

Khasho



News for NPA staff, friends and stakeholders

August 2008

CELEBRATING 10 YEARS

The Constitution lays the foundations for a democratic and open society in which Government is based on the will of the people and every citizen is equally protected by law.



The establishment of the NPA was a significant moment in ensuring that the vision of the Constitution is realised.



NATIONAL PROSECUTING AUTHORITY
South Africa

Prosecuting Without Fear, Favour or Prejudice Since 1998

Overcoming hurdles to reach greater heights

August saw the tenth anniversary of a requisite milestone in the criminal justice system, namely the formation of the Office of the National Director of Public Prosecutions (NDPP), established on 1 August 1998 in terms of section 179(1) of the Constitution. The NPA's achievements and its current work should be seen as part of the entrenchment of democracy in South African society. For employees of a body such as the NPA, whose mandate emanates from the Constitution and is entrusted with strengthening our democracy, there is an even greater need to intensify the fight against crime and to realise the vision of "justice in our society so that people can live in freedom and security."

Over the years, the NPA has been involved in groundbreaking work to bring criminals to book. Precedent-setting cases have struck a cord with the nation as a whole and have contributed to developing South African post-1994 jurisprudence.

Over the last year, many staff members participated in the democratic process of establishing the values that are at the core of everything we do. These values dictate how we engage with each other as colleagues and how we serve our clients. The values are **integrity, accountability, credibility, service excellence** and **professionalism**. These values are noble, but will be easily dragged to obscurity if we are not committed to liv-



Advocate Mokotedi Mpshe

ing by them – not only in the work environment, but also in our personal lives.

Significantly, the challenges we have faced over the last few months have consistently tested our resolve to live out these values. The suspended National Director of Public Prosecutions (NDPP), Advocate Pikoli, recently sat through the last leg of the Ginwala Commission, which was set up to establish his fitness to hold office in this significant institution of our democratic dispensation. During the course of the hearings, I believe there were many instances when all he had to hold on to were the values that he holds dear in his heart. It is at times like these that we can appreciate how important values are to guide us in our actions and responses to certain situations.

We are also faced with the real possibility of the Directorate of Special Operations

(Scorpions) being disbanded and re-introduced as part of the South African Police Service (SAPS). In this regard, a group of senior NPA members made a presentation to Parliament as part of the public hearings into the two bills that address the Scorpions' dissolution. The focus of the presentation was to highlight for preservation the good qualities that make the DSO such an impactful crime-fighting force. Our objective, in particular, was to ensure that the 'move' would be as constructive as possible under the circumstances, with as little prejudice to members of the DSO as practical.

I am also heartened by the professionalism shown by our prosecutors at a time when they were really pushed to the limit in the matter of the Occupational Specific Dispensation (OSD). They made sure that their protests were carried out in a fashion that would not disrupt service delivery or the normal work of the courts. As NPA management, we reached a point where our integrity and credibility were threatened because of the unfulfilled promises that had gone on for far too long. Our biggest mistake was to communicate to staff and make commitments when we did not entirely own the process and crucial milestones were beyond our control. However, I am confident that the biggest hurdles are now behind us and that we are very close to finally resolving the issue. I also accept that my words will be most meaningful when the money is in the bank.

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THE NPA HOTLINE – 0800 212 580

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

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I am very concerned about the adverse audit on the NPA for 2007/08. It is incumbent on all of us to ensure that a finding of this nature never takes place in our organisation again. It is embarrassing and totally unacceptable. I am already encouraged by the reports I have received from Corporate Services regarding the stringent measures that are being put in place to close any gaps that may have led us to a disclaimer by the Auditor-General. I must, however, stress that this is not the responsibility of Corporate Services only. We have a duty as management and accounting staff to ensure that we comply with policies and regulations.

Bidding farewell to some strong women in senior management, particularly around Women's Month, was unfortunate. Beryl Simelane, Acting Chief Executive Officer, and Dipuo Mvelase, Head of the Integrity Management Unit (IMU), left the organisation to explore other opportunities, which I am sure will take them to much greater heights in their personal and career development. While it was a great loss for the NPA, we wish them everything of the best in their new positions.

Finally, I invite everyone to welcome Dr Khotso de Wee, who commenced duty as Acting CEO at the beginning of August. Dr De Wee has been seconded from the Department of Justice and Constitutional Development (DoJ&CD), where he is Chief Operating Officer (COO). He will act in this position until it has been filled. We are further joined by other team members who have also been seconded from the DoJ&CD: Ms Mmamoroke Sekgoe and Mr Mosalanyane Mosala in Dr de Wee's office, and Mr Gordon Hollamby in the Supply Chain Management office.

*Advocate Mokotedi Mpshe
National Director of Public Prosecutions*

A shake-up is on the cards: reviewing the criminal justice system



Advocate de Lange (above), hosted a media briefing at the Sheraton Hotel in Pretoria on Wednesday, 13 August 2008, to discuss the transformation of the South African criminal justice system in an endeavour to put it on a par with that of other countries.

According to Deputy Minister for Justice and Constitutional Development, Advocate Johnny De Lange, "the criminal justice system has never had credibility with the people, because of its baggage from the apartheid era".

The Deputy Minister introduced seven fundamental principles for change that have been approved by Cabinet and are now ready for implementation. These include adopting a single vision and mission, which would lead to a single set of objectives. This would ensure the establishment of a new and realigned single criminal justice system through the introduction of legislation or by protocol. Another fundamental would be to coordinate and manage structures flowing seamlessly from Cabinet to each court. "The justice system has lost its legitimacy and we need to get people's confidence back into it," he continued.

These fundamentals will see the salary packages of detectives being revamped, new forensic officers being recruited and a screening method being implemented that will determine whether a case should be heard or not. The screening method will work as follows: "Once a charge is laid, a senior police officer and senior prosecutor will be assigned to it for the duration of its trial and well up to its conclusion." They will also play a meaningful role in determining whether the matter is ready for trial or not.

The Deputy Minister raised the screening method mainly in the context of dockets that constantly go missing in the criminal justice system. It will also help to determine which cases require trial, and the trial dates for these. This will substantially reduce case backlogs that lead to wasted state resources. The department currently has the problem that more than 700 000 cases are withdrawn

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Editorial

This issue of *Khasho* is extra-special. With the celebration of its tenth anniversary, the NPA is in the process of introducing organisational values, which have emerged from the My NPA, My Values Project. In addition, the review process that is being undertaken to put South Africa's criminal justice system (CJS) on a par with international best practice is highlighted. This will ensure seamless working relations among CJS partners – a process that will result in the fight against crime being more effective. *Khasho* also celebrates the staff of the NPA, particularly the women in the various regions, during Women's Month. The NPA has made a memorable contribution to the Freedom Park Trust in the form of items it has donated that have helped to reveal the truth behind the mysterious disappearance of some activists during the apartheid era. Read these and many other interesting articles in this issue of *Khasho*, and please continue to share important news and events in your area with your fellow readers. Regional Communication Managers in your respective areas are an important resource for coordinating regional news. Please use them.

Your inputs and letters to the editor can be sent to: khasho@npa.gov.za.

A decade in the service of justice



Mr Eric Jabulani Sibeko

As the National Prosecuting Authority celebrates its tenth anniversary, the Chief Prosecutor of the Durban Cluster (KwaZulu-Natal), Mr Eric Jabulani Sibeko, takes a trip down memory lane...

Where did it all start for you?

I started out as a clerk with the Department of Bantu Administration and Development in 1961. I did not want to work for the government, so I joined the Durban Corporation instead, as the salary was higher. In 1974, I received a bursary from the government and enrolled for a Diploma Juris at the University of Zululand. I completed my diploma in 1976 and in 1977 I was transferred to the KwaZulu-Natal Department of Justice where I dealt with black estates in Umlazi. My prosecuting experience began in 1978. In 1980, I was made a magistrate in the civil court in Umlazi and a year later I was put in charge of the prosecutors at Umlazi. I became Chief Prosecutor of the Durban Cluster in December 1999.

What was the prosecuting environment like before the inception of the NPA?

For starters, there wasn't a Director of Public Prosecutions (DPP). Instead, an Attorney-General supervised the prosecutorial staff in the high and lower courts. In turn, the magistrates administratively supervised the prosecutors in the lower courts. With the introduction of the new dispensation in 1994, the various departments of Justice were integrated. However, the prosecutors in the lower court were still largely supervised by the magistrates.

How did the NPA change this?

The Attorneys-General were done away with and the NPA became responsible for all prosecutors, regardless of their location. This brought about uniformity in practices and standards. There was room for development and growth in the NPA.

The codes and ethics of the organisation became uniform. The DPP became visible and everyone had a sense of belonging.

Describe some activities in your cluster

Recently, we participated in the Safer Schools Project in conjunction with the SAPS and the Metro Police. We also conducted a very successful Point Project (Project Hope) where vagrants in the Point area are put on a programme and assigned work such as cleaning up parks, beaches and public spaces in return for shelter and a meal. A plan is being devised to provide them with full employment upon completion of the project. The tutor in our cluster, Roshiea Benimadho, has also undertaken a project to write a series of articles for a local community newspaper, *The Rising Sun*. This project is aligned with the NPA's 2020 strategy and is aimed at instilling a sense of public confidence in the criminal justice system. It is also part of the Batho Pele initiative. Through these articles, the public is educated about the functioning of the criminal justice system, the services offered by the NPA, as well as the minimum standards of service delivery that can be expected. The articles also cover a wider range of topics that affect people at grass-roots level. The aim of topics such as these is to educate the public and bring about an awareness of good citizenship and civic morality in the community and that effective crime prevention requires a joint effort. Everyone has a role to play.

What were the challenges?

When I started out as Chief Prosecutor, my initial challenge was diversity

management, as there had never been a black Chief Prosecutor before. It was daunting going into an environment where one may be seen as a threat. The situation has changed and we have managed to transcend racial lines and be very successful in the work we do. The issue of equity transformation is one that I think needs to be promoted. Initially, there were hardly any black prosecutors in the regional courts. Now there is much diversity, which is illustrated by the fact that there are three black, three Indian and three white SPPs. Project orientation has also been a challenge. People need to be motivated to get involved in projects. I find that people who are project-oriented tend to perform better.

Share a career highlight with us

Something that I find very refreshing is to see so many female prosecutors, especially non-white ones. It shows that we are evolving as an organisation and as a society.

How is the Durban Cluster unique?

The Durban Cluster has been a leader in community prosecutions, case flow management and video remands. Just as importantly, it was also the first cluster and province to have a black female DPP.

What does the future hold?

The NPA is here to stay. There is no turning back now. I believe we are on the right track. It has given state prosecutors an identity. People must have a passion for what they do. Don't come to work just for the pay cheque. Come to work because you love what you do.

Working to alleviate human trafficking

The Sexual Offences and Community Affairs (SOCA) Unit held a media briefing at the Sheraton Hotel, Pretoria, on Wednesday, 13 August 2008, which was attended by various organisations that work towards alleviating human trafficking.

Human trafficking is growing and is slowly penetrating most developing countries. Countermeasures have been introduced to find a solution to this problem, but syndicates seem to be a step ahead of law enforcement agencies. Women, children and young males are transported illegally across borders to be subjected to inhumane, indecent and violent treatment by criminals.

The strength of our economy makes it attractive for syndicates to move around across borders with ease. The sad part is that South Africa is seen as the transit point and a destination point for such criminal activities. The prospects of being exposed in the global arena as a potential country with a 'comprehensible constitution' create opportunities for individuals with cruel intentions to exploit us in the process.

SOCA, together with partners in government and civil society, played a role in the establishment of an intersectoral task team and is working with international organisations like the International Organisation for Migration (IOM) and the Southern African Counter-trafficking Assistance Programme (SACTAP).

South Africa has signed and ratified two agreements that came into operation in 2003: the United Nations Convention Against Transitional Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol). SOCA also leads the Interdepartmental Management Team (IDMT), which consists of various government and non-governmental organisations. The Department of Justice and Constitutional Development, the SAPS and the Department of Health and Social Development are main stakeholders in this programme.

Speaking to *Khasho*, Ms Malebo Kotu Rammopo, National Coordinator: Human Trafficking of the NPA's SOCA Unit, said: "Government has been able to identify gaps in the systems." These gaps may be able to help government conduct public awareness campaigns. The reason for this is that government did not at any stage anticipate the impact of this phenomenon.

The NPA has funded the work of a task team, including a two-day strategic planning workshop, its meetings and the quarterly consultative forum meetings. This work has attracted the attention of the European Commission, which set aside an amount of €6.3 million to fund the programme. These funds will be utilised for awareness campaigns in South Africa.

The following five areas of outcomes are in place. They were developed from the six strategy pillars of the programme:

- Knowledge and understanding of trafficking in South Africa deep end
- Cooperation and coordination structures established and functioning
- Capacity-building and development
- Prevention strategy, public education and awareness programmes designed and initiated
- Evaluation and auditing

These result areas will form the basis for the Programme of Assistance to Prevent and React to Trafficking in Persons. It will also contribute to the development of the national action plan (NAP) as a requirement of the Palermo Protocol.

Ms Rammopo added that desperation somehow adds to the causes of this problem. Prostitution, forced labour, and domestic servitude are the highlights and results of this problem. Proposed laws that protect the victims are yet to be passed as acts of government. As far as this issue is concerned, perpetrators are convicted using a law that does not apply to the charge of human trafficking.

The Transitional Provision of the Sexual Offences Act has been passed by Parliament to remedy this situation.

Different messages have been formulated to prepare the public to deal with such cases. The departments of Health and Social Development are helping to identify victims. The reason for this is that it has been established that once victims survive their ordeal, the first thing they will seek is shelter and health care. This act will help in cases where victims of foreign origin find themselves stranded in South Africa. This act will also allow involved stakeholders to pursue convictions of perpetrators of these inhumane acts. Capacity-building will start next year and project coordinators will be assigned to three provinces to manage specific programmes.

Ms Rammopo said that at the moment "this issue is still very sensitive to other individuals", and that "where there is prostitution, other kinds of illegal activities also take place". Harsh as this may sound, prostitution seems to be the main attraction in this business and women find themselves very vulnerable in this situation. The public must be educated about harsh conditions that are brought about by human trafficking and measures must be put in place to combat it.

"Government has been able to identify gaps in the system."

SCCU adopts Tygerbear Foundation



The SCCU organising team (from left), Takalani Mpfuni, Shadi Maloka, Jannie Knipe, Samuel Mompoti and Sylvan Africa, with some of the learners who attended the launch at Ratanga Junction in Cape Town.

The crime prevention programme and social awareness drive of the Specialised Commercial Crimes Unit (SCCU) is aimed at sensitising the community with regard to the impact of commercial crimes such as fraud, theft and corruption. Advocate Malini Govender,

Head of the Western Cape SCCU, said that the unit was delivering presentations to businesses at community policing forums and visiting schools. Members of the audience were encouraged not to buy pirated products, and to participate in awareness drives at various malls in the city.

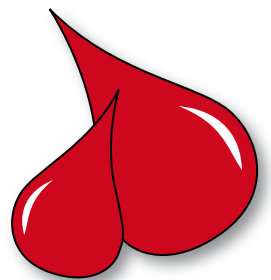
“As an office, we identified that we could not only focus on commercial crime, as we have a greater social responsibility towards the community that we serve. As a result, we adopted the Tygerbear Foundation as a community organisation that we wish to assist this year,” added Advocate Govender.

The Tygerbear Foundation for traumatised children and their families is based at the Tygerberg Hospital in Cape Town and provides psychological treatment to children up to 18 years of age who have suffered from trauma. It offers a holistic approach to the identification, therapy, after-care and prevention of a wide spectrum of traumatic experiences in children.

These include physical, psychological, sexual and emotional abuse, unwanted pregnancies, neglect, malnutrition, illness and hospitalisation, gang violence, chronic and terminal illnesses such as HIV/AIDS and cancer, substance abuse and suicide attempts. It also provides support to survivors of violence and rape and will soon offer a 24-hour crisis counselling and telephone advice line.

Blood: the fountain of life

Health promotion is one of the critical pillars of the Employee Wellness Programme (EWP) in the workplace. To that effect, the NPA’s EWP aims to play a greater role in both general health and wellness education and in the active promotion of a healthy lifestyle.



In celebrating Women’s Month, the EWP, in partnership with the South African Blood Service (SABS), hosted a blood donor drive on 8 August to promote health-orientated programmes.

The blood donor drive was intended to raise awareness among employees of the importance of donating blood. Participants had to complete donor questionnaires that included personal details, with a primary focus on health and social behaviour. They also participated in confidential one-on-one interviews with a staff member after they completed the donor questionnaires. These questions were asked to make sure that it is

medically safe for them to donate blood and that the people who ultimately receive the blood will not be harmed in any way.

As part of raising health awareness among employees on specific health risk areas, iron levels were checked and blood pressure and pulse rates were taken. The process of donating blood also benefits employees, as iron is removed from the blood each time a person donates blood, which contributes to reducing high iron levels in the blood, which can increase the risk of heart disease.

The EWP would like to thank all employees in the VGM Building at NPA Head Office

who made an effort to participate in the blood donor drive. By donating blood, employees provided people in need of blood with something that neither money can buy, nor science can create.



The freedom they never had:

uncovering the truth behind apartheid mass burial sites

On Wednesday, 23 July 2008, the NPA handed over belongings of heroes of the apartheid struggle to Dr Mongane W Serote, Chief Executive Officer of the Freedom Park in Pretoria.



Cleansing ceremony by traditional healers.

In his opening speech, Dr Serote congratulated President Thabo Mbeki on succeeding in finally bringing the two heads of the Zimbabwean state to agree to peace talks. He said “we hope that the dream [of peace and democracy in Zimbabwe] will not only be a dream of the Freedom Park, but a dream of everyone”.

The donation of the freedom fighters’ items is the long-term result of the efforts of the Missing Persons Task Team to uncover the truth behind the mysterious disappearances of these people. Acting National Director of Public Prosecutions, Advocate Mokotedi Mpshe, presented the artifacts to Dr Serote and delivered a short speech about the significance of the day, which was “not aimed at opening old wounds, but to start a healing process for the affected families”.

“We hope that the dream will not only be a dream of the Freedom Park, but a dream of everyone.”

The day was marked by the presence of distinguished guests, the families of the struggle heroes and traditional healers, who performed the cleansing ceremony. In his speech, Dr Serote invited all South Africans to come forth and report family members

that had gone missing during the apartheid era. He said a commemorative wall for missing persons was in place in the park and a task team had been established to verify every name and attach it to its origin.

Advocate Mpshe said he had attended the hearings of

some of these apartheid heroes during the Truth and Reconciliation process and it had been very emotional for him. He said that the items were valuable and that we should never forget the people to whom they belonged. Advocate Mpshe also paid tribute to the families of these heroes. “These important items belong to freedom fighters and they are invaluable markers of the struggle against apartheid.”

“I am reminded of the year 1995 when we had a hearing in Boipatong about the Boipatong massacre. When people came to listen to what had happened, I cried.”

The event was very emotional and comforting in the sense that families will find peace in the knowledge that their children are buried in places they know. Advocate Mpshe recalled briefly what had taken place in one of the black townships: “I am reminded of the year 1995 when we had a hearing in Boipatong about the Boipatong massacre. When people came to listen to what had happened, I cried.”

A publication was also launched that is aimed at addressing matters around identity, tribalism, racism, xenophobia and the causes of flare-ups of violence, particularly

“South Africans find it difficult to relate beyond ethnicity, because of the colonialism mentality that has been embedded in us throughout centuries of slavery.”

in the townships. In his brief interview with *Khasho*, Prof Mashudu Mashige, who was a guest speaker and had also been tasked with researching information on the new Freedom Park publication, said “the publication will seek to demystify violence surrounding xenophobia”. He also mentioned that South Africans had not fully addressed the issues around the apartheid era. The trauma and instability might, therefore, be the consequences of acts committed in the past. In Prof Mashige’s opinion, we are a nation stuck in the notion of being in competition for resources with our fellow Africans.

The professor said that “the publication needs to be seen as the start of a platform for a national dialogue”, instead of a South Africans-versus-refugees/foreigners situation. “South Africans find it difficult to relate beyond ethnicity, because of the colonialism mentality that has been embedded in us throughout centuries of slavery.” Criticism will be accepted and processes will be opened by the Freedom Park to soon start engaging in this dialogue across all ages.



Right: A pair of boots found in a grave at Thohoyandho

Bloemfontein celebrates women

On Friday, 8 August 2008, women in the JCPS cluster met to recognise their worth on Women's Day. The Bloemfontein Cluster invited women from various organisations and departments to share information about women's legal rights and the platforms that are available to promote women's rights. "Women need to understand their rights in society, so that they can stand up and be counted," said Mr Tshepang Moeti, a court preparation officer.

The event was held at the Mangaung University Community Partnership Programme Centre (MUCPP). Presentations were made on sexual offences, domestic violence, maintenance and divorce; issues that matter most to women in general, especially in areas where people are educationally challenged. It is important to celebrate the empowerment of women in order to make sure that we, as public servants in the NPA, reach out to those who need help, particularly women ravaged by abuse.



Court preparation officials (from left): Martha Motshabeng, Maggy Faas, Tshepang Moeti, Motlalepule Molt and Rachel Mothupi.

"Women and girls are most likely to be the target of sexual violence, especially rape. Women face additional (sometimes insurmountable) obstacles to get justice because of the stigma attached to survivors of sexual violence and because of women's disadvantaged position in society," said Ms Rachel Mothupi, a court preparation officer in the Bloemfontein Magistrate's Office. Gender violence can be both physical and psychological. It entails a constellation of human rights abuses and can never be a 'one-man show', but a collective endeavour to rid society of improprieties.

Mr William Koalane, a divorce clerk in the Bloemfontein Magistrate's Office, encouraged women to stand up for themselves and be counted as human beings who are part of society and should not tolerate the perpetration of violence against them.

Celebrating all facets of womanhood

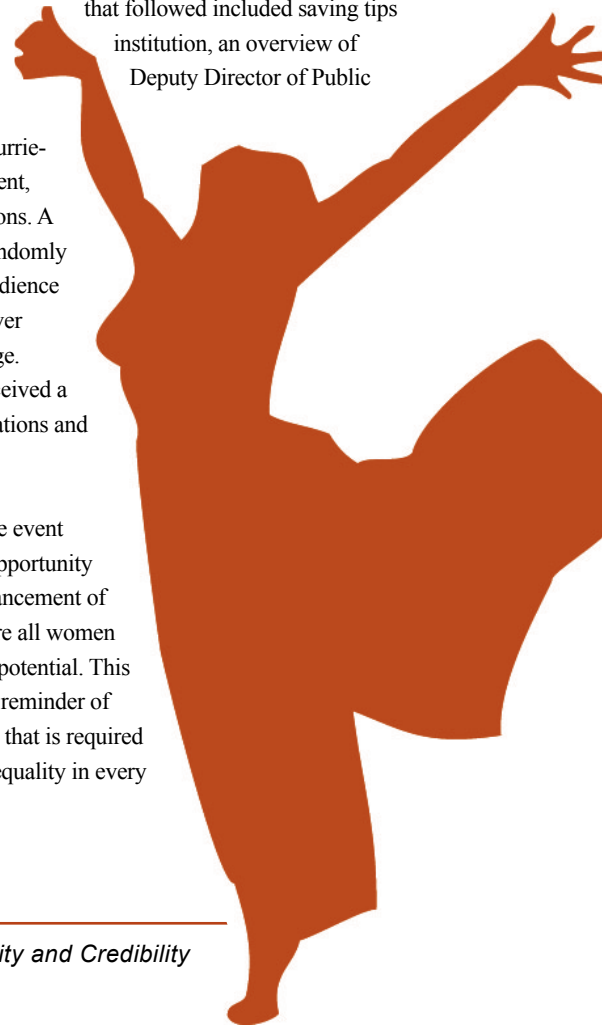
In celebration of Women's Day, the Western Cape Directorate of Public Prosecutions invited more than 300 women from organisations representing the justice system (the NPA, Legal Aid, the SAPS and the departments of Correctional Services, and Justice and Constitutional Development), as well as the Department of Social Development, victim support groups and learners, to the Women's Day event that was held at the ACA (Life Church) in Sea Point. This event showcased the talents of diverse artists in celebration of the theme 'all facets of womanhood'. Music, traditional dance and song were the order of the day.

The Director of Public Prosecutions, Advocate Rodney de Kock, gave a warm welcome to Premier Lynne Brown, who delivered the keynote address. Premier Brown emphasised the importance of building a non-sexist and non-racial society. She urged women to be confident and to explore all possibilities, as nothing should stand in their way to achieve great things in life.

The programme from a financial institution, an overview of the NPA by the Deputy Director of Public Prosecutions, Advocate Bonnie Currie-Gamwo, entertainment, a lunch and exhibitions. A few women were randomly selected from the audience for a facial, make-over and Swedish massage. All the delegates received a range of free publications and promotional items.

The organisers of the event saw this day as an opportunity to celebrate the advancement of women and to inspire all women to achieve their full potential. This day also served as a reminder of the continued action that is required to ensure women's equality in every country.

that followed included saving tips



A visit to the Thuthuzela Care Centre

It started as a dream: creating a model of good practice in the fight against rape. 'Thuthuzela' means 'to comfort' in Xhosa, and this dream was realised when the first Thuthuzela Care Centre (TCC) officially opened its doors at the GF Jooste Hospital in Manenberg, Cape Town, in June 2000.

This unique one-stop victim support centre offers professional counselling to help victims deal with the emotional strain experienced after rape. A committed cadre of prosecutors, social workers, investigating officers and health practitioners help restore dignity and ensure justice for victims of sexual violence.

Anyone who has been raped or sexually assaulted is encouraged to report the crime to their nearest police station or TCC as soon as possible. Following the success of the Cape Town centre, the NPA – in partnership with various other departments – has launched similar centres in other provinces to strengthen the fight against the abuse of women and children.

The Justice, Crime Prevention and Security Cluster (JCPS) delegation that visited the centre on 5 August 2008 included directors-general, provincial management, officials from Government Communication and Information Systems and members of the SAPS. The day started off with a cluster meeting in Simon's Town, followed by a visit to the nearby naval base where various vessels of the SA Navy were viewed. The last stop was the TCC in Manenberg.

Addressing guests in the auditorium of the JF Jooste Hospital, Advocate Thoko Majokweni, Special Director of Public Prosecutions: Sexual Offences and Community Affairs (SOCA), explained how the centralised approach improved communication and cooperation between the SAPS, prosecutors, medical staff and victims. "It is like no other when it comes to the integration of services. It informs court processes. In terms of statistics of cases we've dealt with, perpetrators found guilty and conviction rates, we come out tops internationally."



The Justice, Crime Prevention and Security Cluster (JCPS) delegation visiting Simon's Town Naval base vessels.

During the learning tour of the centre, the Centre Manager informed delegates that in previous years this centre had only dealt with adult rape cases, but now also treated children. They were shown the brightly coloured and newly revamped child-friendly rooms with teddy bears, comics and posters mounted on the walls. There are also holding rooms with comfy sofas, a television set and magazines. "This helps the children forget about the horror they have endured," he said.

Currently there are also dedicated facilities in areas such as Khayelitsha, Wynberg and Parrow. They are not as advanced as the TCC in Manenberg, but they play an important role in assisting people with problems in those areas.

The Sexual Offences and Community Affairs (SOCA) team holds monthly implementation meetings with the various role-players to deal with issues, speak on accountability and encourage each other. Recently, they have formed the Gender Justice Forum, with role-players fighting gender violence.

Their biggest achievement to date is the appointment of a specialist in rape care management based at the centre, who also works after hours. A family violence and child expert has also recently started working at this centre. She will guide and advise the staff on various issues related to sexual violence.

Training and trauma debriefing sessions are offered to victims. Partners are also trained on the new sexual offences legislation. Plans are underway to ensure that the people in the Western Cape are well informed of this one-stop rape management centre.

The Thuthuzela Care Centres represent a radical approach to rape care management. The NPA's SOCA Unit has been working meticulously to develop best practices and policies to reduce the victimisation of women and children, while improving prosecution, particularly in the areas of sexual offences, maintenance, child justice and domestic violence.

The NPA celebrates a decade

The establishment of the NPA came at a time when South Africa was engaged in a transition to a new democracy. In the short period of time that it has been operational, the NPA has developed a reputation for itself. If we were to dedicate this issue of *Khasho* to all the achievements of the NPA, we would definitely run out of space. There are many cases that have put the organisation in the public spotlight (good or bad), but as the saying goes, “no publicity is bad publicity”. Over the years, the NPA has carried out its duties according to its mandate and has effected the rule of law. This year, we celebrate a decade since the establishment of the NPA. The timeline below maps out some of the significant milestones and important events that make up this interesting journey through the past decade.

1998

- The promulgation of the NPA Act in July 1998 did away with the attorneys-general, centralised the direction of the prosecution services and gave the profession in South Africa a distinct identity for the first time.
- Advocate Bulelani Ngcuka was appointed as the first National Director of Public Prosecutions.
- Two specialist teams of police investigators and prosecutors targeted gang warfare in the Western Cape and hit squads in KwaZulu-Natal.
- A third prosecution team targeted vehicle hijacking in Gauteng.
- Ngcuka hired nearly 30 senior prosecutors to beef up capacity, settled the prosecutors strike with a code of conduct and negotiated an improved work plan.

1999

- The Directorate of Special Operations (DSO or Scorpions) was launched, although it was not legally instituted until the NPA Act was amended in January 2001.
- The Asset Forfeiture Unit (AFU) was established to apply forfeiture provisions to prevent organised crime.
- The Sexual Offences and Community Affairs (SOCA) Unit and the Specialised Commercial Crimes Unit (SCCU) were formed.

2001

- The NPA Act was amended.
- Three months after gaining statutory authority, the DSO (Scorpions) announced investigations into the arms deal.

2002

- The Witness Protection Unit was placed under the direction of the NPA.
- The Witness Protection Unit radically transformed its operations and methods to the extent that no protected witnesses have been harmed.

2003

- The Priority Crimes Litigation Unit (PCLU) was formed.

2004

- President Thabo Mbeki accepted Advocate Ngcuka's request to step down as head of the institution after he was vindicated by the Hefer Commission on accusations of being an apartheid spy. Dr Silas Ramaite was appointed to act as the National Director of Public Prosecutions.
- The Serurubele Transformation Programme was officially launched.

2005

- Advocate Vusi Pikoli, former Director-General of the Department of Justice, was appointed as National Director of Public Prosecutions.
- The NPA adopted Strategy 2020 and launched 23 strategic initiatives and projects.
- The first ever consultative workshops with stakeholders were held to devise the NPA's strategy.

2006

- The Serurubele Transformation Programme guided and facilitated the implementation of the NPA strategy.
- Annual plans for business units were standardised to ensure delivery alignment across the organisation.



of milestones

2007

- A major stakeholder conference was held.
- The National Director of Public Prosecutions, Advocate Vusi Pikoli, was suspended by the President.
- The NPA announced that the National Police Commissioner, Jackie Selebi, was being investigated by the Scorpions.
- The Ndabezitha launch culminated in a project aimed to empower traditional leaders.
- In the State vs Wiser and Geiges case, an alleged attempt was made to sell nuclear weapons to Libya, akin to the international syndicated nuclear technology network run by Pakistani AQ Khan.
- The state served Jacob Zuma with an indictment.
- A report was handed over to the Acting National Director of Public Prosecutions with recommendations on the Jackie Selebi case by the review panel.
- An intention to dissolve the DSO was announced after a resolution was adopted at the ruling party's Polokwane conference.



2008

- The Ginwala Commission was appointed by the President to conduct a hearing into the fitness of the National Director of Public Prosecutions, Advocate Pikoli, to hold office.
- The Constitutional Court judgment on the Jacob Zuma warrants was held to be valid.
- The NPA announced the successes of the community prosecution pilot project.
- Selebi appeared at the Randburg court for the first time on charges of corruption.
- Shaikh lost his appeal about his assets at the Constitutional Court.
- The NPA confirmed that it was ready to prosecute Zuma.
- Major steps were taken by the government to implement the Polokwane resolution to dissolve the DSO.
- Parliament held public hearings on the two bills that will affect the DSO's dissolution.
- The NPA leadership made presentations in Parliament regarding its constructive proposals.
- Hugh Glenister led the public fight to preserve the DSO. His challenge was dismissed by the Constitutional Court as being outside the court's mandate.

New values prepare the way forward

August 2008 marks the tenth year of the NPA's existence. Although this is a significant milestone for the institution, it has not come to pass without a number of challenges and obstacles. However, there have been many successes, and as members of the NPA, we can be proud of our various contributions to making the organisation what it is today. The NPA would not have achieved the milestones it has without the commitment, passion and hard work of all its employees. Extra kudos are due to the prosecutors who keep the courts going through thick and thin.

Anyone passing through the NPA's buildings will notice the posters and banners that are on display with the tag line: 'prosecuting without fear, favour or prejudice since 1998'. The use of this tag line will ensure that the branding material that is developed will not date once we progress beyond this anniversary year.

The typeface of the organisation's logo has also been simplified to include only one language, and the name of the organisation now reads 'National Prosecuting Authority, South Africa'. Simplicity works best for branding, especially when one has to apply it on different materials and sizes.

The format of the ten-year celebrations will be different in the various regional offices. The regional communication managers have been mandated to organise celebratory events for their respective regions. These events will provide a platform to officially launch the five values that have been finalised. The organisation can be proud of the way in which these values came to be adopted. Every single member of the NPA had an opportunity to propose values – through a democratic voting system as part of the My NPA, My Values Project. The values with the most votes were adopted. What was quite remarkable, was that many people seemed to agree on a standard set of values that are representative of the organisation.

The official launch of these values will provide all members of staff with the opportunity to internalise these values, to live by them and experience them in their engagement with one another as colleagues, as well as in their engagement with the organisation's stakeholders (its external public). We voted for these values: let us make them our reality. We look forward to valuable dialogue sessions in the organisation in the near future. The extent to which we are able to live by these values – not only in our work environment, but also in our personal lives – will be a measure of the success of this process.

Here's looking forward to the next decade of successful prosecutions: with integrity, accountability, professionalism, credibility and service excellence!

10
years

continued from page 3

annually either by relatives or friends without being tried.

Proper information technology infrastructure is not in place. This will probably take some time to be established and upgraded in some instances. Deputy Minister De Lange said “the court system is somehow dysfunctional and they are lucky the media has not picked up on it”. The reason for such problems is that “when we find problems with the system, we put a cover on it to avoid it”. We have to win the people back and reassure them that it is okay to report crime. De Lange said that the apartheid government made people resist reporting each other, because if they did, they were mistaken for spies and killed.

A brand new structure will soon be implemented that will include the judiciary and Cabinet members. This means that cases will be dealt with at both provincial and municipal level, as well as across departmental structures. Figures show that 48 000 detainees are on trial and only 11 000 were granted bail, but they cannot afford to pay bail in the range of between only R200 and R300. This illustrates how poor people are and how inefficient the current bail system is at the expense of taxpayers.

Monitoring and managing detainees who have committed misdemeanors or petty crimes is very costly. The justice system is understaffed and underresourced. In some cases witnesses suffer threats and trauma and end up not giving full evidence in court. We waste a lot of time asking victims to appear in court, knowing very well that their cases will not be heard. The screening mechanism will remedy such problems.

People will be reluctant to report crimes if they know that nothing will be done about their cases. Deputy Minister De Lange said that the focus area for improvement is to increase the number of police officers, train more detectives and turn them into an elite unit (if possible), review their salary packages, obtain more resources and increase the number of forensic officers.

Rehabilitation of offenders needs to be emphasised to alleviate the overcrowding of prisons. Government must invest in programmes to ensure that offenders do not fall back and get sentenced repeatedly for the same types of crimes.

Saluting prosecutors who care...



The dedication of Advocate Buks Coetzee (left), a prosecutor in the Grahamstown office of the Director of Public Prosecutions (DPP), resulted in an accused rapist, who would otherwise have got off scot-free, being sentenced to life imprisonment, ensuring that justice prevailed.

A 71-year-old lady had been raped by two assailants. By the time the case was ready to go to court, one of the assailants and the complainant had died. There was initially no evidence to prosecute the case effectively, as

the supposed evidence from DNA testing excluded both of the accused. However, following the sourcing of the correct evidence, which implied both assailants, by Advocate Coetzee, it transpired that the wrong information had been submitted.

Following the violent rape and burglary, the victim was able to identify one of her assailants as the son of someone with whom she had previously had a relationship. She tragically passed away before the police were able to conduct an identification parade. Both suspects made inadmissible admissions/confessions to the police. The Grahamstown DPP office clearly had the right culprits and could prove the rape by introducing the victim's statement as an exception to the statutory hearsay rules. The first report and medical evidence would constitute reliable corroboration, but DNA is vital in support of identification. The docket was booked out to Advocate Buks Coetzee, who was able to obtain positive confirmation of the evidence from the forensic laboratory. He requested an immediate semen screen and DNA profiling. The laboratory results revealed a mixture of semen, but the evidence excluded both suspects.

Buks would not accept defeat. Even if the old lady's identification was wrong, why did both suspects admit to the crime? When the lab technician described the items of clothing to him, Coetzee suspected that the evidence might have been mixed up, as the description did not correspond with clothing that might be worn by a 71-year-old lady. He requested the crime kit, which revealed that the evidence was that of a 17-year-old complainant. Coetzee was eventually able to obtain the correct evidence and the lab determined a mixed DNA profile that included both of the accused.

By this time the magistrate had refused a further remand pending DNA results. The case was provisionally withdrawn and both accused were released from custody. Advocate Coetzee took the case to court himself. The second accused had since passed away. The other accused admitted to the burglary and robbery, but denied the rape. Coetzee refused to accept the plea and subpoenaed the lab technician from Cape Town to testify. When she walked into court, the accused reconsidered and pleaded guilty to rape as well. On 7 November 2007, he was sentenced to 15 years for housebreaking and robbery and got a life sentence for the rape.

Establishing a solid foundation

Khusho speaks to Beryl Simelane, former Acting CEO of the NPA, who left the organisation at the end of July.



Where were you when the NPA started?

When the NPA started, I was working for the Department of Justice as the regional head of Gauteng. I joined the NPA in April 2002. When I started at the NPA, it wasn't an easy ride. I had to suspend all of HR, but it was a necessary decision in 2003. Tough decisions needed to be made – good work has been done.

How have decisions made early on affected the organisation?

One can see the difference that has been made. I think I have left behind a solid administration and solid managers. The Acting CEO will build forth on this. I have seen the NPA going from strength to strength. At present, it seems to be under siege, but the storm will pass and calm will return.

How should we deal with the present situation?

One needs to realise that the NPA needs to do its work without fear or favour. I felt sad when I left since I felt I could have done more.

Where are you going?

My departure may have been untimely, but it was not possible to say no to the

President! I have been nominated to be an ambassador and I think I can continue to add value in this way. I have a packed programme – I am learning new things, for example monetary policy. I find it exciting. As part of the programme, we are going to Richard's Bay and to Parliament. I am going to have to market my country when I get posted. One needs to understand the policy environment. There are three people in the group who have been ambassadors before. It is not an easy task. I am going to have to be *au fait* with matters affecting our continent and our international relations. This weekend we are going to attend the SADC summit. I need to learn to work with international players as well.

How will your experience at the NPA assist you in your new role?

Being with the NPA means I already understand certain issues. I am knowledgeable about our work on the Sexual Offences and Community Affairs (SOCA) side. As much as I have been located in administration, I have an understanding and insight into what we have done to take the profit away from crime.

What are your best memories of the work you have done at the NPA?

A highlight for me was when we moved into the new VGM Building and then into the building in Cape Town. Before this, we had been in the Maize Board building near Potato House. Previously I had also been in the private sector and knew what kind of building we ought to be housed in. The way we transformed the old SABC

building was a Corporate Services victory for me.

What message would you like to convey to NPA staff?

I will sorely miss the NPA and the people that make up the organisation. Although my time with the NPA has not always been rosy, these phases come and go. There have been times when tough decisions have needed to be taken and we should take these in our stride. I wish everyone well.



Former CEO of the NPA, Beryl Simelane, and Acting NDPP, Advocate Mpshe, bid farewell to former Head of the IMU, Ms Dipuo Mvelase, in Pretoria.

Also leaving us...



Ms Dipuo Mvelase, former Head of the Integrity Management Unit (IMU).

The NPA has come a long way

Khasho speaks to Karen van Rensburg, Acting Executive Manager: Strategy



What is the first thing that you do when you get into the office?

I switch on my computer and check my calendar and my e-mail. I don't always get time in the day to deal with my e-mails, so I usually answer my e-mail at home in the evening, and send them in the morning. I also need to check whether those people who never seem to go home – like Willie Hofmeyr – have sent any urgent e-mails to which I need to respond.

When did you join the NPA and what position did you hold then?

I joined the Department of Justice (as it was then) in February 1986 as a clerk of the court at the Delmas Magistrate's Court. I had never been to Delmas before and was awarded a bursary to study law through Unisa. I worked as a clerk of the court for six months and for six months I attended classes at the Justice College. After passing my first year, I told the other clerks that I would love to go to court as I had passed Criminal Law I. The next day the senior magistrate walked into the office and said: "I hear you want to go to court – let's go". As they say, the rest is history.

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

In the beginning, the NPA was marked by flamboyance and a sense of excitement. Its leader, Advocate Bulelani Ngcuka, was entrepreneurial and the organisation followed suit. The prosecutors looked forward to receiving recognition and support. Prosecutors had a sense of expectation, which was fulfilled to a large degree. The general working conditions of the average prosecutor improved. The NPA appeared to be a typical start-up organisation and the leadership certainly suited the needs of the NPA. It is now a more mature organisation that has made its mark and is a leader in its field in many respects. The leadership suits the needs of the organisation, as it is more bureaucratic. This is not a bad thing. In large, more mature organisations, this is exactly what is required to ensure discipline and delivery. The prosecutors require more support to enable them to function and the work in this area is not complete. The NPA leadership is committed to its staff and to delivering on the mandate of the NPA. It can never be said that the NPA is boring.

What are the challenges you face in your current position?

I am actually a Deputy Director of Public Prosecutions in the Office of the Head of the National Prosecutions Service, but only spent a few months there before being seconded to the Serurubele Transformation Programme, where I headed the delivery transformation programme for the greater part. I participated in drafting a strategy and developing annual plans for the business units. I also participated in the quarterly performance reviews. When Mariaan van Kaam left, I was appointed in an acting position as the Executive Manager: Strategy from December 2007. I still retain my previous duties for the delivery transformation programme of the NPA. The biggest challenge is to instill the strategic planning process and align the annual plans with the NPA strategy

and the Estimated National Expenditure (ENE). I am also responsible for enterprise performance management in the NPA. While this is a very big challenge, it is something for which I have a real passion. The biggest challenge is to restore the credibility of corporate services in the NPA. Coming from the other side of the fence, this is certainly interesting and provides me with other insights.

If you were not employed by the NPA, what would you have to say about the organisation?

If I were out there I would think that the NPA was a critical part of the democracy of South Africa and needed to be supported.

What would do if you were appointed NDPP for one day?

One day is not enough to make real change and I hope that I could have a longer spell. I also think that the current NDPP and the acting NDPP are doing a good job in difficult circumstances and I doubt that I would do anything differently.

What has made you stay this long?

I used to feel really offended at farewell functions when people said that we were losing the best people, as I think that many of the best ones have stayed. I like to think that I am one of them. I feel that I can still make a difference. When I no longer feel that this is possible, it is time to go.

Do you think the NPA empowers its women employees?

I think the question should be whether the NPA empowers its employees in general. All that I ask is an equal opportunity and the rest is up to me. In some areas in the NPA, management appears to be reserved for males, but this may be because there have not been suitable female candidates. Women should not expect to be promoted merely on the grounds of their gender. I would certainly not be comfortable being promoted merely because I am a woman.

A valuable asset for democracy

Khasho speaks to Sipho Ngwema, the first spokesperson of the NPA



When did you join the NPA?

I started at the NPA in August 1998. I was seconded by Parliament after the appointment of Advocate Bulelani Ngcuka as the inaugural National Director of Public Prosecutions (NDPP). I started on the same day as Mr Ngcuka, together with Hermione Cronje on the fifth floor of the Sinodale Centre in Visagie Street, Pretoria.

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

The NDPP had just been given the daunting task of creating an entirely new, legitimate prosecution service – free from its apartheid past. He had to start a new single prosecuting authority with a new role and a clear vision. He also had to establish uniform policy, guidelines and directives that would enhance the effectiveness and fair administration of justice. On the international prosecuting front, the country often had cases related to money-laundering, organised crime, narcotics and human trafficking, cross-border crimes, extraditions and other

administrative legal matters. He had to build an institution with a new culture that respected human rights: that at all times acted in the public interest, guided by the Constitution and the bill of rights. The NDPP had to swiftly establish an effective and efficient functioning office with prosecution management, investigating directorates and corporate service. With this followed all the systems and processes – including the collection of numerical data – that were established to enhance and assess the performance of the institution and its personnel. The NPA now has this and more. The institution as we know it today has left an indelible mark on the fight against corruption, sexual offences and crime in general. It is an institution that is respected and cherished by the reasonable thinking person. The NPA is a valuable asset in the protection of our constitutional democracy. I am sure if one had control over the prosecutors in the lower court a lot more could have been done.

What were the challenges you faced in your position?

I was a communicator, not a lawyer. There was initially great resistance among traditionalists in the organisation. I had to put in more effort to prove that, even in a legal environment, communication had to be left to the communication practitioners. In time, I think I earned the respect and trust of my doubters through the support of personnel and the leadership of the institution. One of the difficulties of communication is that everybody thinks he/she is a communications expert. People want to tell you what to do – and you must just be a conduit. Unfortunately, these people ultimately come running back to you when they burn their fingers. Furthermore, the communication function involves a lot of events, which entail glamour and exposure. Some managers want this for themselves. Humility, professional conduct and institutional discipline are very helpful in achieving some of these challenges. It was an

honour to serve my selfless colleagues, who watched me ‘take glory’ for their toil. In the end, the NPA was the winner.

If you were not employed by the NPA, what would you have to say about the organisation?

My present and my past are inseparable. The NPA is an honourable institution.

Can you name one thing you would do if you were appointed as NDPP for a day?

I would honour all members of the institution with orders of merit.

How do you view the tenth anniversary of the NPA?

There is no post-1994 state institution that has been tested like the NPA. It has come out unscathed from many of the battles. Certainly, there is more that lies ahead, because the criminal elements will always be on the offensive. The NPA has achieved a lot in a very short space of time. Amid all the challenges, it's time to celebrate. Many NPA inventions have been emulated in all corners of the globe. The NPA has recorded valuable milestones that will stand out in the fight against crime. It is unfortunate that the successes of a young institution like ours have attracted negative sentiments from some who should be learning from us – but there's no turning back. This is the time to consolidate: to remedy all the apparent defects that may expose the vulnerability of the system to the criminal. Nothing is perfect. That's why the constant strategic reviews that are a permanent feature of the institution are so important. The first ten years were always meant to be a building phase for the NPA – ours is an institution that must be standing centuries from today. We should continue to build on an asset that will make future generations proud.

What did you learn during your time spent at the NPA?

Indeed, there are always two sides to every story. Always dig deeper.

Oom Henning honoured for four decades of service



Advocate Chris Jordaan presents a certificate of long service (40 years) to 'Oom Henning'. Amazing dedication that is what this is.

Mr Henning van der Walt (above left), affectionately known as 'Oom Henning' or 'Madala', was honoured recently at a function arranged by the Specialised Commercial Crime Unit (SCCU) in Port Elizabeth on 17 June 2008. Expecting to attend a normal team-building evening, he arrived to find a hall filled with friends and colleagues from the SSCU, Asset Forfeiture Unit, the National Prosecuting Service, the Department of Justice, the Commercial Branch of the South African Police Service and the local attorneys' profession. Mr Van der Walt, currently a senior public prosecutor stationed at the SSCU in Port Elizabeth, was instrumental in establishing the regional office of this unit in 2004. He began his career in Pretoria on 2 January 1968 as a clerk of the court in Pretoria. He then received a bursary through the Department of Justice to study law and became a student at the then University of Port Elizabeth. During his vacations he worked as a clerk of the court in places such as Potchefstroom, Pietersburg and Postmasburg. He began to prosecute in Port Elizabeth in 1971. He quickly established himself as a skilful prosecutor and the next year it was decided to use him as a prosecutor in the regional court on a permanent basis. He travelled extensively from Port Elizabeth to prosecute cases in a region that stretched from Mossel Bay in the west to Colesberg in the north. In 1976, he was called to the bench and for the next eight years he was utilised as a magistrate in various district courts in Port Elizabeth. In 1984, he returned to the prosecuting section as a specialist prosecutor. In 1990, he was promoted to the rank of senior public prosecutor. Mr Van der Walt continues to play a valuable role in the Port Elizabeth SCCU and says he has no plans to retire.

New appointments

SOCA: Head Office

- Joyce Xakaza (TCC, Natalspruit), Arthi Sookraj (Phoenix), Cheryl Pillay (Umlazi), Keitumetse Mongale (Mafikeng): case managers
- Innocentia Dombo (TCC, Mamelodi): site manager
- Kgapu Matilda Maroga (TCC, Mamelodi): victim assistant officer
- Nonhlanhla Mabena: Assistant Finance Manager
- Zukiswa Mfiki (DPP, Mthatha): admin assistant
- Kaptein Mgiba (Sexual Offences): intern
- Patricia Ndlovu (TCC, Umlazi): victim assistant officer

DPP: Eastern Cape

- Candice Clark, Bhongo Mvinjelwa, Babalwa Tyutu, Karine van Schalkwyk, Lubabalo Qenge, Samuel de Jager: district court prosecutors

DPP: Mmabatho

- Sello Setshedi: relief prosecutor
- Constance Louw: advanced district court prosecutor

Promotions

- Cain Nontenjwa: regional court prosecutor
- Motlalepula Mogotsi: regional court control prosecutor

DPP: Cape Town

- Jacomina Swart, Esmeralda Cecil, Nadia Ajam, Simon Mashigo, Aradhana Panday (OCC): junior state advocates

DPP: Pietermaritzburg

- Advocate Siyabonga Ngcobo, Advocate Denardo McDonald: state advocates
- Gugulethu Bhengu, Lindiwe Phungola: administration



Send your news (serious and funny) and letters to khasko@npa.gov.za. Alternatively, fax your stories and information to 012 843 2141.

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