

# Khasho



News for NPA staff, friends and stakeholders

August/September 2009





*Advocate Mokotedi Mpshe  
Acting NDPP*

The NPA, as a forerunner in protecting the rights of women and children, acknowledges the efforts of the country in making sure that the women of this country are appreciated for the role they play in society. These women are our mothers, wives, sisters and aunts. They deserve a special place in our hearts, as we owe our existence to them. They might be separated by the hills, valleys, mountains, glades, rivers, seas and deserts of this country, but they all have one thing in common: their value. To put aside the month of August to celebrate our women can never be enough, but what a good gesture it is to say to all the women in South Africa that, in the midst of all the grunting and grinding of everyday life, the country honours you.

I therefore wish to commend the NPA for all the efforts that were made to celebrate the women of the country. Your efforts did not go unnoticed. It is the government's mandate that the women of this country

# Celebrating people's rights

are emancipated and appointed in decision-making positions. We have seen Parliament setting a good example in this regard. The NPA can only learn from this big institution. We are indeed making strides in employing women in positions of power.

The Human Trafficking Awareness Week was observed at the beginning of October to mobilise government, public and private institutions, international organisations, civil society and media to spread the message on the dangers of human trafficking. This year's theme was *Tzireledzani*, and the NPA's partners included the International Organisation for Migration (IOM), the International Training Centre of the International Labour Organisation (ITC-ILO), government's Interdepartmental Management Team (IDMT) and the Project Steering Committee (PSC). Human trafficking is a real threat to society, and activities are expected to heighten as we swiftly move towards the 2010 FIFA World Cup. Vigorous awareness campaigns of this nature require a great deal of support from all of us.

I have also been privileged to celebrate the 10<sup>th</sup> anniversary of the Specialised Commercial Crime Unit (SCCU) in the various regions. It is worth mentioning

that, for the past decade, the SCCU's conviction rate varied between 88% and 96%. I am overjoyed by this sterling performance in the quest against commercial crimes. I also take pride in the community outreach programmes in which the SCCU is involved.



*SCCU's ten-year Pretoria celebrations*

A few members of the NPA have recently passed away. To the families of the deceased and the staff members that worked with our departed colleagues, I pay my condolences. May their souls rest in peace.

I would further like to say goodbye to the Acting Executive Manager: Project

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Management Office, Ms Tshebeletso Malaka. On behalf of everyone in the NPA, I wish her success in her future endeavours. I also thank her for the good work she was doing at the Integrity Management Unit and Project Management Office.

I can confidently say that the relationship between the NPA and the Department of Justice and Constitutional Development (DoJ&CD) has improved significantly since the appointment of Minister Jeff Radebe. We really look forward to a successful working relationship with the minister.

As you already know, the Selebi trial started in October. I want all of us to have cool heads during the trial and allow the law to run its course. It is not an easy case and I acknowledge all the complexities that surround it. In the midst of all the vilification that awaits us during this trial, we must remain true to the tenets of the law and prosecute without fear, favour or prejudice. We have a constitutional obligation and duty to continue serving the people of this country and we must do so with dignity, integrity and professionalism. I want to assure everyone that this case will be handled with all the sensitivity it deserves. It is indeed a high-profile case. The ingredients to have our credibility and integrity questioned are all there. As a prosecuting authority, we cannot escape this, but the emphasis must always be on how we emerge as an organisation after the storms have withered away.



*Women's Day at Church Square, Pretoria.*

I would also like to take this opportunity to recognise the appointment of Sandile Ngcobo, the new Chief Justice, and the other four Constitutional Court judges. We commend the Judicial Service Commission for its tireless efforts in the process of appointing these judges. These appointments carry the hope that stability and unity will prevail in the judicial services of this country.

The NPA would also like to pay tribute to the outgoing judges and the Chief Justice. As they gracefully retire, we wish to promise them that we shall continue to uphold and protect the Constitution of our beloved country in the quest to ensure justice in society.

*Advocate Mokotedi Mpshe  
Acting National Director of Public  
Prosecutions*

## Editorial



August and September 2009 were both months that celebrated justice for women and children, and justice for the victims of crime. A variety of high-profile cases were handled by the NPA. On 12 September, the remains of the Pebco 3 and Cosas 2 were officially handed over to their families. The trial and sentencing in the Modimolle Circuit Court of a case that included 46 charges, including 15 counts of rape, 18 counts of kidnapping, 10 counts of murder, indecent assault and illegal possession of a fire- arm, was also concluded.

In respect of public relations initiatives, the prosecutors in the Pretoria Cluster joined forces with the Communications Unit and promoted the NPA at the annual Pretoria Show. Shows and exhibitions like this and the Macufe Festival in Bloemfontein offer the opportunity to interact with the public directly as it educates, empowers and informs the general public on the functions of the NPA and access to justice.

A variety of units also continue to expand the work done in relation to educational and community outreach activities. Learners and university students are informed about their rights and are made aware of the work of the NPA through various offerings and events.

The senior management recently paid visits to various NPA offices. The purpose of these visits was to report back on how challenges raised by regions in 2008/09 have been addressed and also to give the regions a chance to raise new challenges that warrant management attention and resolution. Management also visited one court per region to experience first-hand the conditions under which prosecutors work.

Overall, the NPA is vibrantly working to support prosecutors in court, the public and victims of crime.

I again remind you of the dedicated e-mail address available for contributions to *Khasho* at [khasho@npa.gov.za](mailto:khasho@npa.gov.za).

**Bulelwa Makeke**  
**Executive Manager: Communications**

**THE NPA HOTLINE – 0800 212 580**

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

# Bloemfontein celebrates

## the SCCU's 10<sup>th</sup> anniversary

The Specialised Commercial Crime Unit (SCCU) was established nationally on 1 August 1999 under the leadership of Advocate SC Jordaan as a pilot project to combat the deteriorating situation pertaining to commercial crimes. The SCCU has existed for the past 10 years with outstanding performance on its mandate.



*From left: Advocate AF du Toit, Advocate A Coetzee, Advocate M Mpshe and Advocate SC Jordaan cut the decade of excellence cake.*

Starting its operations in Pretoria with only eight staff members, it soon proved to be so effective that it was decided to roll out the unit countrywide. The SCCU is a business unit in the NPA like the National Prosecutions Service (NPS), Asset Forfeiture Unit (AFU) and the Sexual Offences and Community Affairs (SOCA) Unit.

Its mandate is to effectively prosecute complex commercial crime cases brought by the commercial crime branches of the South African Police Service (SAPS) in the regions. The key element of the SCCU's operations is its methodology of involving a prosecutor in the case from the start of the investigation. Nationally, statistics speak for themselves, as indicated in the table below:

The Bloemfontein office of the SCCU was only established in June 2006. It is currently headed by Advocate Alnicia Coetzee, Deputy Director of Public Prosecutions. Under her leadership and guidance, a team of dedicated prosecutors and members of the SAPS's commercial branch have had many successful prosecutions. A number of examples can be cited.

A police officer who had laundered money amounting to R8.5 million that he had stolen from the SAPS was sentenced to 15 years imprisonment (three years of his sentence were suspended for five years). The husband of a former MEC of Education was found guilty of tender fraud in the Department of Education and sentenced to direct imprisonment. A bookkeeper who had been found guilty of tax fraud of about R1.3 million was sentenced to 10 years' imprisonment. A bank official who had stolen money from clients and been found guilty on 90 charges of fraud and theft to the amount of R1.3 million, was sentenced to 12 years' imprisonment, five of which were suspended for five years.

"Regardless of the Bloemfontein regional office still being so young, it sometimes boasts a 100% conviction rate under challenging circumstances," said Advocate Jordaan.

The office is also involved in various community outreach initiatives. A play called *Crime does not pay* was taken to various schools in Bloemfontein. Since April 2008, the court has ordered a total of R4.2 million to be paid back to complainants as compensation orders. This was done through the efforts of the SCCU in Bloemfontein. During that period, a total of R4.5 million gained through criminal activities was forfeited to the state by the involvement of the AFU in Bloemfontein and the SCCU.

SCCU						
Indicator	2005/06	2006/07	2007/08	2008/09	April to June 2009/10	Change over previous year
Number of courts	4	7	7	9	9	+0.0%
Convictions	857	1 515	1 232	1 408	300	-14.8%
Conviction rate	94.60%	96.62%	94.10%	93.70%	94.62%	+0.9%
Cases enrolled for trial	1 431	1 844	1 844	1 919	364	-24.1%
Cases disposed of	2 271	3 574	3 031	3 529	880	-0.3%

# SCCU celebrates 10 years in KZN

The Specialised Commercial Crime Unit (SCCU) recently celebrated its 10<sup>th</sup> anniversary. In celebration of this milestone, the regional office in Durban, KwaZulu-Natal, hosted a lunch with internal and external stakeholders.



*From left: Advocate Chris Jordaan (SC), Dr Silas Ramaite, Advocate Shamila Batohi and Advocate Nevas Heeralall.*

Advocate Chris Jordaan (SC), SCCU special director, said that the unit had started off with eight prosecutors. “It was inconceivable that today we would have a unit of 170 members and six fully fledged regional offices, as well as proud and

consistent statistics. In its short existence, the SCCU has become the nemesis of most notorious white-collared criminals,” he said. He also mentioned that the Durban office had “more than often been a star performer with a 100% conviction rate.”

Guest speaker and provincial branch manager of Business Against Crime (BAC), Mr Jody Nair, explained that BAC was founded in 1996 in response to the high and rising crime rate. He stated that the impact of commercial crime on business in South Africa was an estimated R40 billion per annum. He also advised on the

possible effects of crime on the economic recession. “The collapse of economies will result in a decline in local investment. Crime-fighting agencies need to ensure that the high crime rate does not encourage emigration,” he said.

According to Advocate Nevas Heeralall, Acting Head of the SCCU in KwaZulu-Natal, the concept of the SCCU emerged as a result of the high influx of fraud dockets. “The advent of the SCCU saw the emergence of dedicated investigators, prosecutors and courts to deal specifically with this,” he said.



*The advocates of the SCCU's KwaZulu-Natal office.*

# SCCU celebrates five years in the Eastern Cape

On 21 September 2009, the Specialised Commercial Crime Unit (SCCU) in the Eastern Cape held its five-year celebrations at the Summerstrand Hotel in Port Elizabeth. The event was well attended by all the relevant stakeholders of this unit.

Dignitaries included Ms Nondumiso Mapazi, Executive Mayor of Nelson Mandela Bay Municipality, Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions (NDPP), Advocate Lungisile Mahlati, Director of Public Prosecutions in the Eastern Cape District and Ciskei, Mr Kevin Hustler, Chief Executive Officer of the Port Elizabeth Chamber of Business, Judge Chris Jansen from the Port Elizabeth High Court, and Advocate Chris Jordaan, national head of the SCCU. Also present were Dr Sailas Ramaite, Deputy National

Director of Public Prosecutions and Head of the National Specialist Services Division (NSSD), as well as the heads of the NPA's various business units in the Eastern Cape.

In his address, the regional head of the SCCU, Advocate TC Goosen, informed the audience of the successes that his unit had achieved since its establishment. Ms Maphazi praised the NPA for its efforts in the fight against crime and congratulated the SCCU for this milestone. Mr Hustler praised the SCCU for its sterling work in

ensuring that the business community and the residents of Port Elizabeth can operate in a safe environment.

Advocate Mpshe was also full of praise for this unit and its leaders for their outstanding achievements. He went on to encourage them to keep going so that they can achieve success and make the NPA proud as an organisation. He said, “the NPA has been through rough times and I believe that it has been able to stand the test of time and continue to contribute to the fight for justice, freedom and security”.



# SCCU celebrates

## 10<sup>th</sup> anniversary in style

**Friday, 4 September 2009, marked the tenth anniversary of the Specialised Commercial Crime Unit (SCCU), which was celebrated at the Emerald Casino Resort.**

Not only do they have proven skills in combating crime, but they also have immaculate organising skills. The unit specialises in commercial crimes like common law fraud, credit card cloning, cyber crimes, corruption, organised crime and offences relating to counterfeit goods. Guest speakers who offered their congratulations included Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions (NDPP), and Dr Silas Ramaite, Head of the National Specialist Services Division (NSSD).

With a successful history dating back to 1 August 1999, the unit was started as pilot project with the assistance of Business Against Crime (BAC) to combat worsening commercial crimes. Then it was located in Pretoria because of the high volumes of commercial crime in that city. A decision was later taken to remove the unit and the court from policy-makers whose influence might have been used to free blockages. The advancement of the project elsewhere by them was also considered a crucial factor.

On 8 November 1999, cases were heard for the first time in a dedicated commercial crimes court, followed by a second hearing, funded by the private sector, on 1 July 2001. Finally, based on its success rate and the effective use of its model, it was decided that the unit needed to be expanded in other regions, hence the opening of offices in Bloemfontein, Cape Town, Durban, Port Elizabeth and Johannesburg. Working closely and sharing information with key stakeholders like the South African Banking and Risk Information Centre (SABRIC), South African Federation Against Copyright (SAFACT), Business Against Crime (BAC), the Reserve Bank, the Road Accident Fund (RAF) and the Department of Trade and Industry (DTI), efficiency is guaranteed.

Advocate Mpshe said that the unit has the highest conviction rate at 95% compared to that of other units. The SCCU and the Asset Forfeiture Unit (AFU) are the only units in the NPA that have reached and exceeded the expectations set for them.

## Specialised Commercial Crime Unit: Pretoria celebrates its 10<sup>th</sup> anniversary

**The Pretoria branch of the SCCU recently celebrated its 10<sup>th</sup> anniversary. Staff members' family members were also invited to be part of celebrations.**



*Mr Willie Hofmeyr, Head of the Asset Forfeiture Unit and Advocate Sibongile Mzinyathi, Head of the National Prosecutions Service, at the Pretoria SCCU celebrations.*

The function was attended by Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions (NDPP),

the early days of the unit, and compared this to the proud statistics the unit boasts today. The success of the unit can mostly

Mr Willie Hofmeyr, Head of the Asset Forfeiture Unit, Dr Silas Ramaite, Head of NSSD, Advocate Sibongile Mzinyathi, Head of the National Prosecutions Service, Advocate B Bredenkamp, Acting Director of Public Prosecutions in Pretoria, and Commissioner Meiring from the South African Police Service (SAPS).

Advocate Chris Jordaan, Head of the SCCU, provided a background of

be attributed to the collaboration with the Commercial Branch of the SAPS and the Commercial Court.

The national director commended the unit for its achievements during the past ten years of prosecuting complex commercial crimes. He also spoke fondly of what seems to be the nucleus of the NPA: community involvement. He took comfort in knowing that the NPA was indeed fulfilling its social responsibility. In parting, he asked the members to continue with their good work.

The celebrations wouldn't be complete without the presence of a praise singer, accompanied by a drummer, who invoked ululations from the audience.

## Care for and **protect** our children

The Justice, Crime Prevention and Security (JCPS) cluster, inclusive of the NPA, led by the Department of Justice and Constitutional Development (DoJ&CD) and the community structures in Vryburg, held an awareness campaign on 27 July 2009.



*Learners attending the awareness campaign in Vryburg.*

The awareness campaign was an event that focused on public education as a result of the crime taking place in Vryburg, such as rape, assault and murder, as well as the neglect of and lack of care for the children in the town, which had been observed.

The campaign, with the theme *Care and protect our children*, was aimed



*Learners were eager to learn about improving their safety.*

at educating the community about the negative effects of crime on the youth. About 200 learners from nearby schools attended the event.

Mr Tsietsi Malema, the Head of Justice and Constitutional Development in the North West, urged the community to desist from criminal activities and to report crime to the police. Mr Malema told the audience

that as he grew up, he used to read about freedom icons such as Ellen Khuzwayo and Ruth Mompoti. He further said that he was humbled to be sharing the stage with Councillor Ruth Mompoti, the Executive Mayor of the Naledi Local Municipality. He encouraged young people to work hard to achieve their dreams and to refrain from criminal activities.

During the awareness campaign, speaker after speaker encouraged the youth to be vigilant of the crime hot spot areas, as criminals often lure young girls with money with the aim of sexually abusing them.

In conclusion, Councillor Mompoti congratulated all the departments who were participating in the awareness campaign, and made a plea for the mobilisation of resources.

## Bringing justice **to the youth**

The NPA recently hosted an initiative in Chatsworth, south of Durban, to bring the justice system to the youth. The event, which accommodated approximately 400 learners from surrounding schools, and their educators, showcased and explained how the justice system works, as well as the role of each department in the Justice, Crime Prevention and Security (JCPS) Cluster in the prevention of crime.

Advocate Sheriza Ramouthar enlightened the audience about the responsibilities of the components of the JCPS Cluster, as well as the role of the NPA. She urged the youth to equip themselves with knowledge. Drama students from the neighbouring Wingen Heights Secondary School did a sketch about a crime being committed and members of the Chatsworth Police Service explained how they investigate crime. Inspector Derrick Chetty from the South African Police Service (SAPS) also pointed out the various youth-related crimes that are prevalent in the community. Inmates from the Westville Prison Youth Correctional Centre performed a drama and music item

on the effects of crime. Their thought-provoking enactment portrayed life behind bars. The message was very clear: crime is not cool!

Prosecutors from the Chatsworth Magistrate's Court presented a moot court to show the audience what a court scene looked like. Following the presentations and performances, the audience was broken up into groups. Questions based on service delivery, transparency and visibility of the government departments. Members of the public also enquired about career opportunities in the relevant departments.

# Justice prevails: the “Buyisiwe” case

**The seven accused in the “Buyisiwe” case were arraigned on housebreaking with the intent to rob, robbery, kidnapping and eight counts of rape, read with section 51 of the Criminal Law Amendment Act, 1997 (Act 105 of 1997).**

The 28-year-old Advocate Kholeka Gcaleka, senior state advocate in the South Gauteng High Court, started her career at the Soweto Magistrate’s Court as an aspirant prosecutor in 2004. In 2005, she became a specialist prosecutor in one of the sexual offences courts in Soweto. At the end of 2006, she was appointed in the office of the Director of Public Prosecutions (Johannesburg).

For Advocate Gcaleka, the “Buyisiwe” case meant going the extra mile to implement the principles of Batho Pele by approaching the office of the Minister of Women, Children and People with Disability to assist “Buyisiwe” deal with the ordeal. Before the hearing, the matter had to be postponed many times due to statements getting lost and delays by the defence. This resulted in the complainant receiving assistance from People Opposing Women Abuse (POWA) and the Legal Research Council.

The victim had been raped by eight boys on 2 October 2005. They had come from a tavern in Tembisa. One of them, who is still at large, broke into the rented room, which she shared with a friend, raped her and then invited his friends who indecently assaulted her and raped her. Seeking assistance, she was confronted by four other assailants who took her to an open area near the squatter camps and who also raped her repeatedly.

The victim went to the doctor the same day, whom she alleges never examined her. Since, “Buyisiwe” has been chronically ill. Evidence included a medical report, DNA, evidence of the arresting officer, the complainant’s evidence and witnesses pertaining to identification. The defence counsels brought an application in terms of section 215 and the state argued that they had not satisfied the requirements of the said section, as the complainant had not been thoroughly cross-examined at

the Magistrate’s Court and a proper defence had not been put to her and the other witnesses. The court ruled in favour of the state.



*Advocate Kholeka Gcaleka, senior state advocate in the South Gauteng High Court*

Six of the accused were convicted on one count of rape each, while three were convicted on a charge of indecent assault and one was convicted on four counts of rape, three of which were convictions as an accomplice to the rape. They were sentenced to terms of imprisonment ranging from 17 to 20 years due to their young ages, even though the state advocate had argued for life sentences.

## Senior management visits provinces

**The senior management of the NPA recently paid visits to the directors of public prosecutions in all the provinces. The regional visits were led by Dr Khotso De Wee, Acting Chief Executive Officer.**

The purpose of these visits was to report back on how challenges raised by the regions in 2008/09 have been addressed and to give the regions an opportunity to raise new challenges that warrant attention and resolutions. The management delegation also visited one court per region and experienced first-hand the conditions under which prosecutors work, in line with the principles of Batho Pele. The provincial visit to Mafikeng in the North West province took place on 4 September 2009. The Director of Public Prosecutions: North West Province, Advocate JJ Smit, expressed his delight at these regional visits, as it would assist in attending to the bottlenecks.

Dr De Wee mentioned that the North West visit was slightly different from the last one. He was impressed by the hard work and support received from the staff members of the Directorate of Public Prosecutions in North West.

He also commented that no audit disclaimer had been received, and that the staff had dealt with their leave challenges. He made the important announcement that all government departments must submit a service delivery plan. Presentations were made by Ms M Modise, Executive Manager: Human Resources Management and Development,



# Justice for our children

## State v David N Randitshene

**The accused stood trial in the Modimolle Circuit Court on 46 charges that included 15 counts of rape, 18 counts of kidnapping, 10 counts of murder, indecent assault and illegal possession of a firearm. With one exception, the victims were children varying in ages from three to 13 years. The accused pleaded not guilty and declined to make any statement in explanation of plea. The trial was nevertheless concluded within five hours. How was a such speedy trial possible?**

The investigation and prosecution teams had already met at the end of 2007. The investigation team consisted of enthusiastic and experienced officials, Captain Lourens, Inspector Nel, Inspector van der Merwe, Superintendent Langa, Superintendent Labischagne and Superintendent Thompson.

Identifying the attacker called for some unusual activity. Although similar DNA results had been found at 12 of the scenes, the identity of the culprit remained unknown. Since serial offenders usually operate close to home, samples were taken from as many as 543 men staying in the vicinity of the crime scenes. One of these was fortunately the accused.

Once identified, the police managed to locate and arrest him at a house in

Venda, where DNA of his last victim was also found.

Advocate Marais meticulously drafted all admissions the accused could possibly make: 89 in total, including all evidentiary exhibits, in advance of the trial. The accused was prepared to make them all, with the result that all that was eventually left in dispute was the identity of the offender.

Given the admissions made, Advocate Marais was able to be selective. He chose to call all but three of the 113 witnesses who had been subpoenaed, the investigating officer who had informed the court of the places where the bodies had been found or where the crimes had been committed and also the place where the accused had stayed.

A magnified aerial photo was used, illustrating the so-called 'dumping site' in close proximity to the home of the accused, typical of a serial criminal. Two police officers testified as to the confessions and pointings out made to them by the accused. Advocate Marais neatly side-stepped the need for a lengthy trial within a trial since the accused denied having said or pointed out anything. He then recalled the investigating officer to link the places pointed out with the scenes of the crimes already testified to. This was made easy since use was made of GPS locations in both instances.

The recipe for this success story? An experienced team of investigators, a prosecution-guided investigation and an experienced and well-prepared prosecutor.

Mr G Hollamby, Chief Financial Officer: Procurement, Finance and Facilities, Mr T Ramahana, Executive Manager: Security and Risk Management, and Mr S Reddy, Acting Executive Manager: Information Management Service Centre.

During her presentation, Ms Modise said that the NPA was continuing with its recruitment plan and about 400 posts would be advertised in the weekend newspapers. She said that aspirant prosecutors would be absorbed, based on available posts that were advertised by the NPA.

She said it was important that the NPA's establishment table, once finalised, should be linked to the Persal system. She mentioned that job evaluations for corporate managers were in full swing, and that this included work study.

"The Performance Management System is currently under review for its policy control mechanism," she said, adding

that the Performance Management System must be a tool to govern performance and that supervisors must utilise it.

Mr Hollamby said that there were still huge suppliers challenges when it comes to doing work with the NPA. He said it was important for regions to comply with the standard procedures of supply chain management. He said that the Access System must be used at all times and corporate managers should prepare budget reports on spreadsheets that should be monitored on a daily basis.

The rest of the presentations focused on challenges that affected the core functions of the NPA and new methods that can assist to achieve greater efficiency and effectiveness in terms of service delivery.

In conclusion, the late payment of invoices, Nashua and cellphone matters, and office accommodation were raised as some of the problems that needed to receive 100% attention.

## Official handover of Pebco 3 and Cosas 2 remains proved to be a big success

The date 12 September 2009 will stay in the minds of the Pebco 3 and Cosas 2 families, as this was the day on which the remains of their deceased relatives were officially handed over to them. The ceremony started at the Port Elizabeth Airport. The Minister of Justice and Constitutional Development, Jeff Radebe, together with his entourage, the religious fraternity, the families involved and the community at large came to welcome the arrival of the remains of their struggle heroes.



*Remembering fallen comrades.*



*Community members supporting the commemoration.*

It was an emotional moment for the families, but also a moment filled with the memories of these fallen comrades. After this ceremony, the entourage proceeded to Zwide, where a big marquee was erected to accommodate the members of the community who wanted to witness this occasion.

Members of the community came in large numbers, and speaker after speaker emphasised the importance of the role played by these men, who had fought for the liberation of our country. Minister Radebe reiterated the fact that there is no doubt that these were indeed the remains of the Pebco 3 (Sipho Hashe, Champion Galela and Qaqawuli Godolozzi) and Cosas 2 (Siphiwo Mthimkulu and Topsy Madaka).

According to NPA spokesperson, Mthunzi Mhaga, "The burnt, fragmented remains of the five activists were recovered by the NPA's Missing Persons Task Team (MPTT) at Post Chalmers

farm near Cradock during a two-year investigation. Although the Eastern Cape security police perpetrators claimed to have thrown their burnt remains into the Fish River after shooting and burning the five, the MPTT was able to recover 12.6 kg of burnt bone from a shallow fire pit and from an underground septic tank at the farm. Fragments of burnt clothing and tyres were also found with the remains."

The main memorial service was held at Nangoza Jebe Hall in New Brighton on 24 September 2009. The funeral was held on 3 October 2009. The Nelson Mandela Bay Municipality worked closely with the Department of Justice and Constitutional Development on the preparations for the funeral and the municipality printed pamphlets and T-shirts. *Khasho* spoke to a few members of the community, who were unanimous that this process will bring closure to the families. They might now be able to carry on with their lives.



*Families of the fallen comrades.*



*Honouring fallen comrades.*

## Successful prosecutions: achieving just outcomes

Advocate Retha Meintjies SC, Vice-President: IAP

**The 14<sup>th</sup> annual conference of the International Association of Prosecutors (IAP) was held in Kiev in September, where enthusiastic Ukrainian prosecutors played host to prosecutors from all over the world, eager to share their experiences, expertise, cuisine and culture.**

South Africa was one of 89 different countries to attend the conference, and was well represented. The official delegation consisted of advocates Sibongile Mzinyathi, Andre du Toit, Fiona Cloete and Val Lotan, with advocates Gerrit Roberts and Retha Meintjies also in attendance. Advocates Mzinyathi and Fiona Cloete both made presentations at the workshops. Advocate Gerrit Roberts attended the Global Prosecutors E-crime Network (GPEN) meeting.

During the opening ceremony, special achievement awards were presented to the former Director of Public Prosecutions from Fiji, Josaia Naigulevu, for upholding the principles of integrity and independence in the face of unwarranted pressure from an unlawful ruling regime, the Director of Public Prosecutions of the Solomon Islands, Ronald Bei Talasava, in recognition of the exceptional hardships he has faced in the Solomon Islands, especially during the time of tension (civil war) and his dogged determination to continue to act in accordance with principle, even in the face of great personal danger, and Cahn-Hui Chang Esquire, Head Prosecutor of Nantou District, Chinese Taipei, for his exceptional contribution to the war against human trafficking. The IAP medal of honour went to Justice Richard Goldstone of South Africa in recognition of his international achievements, both as a prosecutor and in promoting international criminal justice.

The Africa Regional Forum was ably chaired by the Prosecutor-General of Namibia, Ms Olyvia Imalwa. Speakers included Richard Buteera, Director of Public Prosecutions from Uganda, and Fiona Cloete, Senior Public Prosecutor from South Africa.

Buteera spoke of the need to prevent delays in prosecutions for purposes of

delivering just outcomes. Quite apart from the right of the accused to a speedy trial, delays impact negatively on the prison population and on case presentation, since witnesses often relocate, may pass away and regularly become disinterested, even changing their position. Uganda set up justice, law and order fora, consisting of all stakeholders in the criminal justice system, to review delayed cases (cases older than a year) in order to identify and address the root causes of delays. This involved an investigation into the sufficiency in the number of investigators, and also the sufficiency of their training. In addition, prosecutors now also guide the investigations in difficult cases involving fraud and corruption. A special effort is made to identify those matters where the accused intend to plead guilty so as to finalise these cases as quickly as possible. Diversion is also utilised in the event of child offenders or interfamilial matters.

Cloete informed the delegates of a community prosecution initiative in South Africa that aims to enhance efficiency, promote accountability to communities, and increase feelings of safety and security in communities. Community prosecutors were deployed at nine variant sites. Their task was to facilitate partnerships and to regularly meet with important stakeholders to decide on appropriate strategies, such as educating selected groupings in the communities and focusing prosecution efforts on identified high-crime incidents. At one site, the problem with the robbery of vehicles was addressed by clearing the hiding places. At another, the problem with vigilante actions following cattle theft was addressed by educating and building trust, resulting in the vigilantes becoming part of a crime prevention committee.

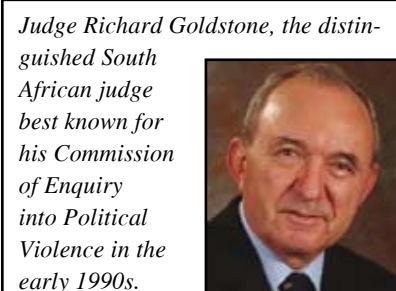
In the discussions that followed, a speaker from Nigeria agreed that delays

are a challenge, but that on the authority of the prosecutor, the accused may only be detained for a period of 14 days without a court appearance. A speaker from Cameroon said that although the accused must appear in court within 48 hours of his or her arrest, the prosecution may extend this period to eight days. A speaker from Togo complained about the lack of international cooperation, which caused delays.

Sibongile Mzinyathi informed delegates of a backlog project in South Africa to address delayed cases (cases not disposed of within six to 12 months, depending on the seriousness of the case). The project entails the establishment of additional courts to only deal with such cases that are presided over by retired magistrates. Another speaker from Nigeria held the view that community prosecutions appear to overlap with social services.

The session concluded with the chair commenting on the lack of a cooperative network on the African continent, one that is facing many challenges. The meeting agreed there is a need to share in experiences and expertise.

Basile Elombat, IAP executive committee member from Cameroon, proposed that the African Association of Prosecutors, which presently only allows for members of the various countries' prosecution services to become members, should open its doors to allow membership to individual prosecutors as well.





# NPA exhibition at the Pretoria Show

Prosecutors of the Pretoria Cluster joined forces with the Communications Unit to promote the NPA at the annual Pretoria Show. The exhibition was aimed at educating, empowering and informing the general public. Education, information and communication material was distributed to members of the public who visited the stand.



*Pretoria Cluster prosecutors and staff members at the Pretoria Show.*

Prosecutors from the Pretoria Cluster took time off to advise the public on issues that continue to challenge our society. These issues range from sexual abuse and violence against women and children to drug abuse. Members of the public were also sensitised to the availability of support facilities, such as the Thuthuzela care centres, as well as the Tsireledzani projects that are managed by the Sexual Offences and Community Affairs (SOCA) Unit. Schoolchildren, who visited the show in their numbers, were encouraged to “speak out” against any form of criminal activities and abuse against them or their friends and siblings. Members of the public recorded their enquiries and compliments to the work



*The NPA stand at the Pretoria Show.*

of the NPA. This ranged from cases that are postponed, court procedures, the aspirant prosecutors programme and work well done by the justice cluster through initiatives to educate the public about the criminal justice system.

The opportunity afforded by the Pretoria Show facilitated the successful achievement of the objectives of the NPA, as set out in its vision and mission statements. The NPA is confident that by the end of the show, the public was enlightened about its service offerings and how the organisation fits into the criminal justice value chain.



*Advocate Matric Luphondo and Mona Moerane from Communications assisting the public at the Pretoria Show.*



*NPA Control Prosecutor, Mr Danie Nel, assisting schoolchildren at the Pretoria Show.*

## Pretoria prosecutors commemorate Women's Month

The Gauteng region, which included the Directorate of Public Prosecutions: Pretoria and the magistrate's offices, the Specialised Commercial Crime Unit (SCCU) in Pretoria and the Thuthuzela Care Centre in Mamelodi, hosted an event to commemorate National Women's Day on 14 August 2009. The objectives of the event were mainly to take the service offerings of the Justice, Crime Prevention and Security (JCPS) Cluster departments to the public.

The activities of the day kicked off at Church Square, in the centre of the city, with a parade by female staff members of the NPA in their professional attire, together with members of the South African Police Service, the Department of Correctional Services and the Metro Police. The aim was to distribute public invitation leaflets to the public. A help desk had been set up on Church Square, where members of the public could open cases of family-related violence, as well as enquiries on cases already on the Pretoria Magistrate's Court roll.

To educate the public about the criminal justice system, the JCPS Cluster departments exhibited information, as well as education and communication material. Each departmental representative was allocated five minutes to explain how his or her department fits into the system.

The event was a success as all the objectives that had been set were achieved. Members of the public requested the NPA to present more events of this nature, as unless the public is educated, they will not know where to get help in the event of a crime. A youth member kept emphasising that together government and the public can contribute to fighting crime for a safer South Africa.



*NPA Pretoria staff members carrying a torch for justice through Church Square.*



*Church Square JCPS Cluster parade.*



*NPA branding at Church Square Women's Day event.*



# NPA takes part in Winter Games

It was at the sports grounds of the National Intelligence Agency (NIA) that the NPA showed its mettle on 21 August 2009, not in the courtroom. A variety of sporting codes formed part of the entertainment of the day, which ranged from golf, chess, aerobics, a fun run/walk, volleyball, pool, combat shooting, netball and soccer.



*Our NPA netball stars.*

Resilient men and women braved the weather and took to the field for a 5 km fun run/walk. Acting Executive Manager: Strategy, Ms Karen van Rensburg, was among the members of staff to represent the NPA.

The early morning tee-off was also commencing at the Wingate Park Golf Club. The participants struggled at the first tee as their hands were ice cold. As the weather got better, so did the game. The NPA team consisted of nine strong men and a woman, and came second out of six teams, with 151 points.

At the gymnasium, aerobics enthusiasts were pumping and grinding.

Three members from the NPA earned the first three positions for their sterling performance for which they received some goodies sponsored by Virgin Active.

Then it was time for netball and soccer. These matches were played concurrently

to save time. The netball match attracted a lot of male spectators. Amantombazana (the girls) did not disappoint at all. Overall, the NPA earned fifth position out of 11 teams.

Adjacent to the netball field, the soccer match was taking place. The noise coming from vuvuzelas and cheering fans was reminiscent of a Soweto derby match between Orlando Pirates and Kaizer Chiefs. The NPA's yellow soccer kit stood out on the field, not just because of its bright colour, but because of the skill displayed by the sportsmen on the field. The team registered two wins, one draw and one match lost.

Just before braai time, the pool game was commencing. The NPA's team assembled eight members, bringing to 40 the number of participants that played on the day. All the games were singles, and only one NPA representative made it through to the final round.

## Mock trial at Evander farm school



On 21 August 2009, prosecutors of the Evander subcluster, Karen de Jager, Lisa Cremer and Ambrose Masekoameng, held an information session and mock trial at the Kwaggalaagte Farm School. The entire school attended the project and visited the courtrooms. All the individuals and their roles in court were explained to the children. A local advocate, Mr PG Myburg, explained the role of the advocate, and the local magistrate, Mr HS Botha, explained the role of the magistrate. A mock trial was held with Ambrose as prosecutor and other representatives played the role of the accused and witnesses. Mr Tuntu Madungwane and Ms Tuli Ngwenya from Social Services also attended and praised the NPA for this initiative. The children enjoyed the event.





## A day in the life of Charity Mpofu

**Charity Mpofu is Corporate Manager of the National Prosecutions Service (NPS). *Khasho* gets to know her a bit better.**

**When did you start working for the NPA?**

I started working for the NPA in January 2002 at the

Grahamstown office of the Directorate of Public Prosecutions (DPP). At the time I was employed as an office manager.

**How did you become Corporate Manager?**

In 2004, I accepted a transfer to become Deputy Director: Administration, and in 2006 my post was re-evaluated and changed to Corporate Manager. My core functions remained the same.

**What exactly is the work of a corporate manager?**

My job varies from managing the budget, procuring goods and services, analysing expenditure reports, as well as human resources matters such as recruitment and managing leave.

**You are very petite. How does this impact on your job?**

It is a reality that a woman in this kind of a position must go the extra mile to prove that she can get the job done. I get a lot of people who think they can undermine me because of my size. To be honest, it stretches me in terms of my personality as I must always be assertive and stamp my authority to a certain extent, so as to quell those attitudes. I mostly interact with clients telephonically, but when I meet those clients in a face-to-face interaction those attitudes start to surface.

**What type of a manager do you think you are?**

I'm very strict, and therefore I am a 'get-the-job-done' kind of person. I also apply an open-door policy.

**What forums are there for corporate managers?**

We have monthly corporate manager meetings that are organised in the CEO's office. This is where we share ideas, discuss policy issues, deliberate on procedures and circulars, and discuss general concerns.

**What would be your best memory of the NPA?**

There is a new project that the NPA is running at the moment called 'new recruitment drive'. The aim of this project is to attract legally qualified professionals and some administrative staff members. It is very interesting in that it is going to reach out to an audience that we did not reach in our previous recruitment drives.

**What advice would you give the NDPP if you met him?**

I would ask him to establish a well-resourced organisational development unit to look at all the inconsistencies between offices and in the application of policies. I would also advise him to seriously look at the office accommodation issue and the organisation's resources in general. Lastly, I would ask him to work towards decentralising human resource functions to DPP offices. This will improve turnaround times, reduce the paper trail and result in happy staff.

## More Winter Games



*The NPA Communication team.*



*The NPA soccer team.*



*NPA supporter.*



## Monty Moodley

Monty Moodley was born in Dundee on 12 December 1949. He spent most of his childhood in Vrededorp, Johannesburg. After matriculating at Isipingo Secondary School, he enrolled at the University College of Salisbury Island to study law. After completing his articles with Seedat, Pillay and Associates,

Monty set up his own legal firm, Monty Moodley and Company. In 1999, Monty was appointed the head of the newly formed Asset Forfeiture Unit in KwaZulu-Natal. It is a testament to Monty's organisational skills that he grew the AFU into the strong, effective crime-fighting instrument it is today.

Monty, you were our leader and more.

## Xolani Tukulu



Xolani Tukulu was born on 14 June 1979. He grew up in Port Alfred and completed his secondary schooling at Nomzamo High School. He studied law at the former Vista University and graduated with an LLB degree. Following a stint as a prosecutor in Grahamstown, he was transferred

to the Port Alfred Magistrate's Court as a head prosecutor.

He passed away while still working in Port Alfred and is survived by his mother, father, aunt and brother. As the NPA family, we send our sincere condolences to his family and friends and we want them to know that they are not alone during this difficult time. We are praying that God give them strength to overcome this painful loss. We will all miss his contribution in the fight for justice, as we all agree that he still had a lot to offer.

## NPA makes history

**On 9 September 2009, the NPA presented certificates to its very first intake of interns from the University of Pretoria.**

These final-year students were under the supervision of senior prosecutor in the Pretoria Magistrate's Court, Tello Motaung. Regional court control prosecutor, Ms Kas Sami-Kistnan, and control prosecutor, Mr Danie Nel, also played an important role in this life-changing intervention by the NPA and the University of Pretoria.

The ceremony took place in the office of the Chief Prosecutor: Pretoria Cluster, Advocate Matric Lufhondo. Receiving certificates were Ms Thabile Zamaswazi Mbuli, Ms Samantha Nieman and Mr Victor Omoighe.

Prof Christof Heyns, Dean of the University's Faculty of Law, and Ms Elzet Hurter, student development practitioner, attended the ceremony. Prof Heyns showed a great deal of appreciation for the NPA. He said that what was taking place that day was the manifestation of justice at its best. He said that it was his wish to expand the programme so that students recognise their social responsibility early in their profession. To the interns going forward in their profession, he said that they should always remember not to get emotionally involved when dealing with cases.

Advocate Lufhondo said that the wonderful relationship the NPA has with the University of Pretoria was paving the way for other universities to come on board.



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. Publishing Editor: Janet de Jager, NPA Communications

Publication management, editing and layout: Janine Smit Editorial Services: [www.jses.co.za](http://www.jses.co.za). Main contributors: Bulelwa Makeke Janet de Jager Tsepo Ndwalaza

Natasha Ramkisson Nico Simasiku Frank Lesenyego Mona Moerane Sibongile Mogale Kopano Ramashala Kabelo Ikgopoleng Baile Maunye Nomilo Mpondo

