finance Management Act (PFMA). We have a relationship. Remember we are a programme of the DoJ. We have done our annual report with the department and we have gone to Parliament to the Justice Portfolio Committee with the DG. The relationship is continuing. We have senior staff members, Ms Bulelwa Makeke and Ms Salome Baloyi representing us at DoJ EXCO and other meetings there. I have not been able to attend because of my other engagements. Remember that although I'm the head of Administration, my functions are not limited to that. I'm in the office of the NDPP and I am sometimes required to assist the NDPP in a whole range of things and I also oversee OWP. We see and what prosecutions is doing.

We have good people in the NPA, that's my experience. After I was assigned, we went around the regions and I joked around with few prosecutors that if they don't understand what my role is, I'm the guy that makes sure that they get paid at the end of the month. It's people in administration that make sure that salaries are paid every month. It has happened in some organisations that people ended up not being paid because someone did not do his job. This has never happened here.

I am very observant; the work ethic is very good. I have never come across problems in Administration but I have come across serious work ethic challenges from prosecutors. There have been prosecutors that have been charged with corruption and for accepting bribes, etc.



Letter to the Editor



To Whom It May Concern

Dear Sir/Madam

I would like to thank and compliment the Department and in particular the Prosecutor's Office in Johannesburg for the extremely professional and efficient way in which they dealt with my case earlier this year. I was the victim of a rape at Zoo Lake on January 16 this year and my assailant was captured on the scene. I am an elderly woman who was raped in broad daylight by someone unknown to her. The shock and horror of the attack still remains with me but I am very grateful for the assistance I obtained from the Prosecutor's Office.

Within a day I was taken through the court procedure and had the process clearly explained to me by a Mr Ernest Beesteboer. As you can imagine I was completely traumatised but he was patient and accommodated all the questions that I had for him. He also referred me to therapists in the event that I required counselling.

The Prosecutor on my case was Mrs Colleen Ryan. I cannot praise her highly enough. I saw her first on the day after my rape and she explained the legal process to me and advised me of what would happen in the interim. When I was unable to reach the Investigation Officer she assisted me. My adult sons stood by me throughout the ordeal and she was equally kind and patient with them but also recognised

that there were some aspects of the case that I did not want them to hear about.

During the court case itself she was professional and diplomatic and helped to prepare me to give my statement in court. She was in fact extremely professional throughout and her cross examination of my attacker revealed just how well prepared she was for my case, her examination of the witnesses was further proof of this.

Ultimately the man responsible was found guilty on all counts and sentenced to the maximum possible for such cases.

I am still struggling to come to terms with the ordeal I suffered, but the fact that the case came to court so quickly and was handled with such empathy really helped in my ongoing journey of overcoming this trauma. Mrs Colleen Ryan is an outstanding prosecutor and a credit to the Department. She gave me faith in the justice system.

Kind Regards,

Teresa Oakley-Smith



Double life sentence for cold blooded murderer

Mashudu Malabi

Jimmy Kgomotso Modisenyane, a 26 year-old man was sentenced to double life imprisonment after being found guilty on 14 charges including murder, rape, robbery as well as the possession of an unlicensed firearm and ammunition.

The crimes were committed between 21 July and 6 September 2013. Modisenyane was sentenced to life imprisonment on the charges of rape and murder. He also received two 18 year sentences for each count of attempted murder, two 15 year sentences for each count of robbery with aggravating circumstances, seven years for kidnapping, five years for possession of an unlicensed firearm, two five year sentences for each of the two counts of unlawful possession of ammunition and five years for housebreaking with the intent to steal.

Modisenyane broke into the house where he worked as a gardener and stole firearms and jewellery. He sold the jewellery and proceeded to Lerato Park where he robbed a person of his cell phone. When the victim tried to retrieve his cell phone, he was shot in the head and left unconscious.

The accused continued to Roodepan where he attacked and shot another person who owned a tuckshop in the area. He demanded money. The victim later died, leaving his pregnant wife and two children behind.

Modisenyane also attacked a couple near Barkly Road at a place known as Lovers Lane. He shot the man five times in his upper body and left him to die. Modisenyane kidnapped the man's girlfriend and drove out with their car on the N8 to Bloemfontein. He raped her on three separate occasions.

The rape victim identified the accused from a photo which appeared in a local newspaper after he was arrested for the murder in Roodepan. The photo was published weeks after her ordeal and at that time, the police did not know who to look for in the rape and kidnapping case. They only had a description but no name or address. She immediately alerted the investigating officer and in this way, Modisenyane was also arrested for the incident at Lovers Lane.

The presiding officer, Judge Bulelwa Pakati said that the woman had undergone a horrific ordeal. "It is unimaginable how she felt when this horrific crime occurred, not knowing where she would end up with

the accused who had mercilessly just shot her partner. She was devastated when she was unable to get the attention of a truck driver when the car ran out of petrol, for the accused kept her under control at all times. I must commend her on her bravery. She helped the police apprehend Modisenyane and was able to relate her ordeal to the court unequivocally and answered questions spontaneously," she said.

The court said that Modisenyane left his victims with physical and emotional scars. Some had lost their jobs and they would never work again. He is a cold-blooded murderer.

The state, represented by Advocate Hannes Cloete and Advocate Keageletse Ilanga argued that, although the accused was a first offender, the fact that the offences were committed over a period of time, indicated that the accused did not act on the spur of the moment. He had more than enough time for introspection. The crime spree he embarked upon showed a total disregard for the law and the rights of others. It was only a miracle that the other two victims who were shot, did not die. Unfortunately, both will carry the physical and emotional scars for the rest of their lives.

Commentary by Advocate Keageletse Ilanga

This case was a huge learning curve for me. I was fortunate to work closely with one of the best brains in my office: Advocate Cloete. I learnt how to put together pieces of admissible evidence to create a complete picture of events which resulted in the accused being convicted on all counts.

The only challenge was that some of the state witnesses were friends of the accused. During their testimony in court, they tried to limit their involvement with the accused as much as they could, but the truth eventually came out during questioning.

The highlight of the case was the sentencing of the accused; he was sentenced to two life sentences. The relief and satisfaction that a dangerous and ruthless criminal was removed from society for good, is immeasurable.



Advocates Keageletse Ilanga and Hannes Cloete

Commentary by Advocate Hannes Cloete

The prosecution was not complicated. The only challenge was the fact that some of the witnesses were either sympathetic towards Modisenyane or intimidated by him. Ultimately, the sheer weight of the evidence and the fact that Modisenyane was a hopeless witness himself, were enough to secure convictions on all the charges in the indictment. I also had the support of a competent investigating team and the valued assistance of my colleague, Advocate Keageletse Ilanga. This made my task much easier.

Life sentence for brutal killing

Frank Lesenyego

The North West High Court sitting in Mogwase sentenced Eduard Pretorius to life imprisonment for the murder of Maria Ntogi Mathe. The 34 year-old from Swartruggens, unlawfully and intentionally killed Maria Ntogi Mathe by assaulting her with a sharp object.

On 24 January 2014, the accused was at Theo's Sport Bar in Swartruggens where he met the deceased. He then approached the deceased on several occasions during the evening, indicating his desire to sleep with her. They both went outside the bar and an argument ensued. The accused came back, bought a beer and left the bar. They were later seen leaving the place together in the early hours of 25 January 2014.

When the accused arrived at home, his clothing and shoes were covered in blood, he had a cut on his finger and a scratch on his arm. When asked, he said he was involved in a fight at Borelelo. The accused handed the murder weapon to his brother who cleaned it. Once arrested, he confessed to killing the deceased and disguised the death as a sangoma ritual. The mutilated body of the deceased was discovered on 26 January 2014 with some of the body parts missing.

The court expressed shock at the senseless killing of the deceased and the lack of appreciation for human life by the accused. The NPA welcomes this sentence and reaffirms its commitment to the war that has been declared against all perpetrators of violence against the vulnerable.

Khasho asked Advocate Cain Nontenjwa some questions about the case

My role and position during the trial was a crucial



one in that I was the middle man between the court and the witnesses. I had to simplify proceedings for witnesses and put their evidence in a legal perspective for the court.

I have always maintained that the manner in which cases are investigated and the evidence gathered, goes a long way in simplifying proceedings in court. Equally so, the manner in which the evidence is presented in court is important because eventually the tester of facts is easily convinced and thus follows the state's case.

Preparation of witnesses prior to the commencement of criminal case proceedings is crucial.



Man gets four life terms and 77 years in Bisho High Court for murder and rape

Tsepo Ndwalaza

The Bisho High Court imposed four life terms and five terms of 15 years imprisonment on Odwa Mkhosana, a man who was successfully convicted of three counts of murder, one of rape and five counts of robbery with aggravating circumstances. It is alleged that Mkhosana committed these acts in Mdantsane between June 2010 and June 2013.

Prompt action at the time of arrest secured evidence that turned out to be decisive in getting the convictions on the charges. A blood stained pair of trousers that

were worn by the accused successfully linked him to the crimes.

Mkhosana was 18 years-old at the time of the offences and a first time offender but the court ruled that in view of the brutality involved in the offences, his age and the fact that he was a first time offender counted for very little in the context of proving substantial and compelling circumstances. Advocate Deon Willemsse represented the state in this matter. The court ordered that the sentences run concurrently.

Commentary by Advocate Deolin Willemsse based in DDPP Bisho

The case appeared to be daunting from the outset because of the lack of evidence at the time and the focus the community and police had on it. It was therefore very important to get a result in the matter, especially since the accused was perceived to be someone that evades justice easily.



There was therefore the weight of expectation that bore on the prosecution.

Now that the matter is finalised there is of course some temporary relief although the work must continue. There is no chance for self-congratulation and all I can do is to remain steadfast in my resolve to rid the community of the scourge of violent crime through the prosecution of crimes such as these.

I have learnt that it is very important to engage stakeholders such as the police at the earliest possible opportunity in a pro-active manner so that everyone is clear about the prosecution objectives in the matter. Our criminal justice system is to become victim centered, we have to recognise the importance of community members in our decision-making and investigation of crime and consult and engage accordingly.

Ethics in Action Series

Relevance of the Financial Disclosure Framework



Chapter 10 of the Constitution of the Republic of South Africa, 1996, provides for, amongst others, the values and principles governing public administration. One of these basic values is that a high standard of professional ethics must be promoted and maintained in the Public Service. Observance of this basic value goes a long way towards eliminating and/or mitigating sources of corruption. To this effect, all members of the Senior Management Service (SMS) are, in terms of Chapter 3, C. 1 of the Public Service Regulations 1 (PSR), required to disclose to their respective Executive Authorities (EAs), particulars of all their registrable interests (e. g. companies and properties) not later than 30 April each year, in respect of the previous financial year.

Executing Authorities in turn must submit the disclosures to the Public Service Commission (PSC) by May of each year.

The following types of interests are registrable interests and must be disclosed by a SMS member:

Shares and other financial interests in private or public companies and other corporate entities recognised by law:

- Directorships and partnerships
- Remunerated work outside the public service
- Consultancies and retainerships
- Sponsorships
- Gifts and hospitality from a source other than a family member
- Ownership and other interests in land and property, whether inside or outside the Republic of South Africa

SIGNIFICANCE OF THE FRAMEWORK (Financial Disclosure)

The Framework is aimed at preventing conflicts of interest by SMS members in the Public Service who are entrusted with public funds and, therefore, need to maintain the highest standard of professional ethics. Their integrity must be beyond reproach as they ought to lead by example. PSC has, in terms of the Public Service Regulation, the responsibility

to assess the financial disclosure forms in order to establish the prevalence of conflicts of interest and advise Executing Authorities (EA) accordingly. This process can only be made possible by the submission of financial disclosure forms.

National Prosecuting Authority (NPA) Stats Compliance with the framework 2014/15

All 221 NPA SMS members successfully submitted their financial disclosures for the 2014/15 financial year on the online e-disclosure system. The NPA thus achieved a submission rate of 100% for financial disclosures submitted to the Public Service Commission (PSC) by the due date of 30 May 2015.

Upon receipt of the financial disclosures, the Ethics Promotion Office (EPO) scrutinises them in terms of Chapter 3G of the Public Service Regulations, to assess both compliance and whether potential and/or actual conflicts of interest exist. In cases where the EPO is of the opinion that interests disclosed by an SMS member conflict or are likely to conflict with the execution of his/her official duties, the EPO shall consult with the official in question to gain clarity on her/his involvement in the interest.

Any official who assumes duty as an SMS member after 1 April in a year, is required to make a disclosure within 30 days after assumption of duty in respect of the period of 12 months preceding her/his assumption of duty. In respect of the period 1 April 2015 to 31 March 2016, all SMS members are required to submit their financial disclosures from 1-30 April 2016, in terms of Chapter 3C. 1 of the Public Service Regulations.

Managing the conflicts of interest of public servants effectively is an important stepping stone to achieving high levels of integrity in the Public Service. Through the management of conflicts of interest, public servants are kept honest and the opportunity for corruption to occur is reduced.



For further information on the work of the EPO and the Financial Disclosure Framework, officials can contact our Ethics Officers on either 012 845-6896/6978 or 012 845-6871.

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NPA Performance



Postbank Fraudsters Jailed

Phindi Louw

Postbank is one of the oldest banks run by the South African Post Office. Post offices nationwide serve as 'bank' branches for this bank. The Postbank accounts operate the same as any other bank account. Account holders are either issued with a Postbank book or debit card depending on their preference and if they can access, deposit and withdraw money at any post office branch. The account holder's details including his/her address, identity number, account number and account balance appear on the post link system and can be accessed from any post office terminal at the branch as well as the Bloemfontein branch which acts as the Head Office.

Employees at the Bloemfontein branch have access to the accounts of various account holders and they were responsible to give authorisations to tellers at post office branches for withdrawals in excess of R10,000. Some of these employees, however, retained information about accounts holding large sums of money and sold this information to a syndicate in exchange for money.

In 2008, six accounts were fraudulently opened at the post office using the particulars of unsuspecting members of the public. These fraudulent accounts were used to steal pension money from unsuspecting companies who transferred pension payouts to these accounts. During 2009-2011, at least 21 genuine accounts held at the post office were targeted by the syndicate that obtained the assistance of post office employees in stealing vast amounts of money from these accounts. The account holders identity documents or passports were falsified after money was withdrawn from their accounts inside the post office branches, at ATM machines and through debit card transactions.

Initially, 12 accused were charged in this matter with 124 counts ranging from money laundering, racketeering, theft, fraud, forgery and corruption. Accused 9, 10 and 11 were discharged due to insufficient evidence linking them to the crimes. The enterprise manager, Isaac Tebogo Dithlakanyane, who was accused 1 in the matter, was convicted of 76 counts and sentenced to 541 years imprisonment with an effective prison term of 50 years.

The other accused were not charged on all the counts, just on counts where the NPA had evidence of their involvement and their sentences varied from 28 to 30 years imprisonment effectively.

Dithlakanyane recruited post office employees to assist him to steal money from accounts held at the post office. They specifically targeted accounts belonging to pensioners who had their life savings deposited into their post office accounts. Accused 2-11 were post office employees that assisted in withdrawing money from the accounts, whilst accused 12 was responsible for forging documents and going to the post offices to do some of the withdrawals.

The South Gauteng High Court sentenced the nine convicted fraudsters to an effective 1 680 years combined, after the sterling collective efforts of Adv. Willemien Vos, who is exceptional in prosecuting organised crime and the forensic investigation team of the post office who played a crucial part in the investigation of these crimes.

Commentary by Prosecutor Willemien Vos

We were in court for one year and one month. It was a challenging experience and I had to do a lot of research on various legal aspects that the judge wanted to be addressed on.

I was very happy when the verdict was finally delivered and was overjoyed at the sentence, since our courts in the past have handed down very lenient sentences for so-called white collar criminals.



Bainsvlei Rapist Sentenced to Life Imprisonment

Phaladi Shuping



“May God be with you. I will see you in hell.” These are the words directed to the magistrate and court officials by Piet Kok after being sentenced to life imprisonment for raping a 16 year-old girl on 28 June 2014.

Magistrate Levit Mkansi sentenced Kok, 32, to life imprisonment after he was convicted of the rape of a 16 year-old girl from Bainsvlei.

The court heard that the victim and the accused took the same taxi from the Bloemfontein central business district (CBD) to Bainsvlei. They got off at the same spot and walked together in the same direction. Whilst on the way, the accused grabbed the victim to the field and tied her with her tracksuit top to the tree.

He forcefully undressed her and raped her under a tree. He threw her over the barbed wire on the other side of the field and raped her again. He raped her three times and when she started screaming for help, he bit her on her hand.

While he was busy raping the victim for a third time, they heard people approaching and he ran away. The complainant informed the community members of what had happened and they searched for the accused. The victim informed them that the accused had taken her tracksuit top with him.

Community members found him in the township with the tracksuit top of the complainant and called the police. The police went to the scene of the crime and found the accused’s wallet with his identity document.

During the trial he pleaded not guilty as he said that he was walking with the accused until they went in different directions and he never raped her. He claimed that the victim and other people had fabricated the rape story because they wanted to extort money from his family.

Magistrate Mkansi described the accused as a person who is not a friend of the truth because he could not take the court into his confidence. He lambasted him for taking advantage of the young victim.

In aggravation of sentence, State Prosecutor Ronell Botha requested the court not to deviate from the minimum prescribed sentence because the accused

failed to advance compelling and exceptional circumstances for a lesser sentence.

“The accused was a vulture that preyed on a young and helpless girl. He took away her dignity. He also failed to show any remorse for his actions,” said Botha.

Commentary by Prosecutor Ronell Botha

The accused pleaded not guilty but he could not explain to the court how his wallet with his identity document were found at the crime scene. He was very evasive in his testimony. He even claimed that he had an alibi but he could not bring his alibi to court.

Testifying in mitigation, the accused told the magistrate that if he was sentenced to life imprisonment, he was going to commit suicide. While he was escorted to the holding cells after the sentencing, he tried to jump out of the window but was restrained by the police officers.

The victim was convincing in her testimony as she did not contradict herself. She was not overwhelmed by the court environment and her confidence can be attributed to the good work that was done by the Court Preparation Officers. Even state witnesses that testified after her were consistent with her testimony which was convincing to the court.

The J88 (Medical Report) presented to the court was very helpful because the doctor that examined the victim gave a detailed description of her injuries.



September / October 2015

NPA Performance



NPA Celebrates Heritage Day

Matimu Mahundla

Heritage Day is a South African public holiday celebrated on 24 September. On this day, South Africans across the spectrum are encouraged to celebrate their culture and the diversity of their beliefs and traditions, in the wider context of a nation that belongs to its entire people.

An atmosphere of nostalgic emotion and positive energy was unmistakable at the NPA's VGM building and regional offices on this day. There were many celebratory scenes as staff adorned their traditional

attires, and together, shared in their cultural sovereignty.

It was at the DPP North Gauteng office where staff learnt about the historical origins of other cultural groupings such as vaTsonga, vhaVenda and Indians, etc. Representatives from all cultural groups took turns to share their cultural identities. Traditional foods from the rich and diverse African culture was at the heart of the event matched by a variety of traditional artefacts to complement the cultural and historical atmosphere.



NPA employees from VGM building celebrating Heritage Day



DPP Durban office staff during Heritage Day Celebrations



DPP North Gauteng staff during Heritage Day Celebrations

Kurdistan Regional Government from Iraq, UNICEF, Machakos Assembly County of Kenya and United Nations Visit Mamelodi Thuthuzela Care Centre



Gender based violence is a universal problem irrespective of wealth, education, religion, economic and social status. Accordingly, a delegation from Iraq, UNICEF, Machakos Assembly County of Kenya, and the United Nations recently embarked on study tours on different occasions during the month of October 2015 here in South Africa to learn about the significant progress that has been made in preventing and responding to gender-based violence (GBV).

The Kurdistan Regional Government from Iraq was represented by the High Council of Women Affairs (HCWA). The delegates visited the TCC in Mamelodi

where they were given a tour at the centre. The visits were preceded by a briefing on the TCC model and the work of the Sexual Offences & Community Affairs (SOCA) unit by Adv Pierre Smith at VGM Building.

Advocate Smith outlined their achievements on the programmes that the SOCA unit focuses on, such as, Domestic Violence, Maintenance, Child Justice, Sexual Offences and Human Trafficking. The delegations and the SOCA unit shared information, challenges and discussed ways of dealing with the scourge of GBV and promised to work with each other going forward.

NPA Events September / October 2015



Adv Thoko Majokweni with delegation from Machakos Assembly County of Kenya



Adv Thoko Majokweni, Bulelwa Makeke, Tshimangadzo Xakaza, Adv Pierre Smith, Aaron Raletjena, Genevieve Devereux with the delegation from Iraq



Mamelodi TCC staff with the delegation from Iraq and Unicef



Adv Thoko Majokweni with United Nations representatives and staff members of the TCC in Mamelodi

Worcester Thuthuzela Care Centre and Soul City take their awareness campaign to the De Doorns Community

Eric Ntabazalila

The Worcester Thuthuzela Care Centre in partnership with Soul City took its awareness campaign and message of hope for victims of sexual offences to the De Doorns community recently. Soul City initiated a campaign called the Thuthuzela Care Centre Awareness Raising Dialogues. Soul City liaised with the NPA Sexual Offences and Community Affairs Unit (SOCA) for guidance on towns to be targeted for the campaign. Kraaifontein (Karl Bremer TCC), Conville (George TCC), Lingeletu West (Kayelitsha TCC), Mitchells Plain (Mannenburg TCC) and De Doorns (Worcester TCC) were identified. More than 400 community members attended the sessions.

Soul City Provincial Manager, Petunia Tsweleng told the attendees at the De Doorns People's Centre that Soul City was on a mission to create awareness about the Thuthuzela Care Centres and to encourage community members (especially women) to utilise services offered by these centres.

"Soul City embarked on this campaign because we are strongly against sexual violence against any human being, more especially women. I do believe in the TCC model as it offers a comprehensive response to assist people who have experienced sexual violence. In this particular context, Soul City play a role of mobilising and engaging communities in discussions on issues of sexual violence to unchain the voices of those who have been affected by such a problem, particularly targeting women."

The response to this campaign has been very encouraging. Although people thought that the dialogues consisted of very sensitive issues, they also on the other hand admitted that it is indeed important to engage and explore such topics. They further admitted that sexual violence is really a problem in their communities and it has not been given sufficient community attention for it to be eradicated.

The Worcester Thuthuzela Care Centre is an award winning facility that beats all other facilities in South Africa for the services it provides. It is based at the Worcester Hospital and has been in operation since October 2010. Since inception, the conviction rate has never averaged below 80%. In the 2013/2014 financial year, the average conviction rate was 84% - national average was 65.9%. More than 569 cases were reported over this period – 308 children, 261 adults.

The facility's case manager, Advocate Cindy Abdool said that the success of the facility flows from the commitment and support of stakeholders.

"The support and participation of all stakeholders play a huge role. The Worcester TCC Implementation

team meets monthly and consists of nominated representatives from the various police stations and FCS unit within the SAPS Worcester Cluster. The Department of Health - Worcester Hospital provides the facility and the 24-hour medical staff available at the TCC. Cape Winelands District Health provides forensic nurses to enhance medical services, as well as logistical support at the rural clinics for survivors who do not have the financial means to travel to Worcester for follow-up medical services. The Department of Social Development provides statutory as well as psycho-social services and have dedicated social workers who render services at the TCC. MOSAIC, is the NACOSA beneficiary who renders a 24-hour on site victim support, provides trauma containment, counselling and plays a vital role with regard to HIV/Aids counselling at the TCC. The Western Cape Education Department forms part of the implementation team and we also have representatives from local NGO's like ACVV, FAMSA, Badisa and W. E. G.

We serve a rural area from Worcester to the surrounding towns of De Doorns, Rawsonville and Touwsrivier. Our data suggests that social ills like alcohol abuse plays a role and leads to sexual offences being committed. The sad reality is that minors are the likely victims and the perpetrators are known to them.

We can only win this battle with the help of communities. We need to arm them with information and knowledge in order for us to work together. We value the partnership we have formed with Soul City. We all have a role to play in this fight against sexual violence and the Worcester Thuthuzela Care Centre will always be at the forefront of that fight in this region," Advocate Abdool assured.

Cindy Williams, a registered social worker who is the Victim Assistant Officer (VAO) at the TCC added, "Stakeholder management over the years has resulted in all role players being very involved in public awareness campaigns, reaching the majority of the surrounding communities."



Isabet Erwee and Ansie Venter are Silver Award Winners

Vuyolwethu Sigaji



Two specialised prosecutors in Mpumalanga attached to the Organised Crime Section of the DPP: North Gauteng in Pretoria: Isabet Erwee and Ansie Venter, have jointly received the Silver Award at the International Rhino Awards. The ceremony was hosted by the International Rangers Association under the patronage of Prince Albert of Monaco: The Zeiss Optometric Company of Germany and a prominent businesswoman in China.

The panel that decided on the winners made specific mention of the 100% conviction rate of the two prosecutors in rhino related prosecutions, the excellent record of successful bail applications and their contributions with regards to lectures, guidance and support to rangers and investigators involved in curbing these crimes. Both of them also managed to obtain the highest sentences handed down to poachers in courts in South Africa.

The awards were given in recognition of people who played an exceptional role in the conservation of rhinos throughout Africa. Nominations were made by various organisations from all over the continent and the two prosecutors thus competed with individuals from all parts of Africa. They were nominated by SANParks as well as several private NGO's.

Candidates were nominated in six different categories, and the two prosecutors competed in the category for contributions in Political or Justice Matters. The Gold Award in this category was won by the King of Swaziland in recognition of new ground breaking Rhino Conservation Legislation in Swaziland.

Other categories included Education, Science, Best Ranger of the Year and Best Conservation Practitioner.

Congratulations!!!



State Prosecutor, Isabet Erwee



State Prosecutor, Ansie Venter

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NPA Performance



Rapists sentenced to lengthy terms

Luxolo Tyali

The women and children from the remote villages of Mount Fletcher had something to celebrate during Women's Month with the sentencing of two dangerous rapists who will probably never return to their communities. This, after the Mount Fletcher Regional court recently convicted and sentenced Zakhele Mchiza of Nkululekweni village in the district of Mount Fletcher to an effective 88 years imprisonment.

He was found guilty on two counts of raping a 26 year-old woman and 10 year-old girl, two counts of housebreaking with the intent to commit an offence and one count of murder.

Mchiza was sentenced to life imprisonment for each count of rape, 18 years imprisonment for murder and 10 years imprisonment for each count of housebreaking with intent to commit an offence. The court ordered that these sentences will not run concurrently.

On the night of 3 February 2012, Mchiza broke into the home of the 26 year-old victim who was alone. He threatened to kill the victim and raped her. While out on bail for the first rape, he broke into another house in the Katlehong village, also in the district of Mount Fletcher, on the night of 27 September 2013. Once inside the house, he strangled an 80 year-old granny to

death and thereafter raped her frightened 10 year-old granddaughter in the same room.

During trial, Mchiza pleaded not guilty to all five counts, but acting regional court prosecutor, Banele Mhlongo led oral evidence of the two witnesses and handed in DNA results linking the rapist to the crimes. Mchiza showed no remorse throughout the proceedings, even at the sentencing stage when he was informed that he was going to serve at least 88 years in prison, he showed no emotions.

The same court, in the same week, convicted and sentenced 26 year old Tsoanelo Magwedla from Mparana village near Mount Fletcher to life imprisonment for raping an 80 year-old granny. The elderly victim was raped when she was busy collecting firewood in the bushes near her village. Magwedla had pleaded not guilty to the charge but prosecutor Mhlongo led evidence of witnesses which led to the conviction of the rapist.

During pre-sentencing, Magwedla tried to convince the court that he was remorseful of his actions but the state ensured that he received a sentence befitting of his heinous deed against an elderly person whom he was supposed to protect.

Commentary from Prosecutor Banele Mhlongo



These two cases are among the most serious cases that I have prosecuted since I started as an acting regional court prosecutor in May 2013, but because they were well and properly investigated by a great team of dedicated investigators who always consulted with me for advice and further instructions, I was able to ensure guilty verdicts.

In the case of Zakhele Mchiza, there were numerous demands owing to the unavailability of the defence attorney instructed by Legal Aid South Africa (LASA).

Witnesses were always attending court and I had to address and plead with them not to lose interest. The mother of the 10 year-old victim, who is also the granddaughter of the deceased, always cried when the matter was postponed and I had to comfort her. The case was eventually taken back by LASA as the private attorney withdrew as the attorney on record, after consultation with the accused.

My greatest challenge was when I consulted with the 10 year-old victim as she was still traumatised by what had happened, but with the assistance of the social worker, Zanele Mmatshila, the child was able to narrate the events that occurred on the day of the incident.

In both cases, I decided to call only two witnesses and was assisted by DNA results that linked the rapists to the crimes.

Security Management Services: KwaZulu-Natal

Natasha Ramkisson - Kara



Dikgang Vinolia Makula joined the KwaZulu Natal office of the Director of Public Prosecutions as Regional Head of the Security Management Services late last year. **Khasho** spoke to her about the unit and the work that they do.

- **Where did you work before joining the NPA?**

I worked for the Office of the Premier in North West province as a Deputy Director: Security Administration.

- **Who are the members of your team and what do they do?**

We have two Security Risk Specialists: Khaya Xaba who works with the Pietermaritzburg Cluster and Terence Joubert who works with the Durban Cluster. Their job is to coordinate the physical security function for the province and implement Occupational Health and Safety (OHS) functions in all NPA building facilities here. They also coordinate protection services at special events and high profile cases as well as conduct threat assessments as part of their mandate. We also have Barbara Dlamini, the Administration Clerk.

- **What is the core function of your unit?**

The core function of Security Management Services is to provide physical and information security through co-ordination of services and implementation of OHS functions in the NPA.

- **You recently planned and executed an evacuation at the DPP's office in Pietermaritzburg. What was the purpose of this?**

On 28 September we executed an evacuation drill at 325 Pietermaritz Street. As part of the duties of the Security Management Services unit, our job is to ensure that OHS programs are implemented in the department and monitor the compliance thereof. Evacuation drills must be conducted to educate NPA employees about the procedures to follow in the event of an emergency. Also, it is necessary to test



Dikgang Vinolia Makula

the emergency plan for human error in the protection of lives should there be a disaster.

- **What were your findings from this drill?**

We found that there wasn't a Z8 register, which served as an indicator of the number of employees that present are present at work on a particular base. This was a challenge because after the evacuation we did a roll call at the assembly point and we were not able to establish whether everyone was out of the building or not.

Most NPA buildings are leased and/or shared with other departments and private companies and these buildings don't necessarily comply with OHS requirements.

- **Was it a fruitful exercise and what is the way forward with regards to the preparedness/readiness of staff members in an emergency situation?**

The drill was fruitful. A way forward is to continue with the exercise in other NPA buildings as well.

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NPA Performance



NPA hosts National Road Show at Mount Ayliff

Luxolo Tyali

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SAPS Crime Prevention and Detectives making a presentation during the road show.



Mount Frere sub-cluster SPP Gcinabantu Jubase presents the role of NPA during the road show.



Advocate Vuyani Genu speaks during the road show in Mount Ayliff.

The ongoing NPA education and awareness road show stopped by Msukeni Community Hall in Dundee village near Mount Ayliff on 20 August 2015.

The event, which took the form of an Imbizo and services exhibition, addressed general issues relating to the Criminal Justice System with about 500 community members, who are mostly affected by a spate of house breakings.

The programme included presentations from CPF, SAPS, NPA, Social Development, the Justice Department and Department of Correctional Services. The presentations were followed by a question and answer session, concluded by the address by Mthatha Cluster Chief Prosecutor Advocate Vuyani Genu.



A community member poses a question during the road show.



Eastern Cape Safety and Liaison Department official Sinazo Ndoni making a presentation.

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