

# Khasho



News for NPA staff, friends and stakeholders

April/May 2009



# Celebrating the fourth democratic elections



Advocate Mokotedi Mpshe  
Acting NDPP

South Africa's fourth democratic elections finally came to pass in April 2009, and what a success the Independent Electoral Commission (IEC) made of the whole process, with the cooperation of all the political parties involved. The electioneering was vibrant and engaging, and the governing party was brought back to power with resounding authority.

As President Jacob Zuma said in his inaugural speech: "We are called upon to implement our manifesto. The dreams and hopes of all the people of our country must be fulfilled. There is no place for complacency, no place for cynicism, no place for excuses. Everything we do must contribute in a direct and meaningful way to improve the lives of our people."

Indeed, that is a clarion call for us as public servants to improve our service to the South African public.

I also take this opportunity to welcome our new Minister of Justice and Constitutional Development, Mr Jeff Radebe. From the initial meetings I have had with him since he joined the Ministry, I am encouraged that he has a deep commitment to addressing the challenges that face us in the criminal justice system and to lead the department effectively.

On that note, I am sure that you join me in acknowledging the great work of the previous Minister, Mr Enver Surty, who was appointed on an interim term. He left significant footprints in the work of the department, and particularly the work of the NPA. He showed amazing support for the work of prosecutors, and it was during his brief tenure that the Occupational Specific Dispensation (OSD) was signed off for implementation.

On 18 May I was invited as a guest speaker at the 2<sup>nd</sup> Sexual Offences Indaba. It was here that I was quoted in the media as slating the idea of decriminalising prostitution, questioning the morality of it. I must emphasise that I was voicing this opinion in my personal capacity. The NPA is still to formulate its position in this regard, and will make submissions during the public hearings scheduled to start soon. The NPA's position will always support the country's legal framework and Constitution, and will serve the country faithfully within the realms of that framework.

The NPA is in the process of preparing performance reports to Parliament, according to the Treasury Regulations. I am very encouraged by the quality of performance reports from business units and by the improvement in many of the critical focus areas. There is visible improvement in case backlogs, convictions in the lower and high courts, case flow management and prosecutor attendance in court. Significant inroads have been made to improve the vacancy rate from 27% last year to 22%. The Sexual Offences and Community Affairs (SOCA) unit has outdone itself by increasing the number of Thuthuzela Care Centres across the country to seventeen.

I would like to give special recognition to the Directorate of Special Operations (DSO), which reported a conviction rate of 98% for the year. Your dedication and resolve to continue the work against crime is deeply appreciated. With the recent appointment of Mr Anwa Dramat as head of the Directorate for Priority Crime Investigations (DPCI), the demise of the DSO is now official and the processes to fully establish the new crime-fighting unit will move forward in earnest. I wish all the DSO colleagues who have made the decision to join the DPCI well in their new environment.

There are challenges as well as opportunities for all of us to learn from, and to help us reclaim our morale and courage to take the good work of the NPA forward.

Advocate Mokotedi Mpshe  
Acting National Director of Public  
Prosecutions

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# Freedom Day

Together, celebrating our democracy and building a better life for all.

On 27 April 2009, South Africans celebrated the anniversary of Freedom Day and the country's first democratic elections that were held in 1994. Fifteen years later, following our fourth general election, the country can be pleased about the achievements made in entrenching democracy and creating a better life for all. South Africa has come a long way to achieve a society based on equality, dignity and respect for human rights. On Freedom Day, government reaffirmed its commitment to consolidate democracy and create a South Africa united in diversity. South Africa commemorated the heroism and sacrifice, and celebrated the continuing hope and resilience of its people, working together to achieve the vision enshrined in the Constitution. The 2009 Freedom Day celebrations expressed our pride in our achievements as a nation in the past 15 years, and our commitment to overcoming the challenges we face in the future.

We take pride in the progress we have made since 1994 towards a better life for all and a more united society. There is hope as we have made incredible progress in the past 15 years. We have broadened access to basic services previously denied to most and made sure that many more people can participate in the economy.

Millions of lives have been transformed since 1994, but we know that we need to continue the struggle against unemployment, poverty and crime. Our goal remains to halve poverty and unemployment by 2014. We can overcome our fractured past and its legacy if all sectors of society take responsibility to create a unified and caring society.

We all have a responsibility to ensure that our democracy and freedom is maintained and strengthened for future generations.



**THE NPA HOTLINE – 0800 212 580**

Building a culture of reporting unethical and unlawful practices, promoting and enabling whistle-blowing.

## Editorial



Dear NPA colleagues and dedicated *Khasho* readers, our issue for April/May includes a variety of inputs on Freedom Day, women's justice and empowerment, and prosecutor and other staff inputs on motivation, dedication and perseverance. It celebrates the devotion of NPA staff members every day in our communities and in our courts to ensure justice for all.

In this issue, we introduce a regular column called "A day in the life...". This column is aimed at raising awareness about one another's jobs, highlights and challenges. The focus is for all employees to understand the role that each job plays in the organisation and the value it contributes to the organisation as a whole. It will also help us to understand how we impact on each other's work lives and what the connections and links are that make us all an important part of the NPA's delivery to its publics. We encourage you to assist us and provide inputs when we approach you in your area of work.

Once again, I call upon all NPA members to send their news or contributions to the following dedicated e-mail: [khasho@npa.gov.za](mailto:khasho@npa.gov.za).

**Bulelwa Makeke**  
Executive Manager: Communications

## Preparing for the Confederations Cup

**The Confederations Cup is upon us! The tournament is due to kick off on 14 June 2009 and will last for two weeks until 28 June 2009. Bloemfontein will host four games: Brazil vs Egypt, Spain vs Iraq and Spain vs South Africa, as well as the semi-final.**

As a result, prosecutors in Bloemfontein must be ready to handle soccer-related crimes during the event. For this purpose, two dedicated courts are almost fully equipped to perform their duties. One court will handle district court matters and the other court will deal with regional court matters.

These courts will run for two weeks prior to the kick-off, during the games and two weeks after completion of the final game. FIFA has very strict rules as to what is required from these courts. Two specific courtrooms at the local magistrate's office have been identified to be used as dedicated courts. Steps are currently underway to upgrade these two courtrooms to meet with the required standards.

According to prescripts, these courts must be available 24 hours a day, seven days a week, and exclusively for soccer-related cases. It is envisaged that court sessions will be held during the normal court

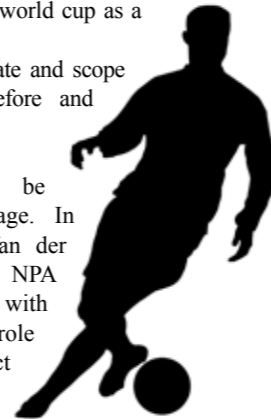
day, which is from 07:45 to 16:15. Court personnel must, however, be present at court from 16:15 until 23:00 to conduct court sessions as and when necessary. Furthermore, court officials will be on standby from 23:00 until 07:45 the next morning. According to prescripts, there must be two prosecutors on duty per court at all times. These court prosecutors must be at least on a D2 job level. In addition, there must be a control prosecutor on duty at all times. This officer must be on a D3 job level. One of the prosecutors on duty at the regional court must be from the Specialised Commercial Crimes Unit (SCCU).

During April 2009, prosecutors interested to work in the dedicated courts were invited to put their names on a list. The invitation was extended to prosecutors and state advocates in the National Prosecutions Service (NPS), the Directorate of Special Operations (DSO), and the Specialised Commercial Crimes Unit (SCCU).

Thirty prosecutors were enlisted to be utilised at these courts. Advocate Carel van der Merwe, the coordinator at the DPP's office and Advocate Alnicia Coetzee of the SCCU, is currently compiling the schedule of the prosecutors to be utilised. The prosecutors who will work in these courts will undergo specific training to cover issues such as:

- understanding their role and the work needed from the criminal justice system.
- understanding the 2010 world cup as a global event.
- understanding the mandate and scope of 24/7 availability before and during the event.

More particulars will be available at a later stage. In the interim, Advocate Van der Merwe is inviting all NPA officials in the Free State with queries about the NPA's role during the event to contact him at 051 410 6000.



## Indigenous Language Pilot Project

**The Department of Justice and Constitutional Development has embarked on a project to measure the feasibility of using indigenous languages in court. One pilot site has been identified per province. The pilot site for the Free State is the Magistrate's Court in Thaba Nchu.**

A meeting was held at Thaba Nchu on 28 April 2009 between the different role-players to discuss the implementation of the project. Flowing from that meeting, it was decided that the project would start on 4 May 2009. The languages to be used would be Sesotho and Setswana.

The A-Court in Thaba Nchu will be used, where Ms Rapulana will be the presiding magistrate. Shongi Moholo, the district court control prosecutor, and Kano Losaba will be the prosecutors.

Shongi's task will be to identify suitable cases for this project.

To start off, only undefended cases will be conducted in the indigenous languages. They will also start with simple, easy cases such as common assault, crimen injuria and shoplifting. Only trials will be held at this stage; not bail applications or other court proceedings.

It was also decided that no interpreters will be in court and the magistrate and

prosecutor will keep their notes in the indigenous language. Initially, an attempt will be made to finalise one such case per week in that court and progress will be reported to the regional office of the Department of Justice and Constitutional Development.

It will be interesting to hear the verdict of the people who are involved in the project. The office is specifically interested in the public's reaction. The people will be kept abreast of further developments as and when they unfold.

## West Rand celebrates Freedom Day in detention centre

**Members of the outreach programmes in the NPA's West Rand cluster (Protea Magistrate's Court) took some time off on Friday, 24 April, to celebrate Freedom Day at the Bosasa Development Centre in Mogale City.**

Community members from various sectors, especially faith-based organisations, attended this event. The Bosasa Development Centre is a special juvenile court in the West Rand that deals specifically with individuals who are in conflict with the law.

It is sad to see youngsters behind bars for crime-related activities. Nevertheless, strict measures must be put in place to set a precedent for those who want to make a life from crime. No matter how harsh this may sound, reality will strike home once you learn of the crimes that have been committed by these juveniles. These crimes range from rape to murder.

The emphasis of the day was the meaning of freedom for every South African and those who fought for it. Yvonne Spandiel, Head of Professional Services at Bosasa, said: "The youth need to identify positively with Freedom Day." She also advised them to make changes in their lives. She made them aware that it was time for them to value what past heroes and heroines have fought for.

Tiyane Nkolele, the youth counsellor at the centre, was programme director for the day and shook up the venue with some struggle songs, just to show the youth how it was done during those days. Juvenile offenders were probably contemplating their freedom at the end of the event, but it was not to be so. The mood became revved up as soon as those chants and songs were sung. Mrs Nombulelo Mathe of the Sterkfontein mental institution chanted her way to the podium in high spirit to say a few words regarding the event.

She focused mainly on inspiring the youth about the circumstances in which they find themselves. She told them that "being there at the centre was a temporary condition" and among them there was great potential. Juveniles awaiting trial faces sentences of up to 20 years in prison.

The centre, which is the only one of its kind in Gauteng, is among the many that are spread across the country. It seems quite difficult to use words such as 'temporary placement' in relation to the juveniles. The truth of the matter is that some of these juveniles have graduated into being hard-core criminals.

Therefore, it is very difficult to take them out of the system once they are in it. Sad as it may sound, this might be a two-way street for youngsters who find themselves in such situations. They are either running away from the law or they are trying to

escape their present hard situations at home. This can only lead to one thing: drugs, prison or death.

It is not by choice or design that juveniles find themselves in the same situation every time. It is a matter of history repeating itself. It is a known fact that 'violence begets violence'. Most of these youngsters come from dysfunctional family structures and some have been severely abused. The only language they understand is violence towards others.

These signs begin to show at school. Mrs Mathe emphasised that they should not make this centre their second home. They must get out into the normal world and get reintegrated into society. This is not as easy as it may sound, as they always find their way back to the centre and are soon eligible for sentencing. Then the reality sets in that they are now in a real prison, where they risk being killed or sexually violated.

Diversion programmes and similar programmes are in place for certain purposes. They are there to help juveniles from acquiring criminal records and to make sure that they do not repeat such offences or commit similar offences. Once they get into the criminal system, it becomes hard for them to get out. The number of juveniles in court is very high. What is needed is communities and stakeholders to work with law enforcement agencies to remedy this situation.



*Taking a moment, juveniles formed a circle to pray.*

## The search for missing activists at Post Chalmers reaches its conclusion

**It has been a long and meandering road for the families of the activists who disappeared in the 1980s during the apartheid era. The families of Sphiwo Mthimkhulu and Topsy Madaka, who disappeared on 14 April 1982, and the families of the Pebco Three (Sipho Hashe, Qaqawuli Godolozzi and Champion Galela), who disappeared on 8 May 1985, have finally accepted the tragic events that deprived them of their loved ones.**

On 17 April 2009, a team of investigators, forensic archaeologists and anthropologists, together with members of the Priority Crimes Litigation Unit (PCLU), worked tirelessly on the physical site, conducting preliminary investigations and subsequent excavations to deliver the long awaited report. Between 2006 and 2009, at the request of the Minister of Justice and Constitutional Development, the Missing Persons Task Team conducted an investigation, research, forensic excavations and examinations into the data and locations relating to the disappearance and death of the five activists from Port Elizabeth.

During the Truth and Reconciliation Commission sessions, the late former

security policeman, Gideon Niewoudt, said their bodies had been burnt and thrown into the Fish River. However, it later turned out that their remains had been thrown into a septic tank at Post Chalmers near Cradock. The spokesman for the families of the Pebco Three, Mandisa Hashe (the daughter of Sipho Hashe), said the families were satisfied with the findings and were now waiting for the remains to be handed over to them for burial.

However, she mentioned that there was a certain degree of unhappiness because the perpetrators of the murders had not been brought to book.

It is also important to note that in 1999, the Truth and Reconciliation Commission refused amnesty to

Niewoudt, Johannes Martin van Zyl, Gerhardus Johannes Lotz and the Unit's commanding officer, Herman Barend du Plessis, ruling that they failed to make full disclosures. Since then, Niewoudt has died and one of the other witnesses has had kidney failure.

NPA spokesperson, Tlali Tlali, said that perpetrators had indicated to the Truth and Reconciliation Commission during the amnesty applications that the two groups had been taken to the Post Chalmers farm, an abandoned rural police station outside Cradock, in 1982 and 1985. Members of the two groups were interrogated, shot dead and their bodies burnt.

He went on to say that forensic pathology and odontology examinations were performed on the remains. He said the examination of bone and teeth led to the conclusion that the remains corresponded to the number of individuals that went missing, as well as their gender and age range. The bone expert concluded that the extraction of DNA from the bones is not possible with current technology.

According to Tlali, the NPA has left nothing to chance and had explored all forensic and scientific investigative methods available to confirm its findings and conclusions. The NPA trusts that the families will begin to find closure to this traumatic chapter in the history of their families. The human remains will be handed to the families at a later stage.



*The families of the five activists who disappeared in the 1980s, listening attentively during the presentation of the findings by the NPA's Missing Persons Task Team and forensic experts.*

## Media briefing on Zuma charges was well secured by Security and Risk Management



The National Prosecuting Authority was once again the centre of attention on 6 April 2009 as Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions, announced the decision taken on the corruption charges against the ANC president, Mr Jacob Zuma, thus generating a security risk at the NPA's headquarters.

Politicians, the South African media at large and people from all walks of life camped at the VGM Building, the NPA's head office in Silverton, to picket and demonstrate their feelings on this much talked about matter.

Security and Risk Management personnel successfully kept picketers and demonstrators a few metres from the main gate. Although the NPA is a public institution and every South African is allowed in and out freely, this was not the case on this very important day, as this was an exclusive media briefing.

According to Mr Ndabezinhle Nyembe, Security and Risk Specialist, Security and Risk Management had a plan in place for the proceedings. "I presented Security and Risk Management with a plan on how every security aspect would be rolled out. I worked at it for three days to ensure that it met with all the safety precautionary measures," said an upbeat Nyembe.

"Nothing major happened on the day except for the fact that Ms Helen Zille,



leader of the Democratic Alliance, tried to sneak in by hiding in her car, but was spotted by the highly alert security officers as they performed their operational check-ups. The team worked tirelessly around the clock in a quest to beef up security with the sole aim of negating any potential threat that may be aimed at NPA employees," added Mr Nyembe.

The success achieved was a team effort by the South African Police Service (SAPS) and the Tshwane Metro Police. According to Senior Superintendent Wilson Makhavela of the Tshwane Metro, they achieved their mandate and all key functions were covered. "We were informed that some of the political parties were aiming to have a night vigil on 5 April. I immediately informed my colleagues of that and dispatched a few

officers to the VGM Building to monitor and to manage the situation.

Everything nearly went astray as the decision went the way of the ANC, much to the dismay of the opposition parties. "As soon as Advocate Mpshe pronounced that charges were being dropped, Congress of the People (COPE) supporters stormed the VGM gate in an attempt to invade the premises, but they were stopped in their tracks."

Metro police officers vowed that they would arrest anyone attempting to cause disruptions. "Our mandate was to help beef up the security in conjunction with the NPA's Security and Risk Management team and the SAPS. We were hell-bent on arresting anyone who transgressed the law, no matter who they were. We were prepared to make an arrest."

# Women's justice and empowerment initiative launched in Cape Town

The Women's Justice and Empowerment Initiative (WJEI) was launched from 1 to 4 April 2009 by the Sexual Offences and Community Affairs (SOCA) Unit in partnership with the United States Agency for International Development (USAID).

Close to 50 delegates from South Africa and abroad attended this event at the Le Vendome Hotel in Cape Town. This programme was first launched in 2005 by the former United States President, George W Bush, who announced a whopping R55 million injection to Benin, Kenya, South Africa and Zambia to help advance South Africa's response to gender-based violence. It was launched with the sole purpose of improving the availability of comprehensive services for rape and sexual assault survivors, especially for vulnerable groups, women and children.

The first day of the programme saw the leadership of the South African Broadcasting Corporation (SABC) committing itself to supporting this initiative using both print and electronic media. Speaking at the launch and round-table discussions, the General Manager of the SABC, Mr Phil Molefe, highlighted the readiness of the national broadcaster to support such initiatives as part of its corporate citizenship programme. Later in the day, the delegation visited the Thuthuzela Care Centre (TCC) in Manenberg. This was followed by a media briefing on the second day, which was attended by, among others, the honourable former Minister in the Presidency, Manto Tshabalala-Msimang, who was the main panel member, informing the media about the initiative.

"This launch today is dedicated not only to celebrating the partnership, but also to finding ways of advancing the struggle for the rights of women and children who are the most vulnerable and abused people in our society. We must unite and intensify the fight to stop gender-based violence. I hope that through this partnership and intersectoral collaboration, we will be a step closer to achieving this objective by continually improving our interventions and responses in this regard," said Tshabalala.

Various speakers shared their experiences on the successes of the TCC model and also emphasised their commitment to working tirelessly to support the victims of abuse. Advocate Thoko Majokweni, who heads the SOCA Unit, explained that one of the reasons this programme was launched in Cape Town was because the first TCC was piloted at the GF Jooste Memorial Hospital in Manenberg, a Cape Town township, in 2002, which has also been the best performing TCC nationally.



From left: Advocate Shamila Batohi (DPP, Kwa-Zulu Natal), Mr Phil Molefe (General Manager, SABC), Advocate Thoko Majokweni (Head, SOCA) and Advocate Lungi Mahlati (DPP, Eastern Cape).

The TCCs, co-managed by the departments of Health, Justice and Constitutional Development, Social Development, Correctional Services and Housing, as well as the South African Police Service, provides an integrated and multisectoral framework of action to prevent and respond to violence against women and children, especially the care and support of rape survivors.

The WJEI in South Africa involves government institutions in strategic partnerships with the aim of achieving four key objectives:

- Upgrade and expand the TCC network.
- Improve care and treatment for survivors of sexual assault.
- Award targeted grants to medical, legal, and psycho-social service providers for follow-on care to survivors.
- Strengthen the SOCA management and communication systems for TCC sustainability.

The assistance of USAID will help advance the South African government's programme to upgrade and expand the one-stop TCC network. The NPA is proud to be associated with such a successful initiative and extends its gratitude to all staff members who are involved in the TCCs to keep up the good work.

# Durban prosecutor gets her 'accused' hook, line and sinker

Durban Prosecutor, Danette Peverett, has secured the highest sentence for an offence in contravening the Living Marine Resources Act and Regulations.

On 23 March 2009, a certain Mr Albino and two other foreign nationals were caught entering South Africa at Durban harbour with a cargo of 80 tons of a protected species of Patagonian toothfish.

Although the fish is protected globally by means of international laws, a vessel may legally fish in certain areas such as the Antarctic. The vessel, the *Banzare*, which belongs to Mr Albino, caught the fish legally in terms of either international agreements/permits and there was evidence that the fish were caught in the Antarctic.



The Patagonian toothfish, *Dissostichus eleginoides*

In terms of the Marine Living Resources Act (Act 18 of 1998, the Patagonian toothfish enjoys the status of a prohibited deepwater species in terms of Regulation 54, read with Annexure 12 of the said regulations. It is therefore regulated once it enters the South Africa exclusive economic zone and the vessel will need a permit for the cargo once it wishes to enter the country. Mr Albino did not have a permit for the cargo on board his vessel.

He was therefore in contravention of Regulation 54 (possession of a prohibited deepwater species without the required permit).

According to section 39(1) of the Marine Living Resources Act, 1998 (Act No 18 of 1998), all foreign vessels entering the South

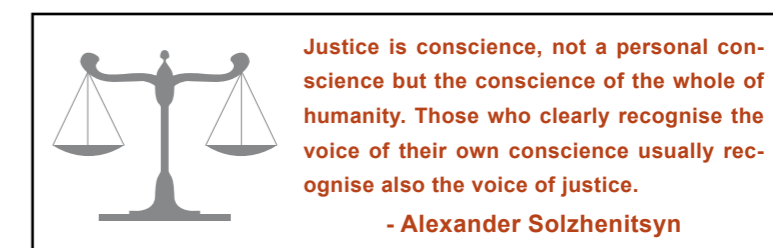


Chief Public Prosecutor in the Durban Cluster, Mr Eric Sibeko (left), and Public Prosecutor, Danette Peverett.

African exclusive economic zone need a permit to do so. The crew of the *Banzare* entered the harbour without such a permit, as Mr Albino had given orders for the vessel to enter South African waters without the required permits.

The accused entered into an informal plea bargain and a sentence of R300 000 was agreed on, of which R200 000 would be suspended for a period of five years on condition the accused did not contravene section 39(1) of Act 18 of 1998 or Regulation 54 during the period of suspension. Charges were withdrawn against the co-accused.

Chief Public Prosecutor of the Durban Cluster, Mr Eric Sibeko, said that he was very proud of Danette's achievements and that she should keep up her good work.



# Working towards improved service delivery

The CEO's office arranged a meeting, strategic planning session and team-building event with all the corporate managers in the entire organisation.

The theme for the three days was working together towards improved service delivery. The meeting was held at Kopanong Hotel and Conference Centre from 1 to 3 April 2009.

The main purpose of the event was to ensure the efficient management of Corporate Services in the divisions/regions. Corporate managers interacted and engaged with the senior management teams in Corporate Services on matters related to Corporate Services.

The Corporate Services plan was presented to the corporate managers and they had the opportunity to participate in team-building activities, which included drumming. On a more

serious note issues that were discussed in a variety of work sessions were:

- Reporting templates for corporate managers
- A proposed plan for the decentralisation of corporate services functions
- Report backs on regional visits
- Reporting lines for corporate managers

There were also words of wisdom from a motivational speaker, who inspired and motivated the corporate managers to serve their clients (the NPA's staff) with dedication and commitment, and more importantly, to embrace and live the NPA's values, which they should express in their every day activities.



Corporate manager's engage in teambuilding activities.



# Amazing TV Race



The NPA's Communications Unit was invited to attend a TV Race, which was organised by the Government Communication and Information System (GCIS) and facilitated by Mercury Media.

Mercury developed this initiative, which aims to give government communication employees an opportunity to see how a television ad is conceptualised – from scripting to filming. The idea is to enable participants to gain a deeper understanding of the communication process and to know when a television advert is the right channel of dissemination.



The race started at the GCIS offices and then proceeded to different stations.

## Pit stop 1: Soweto TV

The participants arrived at the station at 10:30. They attended a control-room brief on Soweto TV and received some fast facts on Soweto TV.

The control room was established on 1 April 2000 at Ipelegeng Community Centre, Soweto. It broadcasts YFM live. The news team focuses only on news concerning Soweto. They get news by going around Soweto searching for the news.

The channel has 500 000 viewers – only Sowetans. It broadcasts from 05:00 to 10h00. After that it will only play repeats of the previous day. They sometimes use the community newspapers when there are stories happening at places they can't reach.

In the studio, 10 programmes can be broadcast simultaneously. The studio holds two to three guests at a time. When asked if they will be broadcasting the 2010 events, they answered that Soweto TV doesn't have the rights to broadcast. Only the SABC

has these rights. Soweto TV will only concentrate on the events that happen around Soweto.

Soweto TV has a programme that concentrates on icons that come from Soweto, called *AmaQhawe*.

The station started with only seven programmes and now has 18 programmes. They also do some programmes with Jozi FM.

## Pit stop 2: Urban Brew Studios

The delegates were shown around the studio. What they found interesting about the Urban Brew Studios, is that most of the time it is used by the bigger broadcasters like SABC 1 and SABC 2. The Urban Brew studio is much bigger than that of Soweto TV.

## Pit stop 3: Brand Leadership

At the Brand Leadership offices, delegates were shown how adverts are created. They were also given an opportunity to draft their own adverts with a winner announced later;

## Pit stop 4: Mercury

At Mercury, people were given a small lecture on the importance of advertising, different media channels and how the media buying process works. They were made to understand all about getting your ad in front of the right audience.

After lunch at the Mercury offices, the winner of the best ad was announced. This was Baile Maunye of the NPA, proving that the Communications Unit of the NPA is always a winner!

Baile was presented with a certificate. Who knows? Baile might end up working for an advertising company, owning his own company or working for the very same Mercury? Only fate will tell.

"To be the one representing my unit in this part of Gauteng is an honour and an achievement, because I have become the ambassador of the organisation at the same time. I serve a very important purpose in this part of town and that is to educate the public about the NPA and the justice system, and to project a good image of my organisation, as well as to establish good relations with communities".

# Voice of the NPA

The switchboard is the voice of any organisation – the NPA's switchboard operators also play an important role in projecting the image of the organisation. It has three dedicated, hardworking switchboard operators who are keen to assist all the NPA's callers with enthusiasm and a smile. They are Lindiwe Sibaya (LS), Winnie Seema (WS) and Willem van der Walt (WvW). *Khasho* chatted to these three individuals to find out more about them.



The switchboard operations team from left: Lindiwe Sibaya, Winnie Seema and Willem van der Walt, who is blind.

## What is the first thing that you do when you arrive at your work station?

**LS:** I switch on the system, check e-mails and wait for the first call so that I can assist.

**WS:** I test the lines and ensure that my system is without any faults. If there are any, I report them.

## What difficulties do you encounter in your job?

**LS:** Being unaware whether persons to whom we transfer calls are available, because if the call comes back to us unanswered, the caller becomes angry and accuses us of incompetency and unprofessionalism.

**WS:** People undermining our job and taking us for granted. Dealing with difficult and rude people. Speaking to unhappy clients.

**WvW:** Clients who call one person who is never in the office, because you end up getting blamed for that.

## What do you like about your job?

**LS:** Talking to people around the world, locally and internationally.

**WS:** Being appreciated by callers. The opportunity to get to know people better, how to handle pressure and how to relate to different kinds of people.

**WvW:** The fact that we become exposed to learning many things.

## What do you think can improve the quality of your job?

**LS:** Studying customer service to improve the quality of my job.

**WS:** Internal staff helping us by, for instance, informing us when they are out of office for longer periods. Internal staff treating us with respect.

**WvW:** Implementing a self-answering system on the NPA's general number that can put callers on a waiting list.

## How would you compare the work environment in the beginning and now?

**LS:** Since the organisation has grown, the work is more challenging, but because we help each other, we manage. When I first joined the NPA, I could not take the pressure. But I started to practise patience and be positive and today I am not ashamed to say: I am the NPA star!

**WvW:** A lot has changed over the past few years and it took patience to train people that a guide dog makes everything possible for a blind person and that the dog is part of that person's life.

## If you were given an opportunity to have a cup of tea with Advocate Mpshe, what would you say to him?

**LS:** The first question that comes to my mind is: What is it like to be an NDPP? I would ask about the daily challenges he encounters, and how he manages to handle the NPA's difficult work. I will tell him that I am proud of the contribution he makes to the NPA.

**WS:** I would thank him for caring so much for his employees. He usually gives us surprise calls just to ask us how we are doing. I have never heard of such a thing before.

**WvW:** I will ask him if he likes working for the NPA, what he does for a hobby, and if he had the opportunity to change anything in his life, what would it be.

## What message can you convey to the NPA family?

**LS:** Let's try to adhere to *Batho Pele* principles. Let's practise them and not forget to keep on fighting crime.

**WS:** We are doing our best to serve you, please be patient with us. You are important to us. Without you, we wouldn't be here.

**WvW:** Stand firm together and focus on the day of tomorrow. Better things will come from the youth, since they learn from our mistakes and they are the future of our country.

# Keeping prosecutors motivated

It is no secret that employees who feel they are valued and recognised for the work they do are generally more motivated, responsible and productive.



Advocate Navilla Somaru, Chief Public Prosecutor in the Welkom cluster.

In the service industry that we are in, employees who are well motivated will provide a better level of customer service, keeping customers happy.

Employees who are well motivated are also inclined to remain with the company for a longer period of time. They grow in experience and become even more valuable to their employer. As a result, a motivated employee performs better, provides a better level of service, stays with the company longer and, as a result, the cost of recruiting and training new staff is drastically reduced.

Basically, there are two types of motivators: financial and non-financial. Financial motivators include a decent salary, bonus, incentives, overtime remuneration, fringe benefits such as entertainment and cellphone allowances, motor vehicle allowances, free uniforms, good medical insurance, pension fund, first call travel, hotel arrangements and a loyalty bonus. Non-financial motivators include job security, safe working conditions, social or sports clubs and prospects of promotion.

There are also other types of motivators: recognition for hard work, encouragement from seniors, fair treatment in the workplace, opportunities for self-improvement and self-growth, and time off on special occasions such as birthdays and anniversaries. For managers, motivating staff is an ongoing and complex task. Prosecutors very easily become demoralised and what motivates one prosecutor might not necessarily motivate another.

## How do managers go about boosting prosecutor's morale?

### Communicate

Get to know your staff. Find out their strengths and weaknesses, goals, expectations, what makes them tick. Treat them with respect and common courtesy.

### Maintain integrity

Prosecutors want to trust their managers and want a certain amount of accountability from them. If you say something, mean it, do it. Be honest and open with staff at all times.

### Recognition

Everyone wants to be recognised, especially for a job well done. Call the prosecutor in and thank him/her personally. Establish an employee recognition programme and monthly certificates.

### Show appreciation

If extra effort has been placed in the execution of a particular task, show appreciation. Value your employee. It costs nothing and has a huge and positive impact on that prosecutor and others.

### Fairness

Nothing demoralises people faster than unfair treatment. Across the board, and at all companies and organisations, this has been identified as a key demoraliser. Treat all your staff in the same manner when it comes to work allocation, time off and performance bonuses. Unfairness in a manager causes the rest of the staff to lose faith and credibility in the manager and ultimately in the organisation.

### Rewards

People value and appreciate rewards, irrespective of the monetary value. A letter of commendation or thanks is a huge motivator; an afternoon off, a gift voucher, a bunch of flowers, really speaking. It is the thought and the message behind the reward rather than the reward itself that works wonders.

### Transparency

Keep your staff informed on crucial issues affecting them and the organisation. Some staff members become paranoid and feel victimised if they are not informed. People left in the dark often feel undervalued and will not give their best.

### Challenges

Show trust in your prosecutor by giving him/her difficult or challenging tasks/cases to do. Offer opportunities and exposure to challenging situations. This will offer the necessary stimulation and build self-confidence and experience.

### Praise, praise, praise

It is the best motivator. It fires staff up to work that much harder and to give their very best.

These methods are only worth their salt if done in a fair, consistent and honest manner. Praising and rewarding prosecutors who are not performing or producing results really undermines the entire process and does more harm than good in the long run.

**Source: Motivating employees: 15 ways to boost employee morale (Mitch McCrimmon: HR World)**

# Perseverance pays

**Nkululeko Christopher Ndzengu (41) received his Magister Legum (Public Law) on 18 April 2009 from the Nelson Mandela Metropolitan University. He is an alumnus of Rhodes University (BA LLB) and is a Deputy Director of Public Prosecutions at the Asset Forfeiture Unit in Port Elizabeth. Khasho interviewed him soon after he received his qualification.**



*Nkululeko Christopher Ndzengu graduated from the Nelson Mandela Metropolitan University recently with a master's degree in law (LLM).*

## What is your background?

I am an attorney and practised law in Grahamstown until I joined the NPA as a senior state advocate at the Asset Forfeiture Unit (AFU) in 2003. Since then I have been working as part of a team that implements asset forfeiture.

## What does such implementation involve?

The Prevention of Organised Crime Act of 1998 (POCA) provides for both criminal and civil forfeiture. The AFU employs dedicated investigators and litigators to implement asset forfeiture provisions in terms of POCA. Law enforcement agencies refer cases with asset forfeiture potential to the unit and our investigators conduct asset/financial investigations to determine the amount of benefit acquired from the crime or the nature of the instrumentality used to commit a particular crime or crimes. Once this is established, the litigators draft and file papers in court, argue the matter and

obtain the relevant orders. The objective is to dislodge the entire benefit from the criminals or remove instrumentalities of crime from public circulation, thus dissuading would-be criminals from even considering committing crime.

## Have you enjoyed working for the NPA so far?

I used to defend my clients (the accused). It has been an eye-opener and an honour to be on the other side, making sure that crime does not pay.

## What does your treatise deal with?

It touches on the asset forfeiture process as one of the efficient weapons to combat both individual wrongdoing and organised crime. It gives a critical assessment of how South African forfeiture law deals with victims of underlying crimes and makes a special plea to the legislature to consider proposed amendments to POCA to bring the statute in line with restorative justice and international best practices in this regard.

## How do you manage to juggle work, family and studies?

I simply created time. I was a part-time student and the dissertation is based on what I did on a daily basis. That made it easier and I was also fortunate to have the studies resourced and financed by the NPA and to have a motivating supervisor.

## Do you have a message to your NPA colleagues?

As prosecutors, we should be at the forefront in providing academic research and publications pertaining to the statutes we deal with. We are best suited for this. We should do this in our field of expertise so that we can leave behind valuable knowledge for future generations.

**Your colleagues at the AFU and in the NPA family as a whole would like to congratulate you on your achievement and wish you all of the best as you continue to work hard, so that there can be justice, freedom and security in our society.**



# A day in the life of...

**Tebogo Sethabela, Senior Manager: Supply Chain Management**

## Give us an idea of your job in managing supply chain management processes for the NPA, especially in the context of the financial year-end.

The supply chain management division must play a delicate balancing role during the financial year-end – that of preparing for the financials, while maintaining continuity of service. Planning for the financial year-end begins early in January, working towards the end goal of closing books by 15 February. This is to give the team sufficient time to monitor funds and expenditure and to make sure that information provided to Financial Operations is accurate. The State Information Technology Agency (SITA) closes the LOGIS system from 24 March. Effectively, this means that all transactions for the financial year must be recorded on the system by the SITA closing deadline so that they can generate reports for the financial statements.

The biggest challenge we face towards the end of the financial year is the volume of transactions and procurement applications that come our way. All these transactions have to be processed by the same number of officials that we employ during a normal period, which leads to incapacity in the unit. For example, during this period we process an average of between 60 and 70 invoices a day, and they are usually of high values. Previously, we used contractors to assist with the volumes, but this year we had to pay overtime to the available resources, due to budgetary constraints. This year manual verification of commitments was done by only six people. At this time, the audit cycle also starts – auditors make requests for information and the planning of financial statements must start.

## So how do we in the business units impact on your processes in this regard?

Preparing for financial year-end is the most difficult period in the cycle of our work at Supply Chain Management, similarly to Financial Operations, because we have to process information that is not easily forthcoming from the business units. This largely has a negative impact on our audit outcome. As you know, last year we received an audit disclaimer, primarily because of the lack of cooperation and proper procedures from some business units.

In a number of instances we have the challenge of business units not meeting the deadlines we set for them in which to provide financial information for the timeous preparation of financial statements. We need to receive information about commitments, so that they can be consolidated and verified before submission to Financial Operations for the financial statements. Furthermore, this checking is done manually and there is a lot of work that must go into verifying these amounts for audit purposes. In the meantime, requests for procurement come in their numbers because business units want to reduce costs.

## What could we in the business units do differently to support Supply Chain Management?

We urge business units to submit invoices in time and to provide us with their commitments for the year. Some business units manage their own commitments on Excel spreadsheets. It would be very helpful to alleviate the pressure on Supply Chain Management if all business units kept records of their commitments to enable us to keep up with the expenditure and transactions for the financial year and to report accurately in the financial statements. Sometimes we receive old unpaid invoices to process, which leads to noted cases that must also be disclosed on the financial statements.

It is also important for business units to plan their procurement needs properly and give enough notice to Supply Chain Management. If we received procurement requests months in advance, we would be in a position to consolidate these needs, prioritise them and be able to achieve value for money from our suppliers. When we do everything under pressure, the negative consequences that may arise is that there could be mistakes in point calculations for service providers and the incorrect awarding of tenders.

Supply Chain Management entails a lot of administration, but there is a lot of planning that is required as part of it. The role of Supply Chain Management is to help the organisation to conduct research and monitoring of services available in the market, to be able to save the organisation money and to find value for money. It also plays an advisory role to business units and does not consist only of clerks who merely process orders.

## Library training

**The Information Services Section of the library has targeted April to June for training on loose leaf updating.**

This is annual training during which all aspirant prosecutors in different clusters are trained on how to update loose-leaf material, for example, the Commentary to Criminal Procedure Act.

All regional librarians are involved in this training. They train clusters falling within a DPP office. If no regional librarian is available, head office staff perform the training sessions. So far, six clusters have been trained and Information Services is looking forward to conducting more training during June. The libraries also conduct database training. These include Jutastat, LexisNexis, Westlaw and Hein online.

All staff members are welcome to book training on any of the above through the regional librarians and Nozuko Mdingi at 012 845 6868 or Portia Mabhena at 012 845 6805.

## NPS imparts knowledge at Career Day

The National Prosecutions Service (NPS), Soweto West Rand Cluster (Protea Magistrate's Court), exhibited Protea at the Titelo Secondary School Career Exhibition Day. The NPS highlighted to the students the benefits of working for one of the most widely spoken about law enforcement agencies in South Africa. Taking time to educate students and to exhibit creates a better understanding of the work of the NPA to the public out there. Students showed enthusiasm and wanted to know how they could get a chance to work for the NPA. The aim for the NPA was to impart information on the NPA and its areas of work and to create an interest in taking up the law as a sound alternative for students.



## Iron Man perseveres



Johan Conradie, a regional court public prosecutor from Grahamstown, completed the Cape Argus in March 2009 and also his second Iron Man in Port Elizabeth on 5 April 2009. This gruelling event consists of a 3.8 km swim in the open sea, a 180 km bike ride and a 42.2 km run. Each leg is a marathon in its own right. Johan managed to improve both his swimming and bike times. Overall, he improved his total time with seven minutes against his results of last year and finished the event in a total of 12 hours and 32 minutes.

Johan's next endeavour was the Comrades Marathon, which took place from Pietermaritzburg to Durban this year. Johan would like to encourage more members of the NPA to get healthy and fit. He strongly underwrites the point of view of Advocate Els, the NPA's other fitness specialist, in the March issue of *Khasho*, that a healthy body houses a healthy mind. According to Johan, nothing in life is achieved without hard work. To perform well in court on a daily basis, you need to be healthy, fit, strong and focused. This can only be achieved if you take care of your health.



Send your news (serious and funny) and letters to [khasho@npa.gov.za](mailto:khasho@npa.gov.za) or fax your stories and information to 012 843 2120.

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