

KHASHO

AUGUST 2011



From the
desk of
the CEO

Remunerative
work outside
the NPA

Best
performing
cluster in
WC

Life sentence
for
rape and
murder of
grandmother



ENSURING PROSECUTIONS WITHOUT FEAR, FAVOUR OR PREJUDICE

LETTER FROM THE MANAGING EDITOR

In this issue we continue with the tradition of showcasing the NPA's prosecutorial successes against hardened criminals who continue to terrorise our society by raping and murdering our beloved ones. From the North West to the Northern Cape, from the Eastern Cape to the Western Cape, our prosecutors are working hard to ensure that these criminals receive the appropriate punishment. Hence in this issue we are bringing you articles about the various lengthy and life sentences given to hardened criminals for raping and murdering their helpless victims.

By doing this, we want to show the world that the criminal justice system is hard at work at ensuring that everybody is, and feels safe. Work is being done to ensure that we achieve our vision of delivering justice in our society so that people can live in freedom and security.

In the NPA we must pride ourselves in having numerous noteworthy women in our midst whose work is not going unnoticed. One such example is Ms Karen Tewson, the National Co-ordinator of the Ke Bona Lesedi Court Preparation Programme, whom we have featured in this issue. I am sure you will recall that Ms Tewson was recently nominated for the Shoprite Checkers Women of the Year Award, for her sterling role in putting the Court Preparation Programme on the map. We believe that her nomination did not only put the NPA in the limelight, but will also bring the light to many victims of crime, in fulfilment of the phrase "Ke Bona Lesedi", which means "I see the light".

Improving the performance of the NPA is at the heart of what we are trying to achieve as an organisation. It is therefore very encouraging to see the George cluster in the Western Cape being declared the best performing cluster in the province, not once, but three times over the past four years. We want to congratulate our colleagues in that area for this noble achievement, and hope that it will motivate all of us to follow the excellent example that they have set for us.



Bulelwa Makeke
Executive Manager: Communications

Compliance with public service regulations is very critical in the organisation, and one such example is performing remunerative work outside the NPA. In this issue, we made an effort to provide you with as much clarity as possible about this requirement, which is clearly encapsulated in the Public Service Act as well as the Code of Conduct for Public Servants. In addition to reading the article in this issue, we urge you to ensure that you fully understand the aforementioned Act and Code of Conduct which are available on the DPSA website. You can also obtain information on Ithala, (NPA intranet) or contact the Integrity Management Unit for further clarity. It is even more important for all of us to comply.

We hope that you'll enjoy reading this issue. We continue to receive good suggestions on how to improve this publication, and we sincerely appreciate all your inputs, because this is your newsletter. We are very aware that our stories and articles tend to focus more on prosecutions, and from now on we'll make a concerted effort to ensure that our coverage is balanced, and that we also feature stories from the Corporate Services environment. Thank you for your advice and support!

Bulelwa Makeke
Executive Manager: Communications

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FROM THE DESK OF THE CEO



The second half of the year has almost come to an end, and it is now time to reflect on what has been achieved as part of the mid-year review.

I want to acknowledge and confirm that service delivery turn-around time over the past six months has improved quite a lot within the Corporate Services environment, both at Head Office and in the regions. I am also starting to see a change of attitude from all staff, an attitude that says, “we all want to make a difference”. I want to thank all staff for this renewed energy and willingness to focus on activities that will ultimately add value to the work of the NPA in total.

In the area of asset management, we have seen a huge improvement compared to last year. It really shows the fruits of everyone’s efforts in this area. The same applies to Finance, where a number of policies and procedures have been developed to address loopholes and gaps in the system. The Human Resource Management response rate has also improved, but the area that we need to strengthen is recruitment. In this regard there are challenges in the regions as well as Head Office.

The current audit action plan is another focus area where the organisation is investing a considerable amount of time, energy and resources to address the findings identified by the Auditor-General (A-G). We have just obtained an unqualified audit opinion, and it is important that we sustain it and address the matters of emphasis highlighted in the A-G’s report. In order to achieve that, we all need to be disciplined in areas of corporate governance.

We are also committed to improving communications within the organisation to ensure that people can make informed and correct decisions. We have already started this at management level by implementing joint bi-monthly meetings with Executive, Senior and Corporate Managers to deliberate on service delivery issues. The regions are fully represented in these meetings, because we regard them as extensions of Head Office, and we have a duty to support them to deliver quality services. The management team of Corporate Services has also committed itself to ensuring a tangible improvement in service delivery in all our areas of responsibility, and they need our continued support to achieve that.

Because Corporate Services operates in a highly regulated environment, we are sometimes regarded by the core functions as being slow, relaxed and ineffective when it comes to the delivery of services. The truth, however, is that we have a plethora of legislation and regulations as well as policies and procedures which we have to adhere to, and are constantly audited to monitor compliance. However, what we commit to doing is to fast track service delivery by identifying all the bottlenecks that hinder speedy delivery of services, without compromising compliance.

Another important area which is still a huge challenge within the NPA is labour relations. There is a tendency for supervisors within the organisation to think that this function belongs exclusively to the Labour Relations section, and thereby take a “laissez-faire” approach in this regard. The truth, however, is that labour relations is a function of management, and supervisors are urged to discipline people as and when the need arises, rather than wait for too long. Labour Relations is there to assist, but the ultimate responsibility lies with managers and supervisors. Remember that the primary purpose of disciplinary action is to correct wrong behaviour rather than to punish or dismiss people.

As we move into the second half of the year, I urge you to reflect on what you and your unit have achieved over the past six months, what challenges you have experienced and how you intend to address them. This is a simple formula for success. Let us all make it our duty to seriously think about the things that we need to pursue and do in order to usher in a new dispensation of service excellence within the NPA. I believe that we can all do it!



Karen van Rensburg
Acting CEO

THE NPA HOTLINE 0800 212 580

BUILDING A CULTURE OF REPORTING UNETHICAL AND UNLAWFUL PRACTICES, PROMOTING AND ENABLING WHISTLE-BLOWING.

KAREN TEWSON

– THE POWER BEHIND KE BONA LESEDI

Basetsana Motlhamme

You will recall that one of our own, Ms Karen Tewson, the National Co-ordinator for Ke Bona Lesedi Court Preparation Programme, was nominated for this year's Shoprite Checkers Women of the Year Award, under the category of Youth Movers. This category honours those who cultivate social change through programmes that provide the youth with the skills to make a meaningful contribution to society.

Khasho spoke to her about her nomination and the Court Preparation Programme in general:

What led to your nomination in the Shoprite Checkers Women of the Year Award 2011?

Victims of crime came together and decided that they needed South Africans, especially other victims of crime, to know about Ke Bona Lesedi Court Preparation Programme. They nominated me as they felt that the programme helped them tremendously to prepare for their court appearances and it also empowered them to go on with their lives.

How did you and Court Preparation Officers (CPOs) feel about the nomination?

It was a surprise. I received an email one morning which stated: "Congratulations, you are nominated as a finalist for this year's Shoprite Checkers Women of the Year Award". I felt so humbled and tears of joy rolled down my cheeks. However I believe that this nomination was actually for the CPOs who work tirelessly with witnesses and victims in court. I was very happy that the community recognised and appreciated the work that CPOs do; hence the nomination for this award. The CPOs were so grateful and excited in that they felt that the witnesses/victims with whom they work on a daily basis really showed appreciation for what they do. This has given them encouragement and even more reason to go the extra mile in

providing dedicated services to victims of crime.

How did you find the competition?

I don't have the exact words to describe it. I met amazing women, who are exceptional in their own right. We were treated like royalty. The organisers made evening gowns for us and gave us beautifully framed certificates. I felt like a winner. It was indeed life changing and legendary. We knew that not everyone was going to win but it felt like we were all winners. The judges were wonderful. It was such a memorable short journey.

Did the nomination put the Court Preparation Programme on the map?

Absolutely yes. It enabled the NPA to make a mark at all levels, even with other government departments. We received messages of congratulations from other countries such as the USA, UK and Ireland. We had radio and television interviews, and the one that touched me the most was on the "Africa Magic" channel 114 on DSTV, which was watched all over Africa. In addition "Crimes Uncovered" on M-Net also did a series on successful prosecutions, where they highlighted the importance of the Court Preparation Programme in prosecutions.

In your opinion do you feel the Court Preparation Programme is doing well? What are some of the highlights so far?

The highlights are so many but I want to mention the Fanwell Khumalo case, South Africa's worst ever serial child rapist who raped more than 42 children between the ages of 7 and 14. The prosecutor had difficulty in consulting with so many victims and therefore requested the assistance of CPOs. All of the children effectively testified in the High Court, in front of the judge, assessors and the accused. Because of their testimonies the accused was convicted and received 270 years in prison as well as 42 life



Karen Tewson

sentences.

What are the challenges currently faced by the programme?

I think we don't reach all the communities who are in need of such services. We need the public to know and understand that CPOs are available to assist them and that they can access their services. They don't have to be afraid to report cases as a result of the fear of possible trauma of testifying in court. Help is available, especially for those who live in under-resourced and rural areas who are in dire need of such assistance.

What is the future of the programme? Is it a short term / long term intervention?

It is a long term intervention and it is part of the NPA Annual Plan. We plan to grow and expand the services to rural areas.

We also plan to make a difference in the lives of the victims of crime, to give them hope and bring them the light they long for.

JUSTICE FOR THE RAPE AND MURDER OF A 78 YEAR OLD GRANDMOTHER

Frank Lesenyego

On 12 July 2011, two men from Zeerust were each sentenced to life by the North West High Court for raping and murdering a 78-year old woman.

During the investigations and testimony to the court, it transpired that the two accused, Daddy Hamilton Sehume, 30, and Patrick Tebogo Molefe, 33, broke into the house of a 78-year old woman on the night of 31 October 2009. The perpetrators gained access to the house of the old lady through a broken window in the bathroom. A passerby who testified in court realised that the old lady's window was broken and he called the police who came and discovered the naked body of the old lady lying down with legs spread apart and the telephone cord around her neck.

Both the accused were arrested a month later on 24 November 2009 after intensive investigations. They both made a confession to a magistrate and a police officer at the Zeerust Magistrate's Court, and the matter was subsequently transferred to the North West High Court for trial.

The statements were subjected to objection by the accused during trial on the basis that they were forced to give statements and also told what to say during the confession. The objection then sparked a marathon of a trial within trial which proceeded for two weeks. The State made an application for cross examination on the contents of the statement during trial within a trial

A necessary reference was made by the State to relevant case law which supported its application. Defence counsel vehemently opposed the application and argued that disclosing the contents of the confession at that stage would influence the court and be prejudicial to the accused's case. The case was presided over by Judge Matlapeng, who

was well acquainted with the laws and prescripts which governed the cross examination of the accused.

The ruling was accordingly made in favour of the State and upon the conclusion of the trial within trial, both statements were ruled admissible against the accused. The accused were subsequently convicted and sentenced to lengthy terms. Sehume was sentenced to life imprisonment for murder and five years for housebreaking and robbery. Molefe was convicted of murder and sentenced to life imprisonment, a further 15 years for rape and five years for housebreaking and robbery.

COMMENTARY BY ADV DITABA RANTSANE

It is a relief that the matter was not only finalised but finalised in this manner. The conviction and sentence were welcomed by the family of the deceased and the community at large. I can now sleep peacefully knowing that the perpetrators of this horrific act are behind bars and justice was seen to be done.

During the trial, I was fighting with my back against the wall because of lack of other evidence. The state case depended entirely on the confession made by the accused. I therefore had to keep my eyes on the ball at all material times failing which I would have observed the whole case crumbling down in front of my eyes. Both the accused were represented by experienced counsels who took advantage of every available loophole.

As the National Director indicates in our



Adv Ditaba Rantsane

2011-2016 Strategic Plan, not only cases with foreseeable convictions should be taken to court, but even borderline cases must still be prosecuted. The strategy therefore is to shift our focus from obtaining a conviction to providing a quality prosecution. This case taught me that one should serve justice first before even considering your own personal interests, and that where there is a will, there will always be a way.

HARSH SENTENCE FOR COP KILLERS

Luxolo Tyali

Two men found guilty of the murder of an on-duty police officer responding to a daylight robbery of a rural shop, were each sentenced to more than 40 years imprisonment by the Mthatha High Court.

Sindile Mdingazwe, 36, and Mluleki Tshawe, 23, were found guilty on charges of robbery, two counts of murder, three counts of attempted murder and illegal possession of a firearm with intent to commit an offence, as well as illegal possession of a firearm and ammunition. Tshawe was also found guilty on an extra offence of escaping from lawful custody.

Subsequently, Mdingazwe was sentenced to an effective 41 years while Tshawe was sentenced to an effective 46 years imprisonment.

The duo, together with their accomplice, conspired to rob and prey on a Ncumbé Store operating in the remote Cweraland area near Ntabankulu, where they robbed it of R1 500 in cash, seven cell phones, airtime vouchers and other valuables worth R50 000 at gunpoint. The alleged robbery took place on 05 December 2007.

As they fled the scene on foot with their loot, community members, Cweraland Police Station officers and Prestige Security Company guards mobilised and gave chase, upon which a gunfight between the three robbers, the police and the security guards ensued.

During the exchange of fire, Warrant Officer Mfanelo Peyana was fatally wounded and the police officers shot and killed one of the robbers, Bulelani Maqakalana.

Mdingazwe and Tshawe managed to escape but were later arrested on separate occasions by members of the Police Organised Crime Unit, within the same month.

While attending the case at Ntabankulu Magistrate Court after his arrest, Tshawe

tried to escape but was immediately apprehended a few metres from the court yard.

COMMENTARY BY ADV ZITHULELE NXUMALO

The trial started on 01 August 2011 at Bizana Circuit Court. What is worth mentioning is that when this matter was allocated to me, the accused were indicted in respect of four counts but after I studied the dockets, I added eight more counts.

The accused were then facing a total of twelve counts viz. robbery, murder in respect of a police officer, murder in respect of Bulelani Maqakalana, the “accomplice”, possession of firearms with intent to commit robbery, two counts of possession of firearms, two counts of possession of ammunition, three counts of attempted murder and escaping.

At the scene of the gunfight, ten empty cartridges of 9mm pistol and three spent bullets were found and sent to the ballistic unit for tests and comparison with a firearm found in possession of one of the accused, but the results were negative.

However, the court convicted the accused based on evidence that Warrant Officer Peyana had died as a result of a gunshot wound to the chest even if no firearms were recovered which matched the cartridges found at the scene where the gun fight had ensued.

One of the robbers, Bulelani Maqakalana, died two days after the incident and no post mortem examination was conducted to determine the cause of his death.

The court accepted the State’s submission that even though a post mortem examination was not conducted, there was evidence from witnesses who saw gunshot wounds on his body after the incident, so the reasonable inference to be drawn in the totality of the evidence before court was that the cause of his



Adv Zithulele Nxumalo

death was gunshot wounds.

Trials within trial were conducted in order to determine the admissibility of pointing out, confession and identification parade. There were 41 witnesses per indictment but through agreement with the defence counsels, other witnesses were not called. The State relied on the evidence of 20 witnesses in proving the case against the accused.

The court was satisfied that the State had succeeded in proving the case against the accused beyond reasonable doubt. It convicted the accused in respect of all counts and sentenced the accused to an effective term of 46 years imprisonment.

We should leave no stone unturned to convict those criminals who commit these callous crimes. The killing of police officers has increased recently at an alarming rate.

There is a need for the NPA, in conjunction with our partners in the JCPS cluster, to come up with effective mechanisms, in order to eradicate such incidents.

I have no doubt that the imposition of lengthy terms of imprisonment is one of the solutions and it should not be an individual effort but the efforts of all of us in the organisation.

Luxolo Tyali is the Regional Communications Manager for DPP: Mthatha

STEPFATHER GETS LIFE IMPRISONMENT FOR RAPING DAUGHTER

Phaladi Shuping

A life sentence was handed down to a 61-year-old man in the Kimberley Magistrate's Court after he was found guilty of raping his stepdaughter on two occasions in May 2006.

Evidence presented in court revealed that on two occasions, the accused, Mr Josia Nkonyela, requested to sleep between the victim and his younger sister as it was cold. The accused would then rape the victim during the night without her younger sister realising what was happening. The victim fell pregnant as a result of these rapes.

On sentencing the accused, Magistrate Kgopa said that Nkonyela did not show any remorse and that his stepdaughter would forever bear the psychological scars, as a child was born as a result of rape.

"THE ACCUSED NEEDS TO BE REMOVED FROM HIS FAMILY AND SOCIETY. TO SAY THAT THERE WAS NO PHYSICAL FORCE INFLICTED DURING THE RAPE WOULD BE INCORRECT. THE COMPLAINANT WAS A CHILD AND A VIRGIN AND HAD TO BEAR A CHILD ON HER OWN AS A RESULT OF RAPE. THEREFORE IN THE EYES OF THE COURT THE PHYSICAL ABUSE WAS EXTENSIVE,"

SAID KGOPA

State Prosecutor, Cecil Makwala stated that the accused showed no sympathy to the victim as he shifted blame to every person. He said that Nkonyela accused the complainant's boyfriend of impregnating her, while the boyfriend made it clear that he had not had sexual intercourse with her.

The accused denied having intercourse

with the complainant even though the DNA test proved that he was the father of the child. He disputed the results of the DNA test and went for the second test at his own costs. The results also came back positive. In his defence, he alleged that he was the biological father of the victim hence the DNA test came back positive. The mother of the victim was called to testify and she refuted claims made by the accused that he was the biological father of the victim. The court rejected his version as not being possibly true.

Makwala pointed out that the complainant was physically and mentally immature and vulnerable and was raped in her home where she was supposed to feel secure, by somebody she trusted. "He violated the accused in the most unacceptable way one can think of. He deprived her of her childhood and dignity. The child is traumatized and unfortunately she had to pick up the pieces and carry on with her life," he said.

COMMENTARY BY STATE PROSECUTOR CECIL MAKWALA

The victim did not report the case immediately. She only reported it when she realized that she was pregnant. The defence lawyer used this late reporting to their advantage. I had to consult libraries for research and came across a case that was reported after 19 years when the victim met the perpetrator. The perpetrator in this case appealed against his sentence but the Supreme Court of Appeals upheld his conviction. This gave me a belief that even though the victim only reported the case when she realized that she was pregnant, the accused had to face the full might of the law.

The other challenge we had was that the victim stated that she was raped next to her younger sister but the sister testified that she did not see the incident. The victim initially stated that she was raped



Prosecutor Cecil Makwala

in June and this meant that she would have not given birth after nine months. I had to convince the court that she made a bona fide error and applied for a change of the charge sheets to read that she was raped in May.

The investigating officer also broke a chain of evidence because he could not remember to whom he gave the blood samples. I informed the court that it was not necessary to call everybody to testify as we called only the witnesses with important testimony.

The State also outmanoeuvred the defence by calling a DNA analyst to testify. The fact that we called an expert strengthened our case.

This case was emotionally draining and I felt relieved when the accused was convicted.

GEORGE DECLARED THE BEST PERFORMING CLUSTER IN THE WESTERN CAPE

Eric Ntabazalila

The George cluster has won the floating trophy for the Best Performing Cluster in the Western Cape for the third time over the past four years. Western Cape Director of Public Prosecutions, Advocate De Kock, announced the winner for the Best Performing Cluster during the DPP Western Cape Strategic Review Session on 29 July 2011. The session was attended by more than 150 staff members from all the regions in the province.

The DPP in the Western Cape introduced the initiative of a floating trophy for the Best Performing Cluster in 2005. This was meant to motivate staff members to improve and compete on their overall performances. The trophy is awarded at an event or a meeting attended by representatives of all the lower courts, high court as well as DPP staff members. Previous winners of this floating trophy include the Wynberg, Mitchells Plain and Cape Town clusters.

Khasho asked the Chief Prosecutor of the George cluster, Mr Ben Walters, about the secret behind their success:

How did you manage to win this trophy three times?

I can confirm that the George cluster has won the Trophy for three years in 2007, 2009 & 2010 since it was implemented

in 2005. There's no secret! We have a group of hard working staff members in the cluster, 74 of them currently. We are focused on the finalisation of cases on all the court rolls, and we attempt to reduce the backlogs as far as possible. All prosecutors are encouraged to dispose of their decision dockets as quickly as possible and not to have any dockets to be carried over from one month to the other. If not, we manage that process by enforcing discipline.

We implement proper screening of all cases coming on to the court rolls for the first time, thereby reducing the number of withdrawal of cases to an absolute minimum. The allocation of certain high profile and serious cases are delegated to senior and experienced prosecutors at an early stage. We have six Detective Court Case Officers appointed at the following Court Centres in the cluster: Swellendam, Mossel Bay, George, Knysna, Oudtshoorn and Beaufort-West. They play a critical role in the proper screening of all new cases placed on the court rolls for the first time under the supervision and guidance of Senior Public Prosecutors and Control Prosecutors at the various Court Centres.

How do you keep your team motivated?

Members of the George Cluster Management Team attend monthly DPP Western Cape Senior Management

meetings which are attended by all the five Chiefs of the clusters, the Senior Public Prosecutors and by management staff of the organisation in the province. We then come back to our cluster where we meet on a monthly basis and discuss all the critical issues that were discussed at the DPP Western Cape Senior Management meeting. At our local monthly meetings in George we also discuss any new issues that occurred during the course of the month at the various Magistrate's Courts in the cluster. At these discussions we come up with solutions which are then implemented in a uniform manner.

What are the typical challenges that your cluster has to deal with?

Typical challenges include the speedy filling of vacancies, cases that are struck off the court rolls and lack of Case Flow Management Meetings on local level at different Divisions or Court Centres. However, we are looking at ways of addressing these.

Lastly, I would like to congratulate and thank all my colleagues within the George cluster for their outstanding contribution in achieving this accolade. I want to encourage all of them to continue with their hard work and dedication and even strive to improve on what we are doing in our fight against crime and the serving of our communities.



Some of the staff members of the George cluster

Eric Ntabazalila is the Regional Communications Manager for DPP: Western Cape

PERFORMING REMUNERATIVE WORK OUTSIDE THE NPA – WHAT YOU ALL NEED TO KNOW

Tebogo Seate

There is a big misconception within the NPA that only Senior and Executive Managers on SMS level are obliged to declare any remunerative work they perform outside the organisation. This is indeed a wrong perception because in terms of the Public Service Act, all employees must declare and obtain permission first, irrespective of their level.

Khasho spoke to Hercules Wasserman, Manager: Prevention, from the Integrity Management Unit (IMU), to give us more clarity:

What is remunerative work and what is the position of Government on this for public servants?

By definition, remunerative work is any work performed in return for compensation, either in monetary terms or in kind. However, before any employee can perform remunerative work outside his or her employment, the Public Service Act has laid down clear guidelines, namely:

- No employee shall be allowed to perform any remunerative work outside his/her department unless the written permission of the executive authority of the relevant department has been granted;
- In deciding whether to grant permission or not, the executive authority must determine whether or not the outside work could reasonably be expected to interfere or impede the effective or efficient performance of the employee's functions or whether it constitutes a contravention of the Code of Conduct for Public Servants;
- The executive authority must decide whether or not to grant permission, within 30 days after the receipt of the request from the employee in question; and
- If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given.

Why is declaring so important?

It is important to disclose and apply for permission in order for the IMU to determine any conflict of interest.

Secondly, the State is of the view that employees should dedicate all their time to performing the duties for which they were employed.

What are some of the examples of remunerative work outside employment, which people take for granted?

The most common examples are direct marketing or selling activities, examples of which include perfumes, honey, Tupperware, etc, during office hours - using NPA time and resources such as telephones, e-mail and faxes. Most people see this as an innocent activity but the truth is that they benefit from it and use the NPA resources to conduct their business.

The most problematic issue, however, is being involved in a registered business, even if you are a silent partner and not involved in the actual running of the business. Employees must be aware that the IMU and other oversight bodies such as the Auditor-General are mandated to conduct lifestyle audits on NPA officials in order to determine possible involvement in private business ventures.

If an official wants to obtain permission to perform remunerative work outside the NPA, what must he / she do?

- Requests must be forwarded to IMU on the prescribed form, obtainable from the NPA intranet, and signed by the relevant supervisor.
- The request will be forwarded via the IMU to the CEO for consideration.
- If approved, such an employee's name will be entered into a database, and monitored on an annual basis by means of an inspection.
- The Executive Authority can revoke

the permission granted to officials if it is established that the person is in contravention of the policy or legislation.

- Requests for remunerative work that are clearly in conflict with the core functions of the NPA won't be approved.

What criteria are used to determine whether to grant or decline requests to perform extra work?

The following criteria must all be met before approval can be granted:

- The extra work must not take place during official working hours and is limited to reasonably short periods;
- The extra work should not add pressure to the employee, resulting in employee burn-out or negligent behaviour;
- It must not interfere with the normal functioning of the organisation or be in conflict with the organisation and its values;
- It should not put the reputation of the organisation at risk;
- Personnel on levels 15 and above are not permitted to perform extra work; and
- NPA property and facilities, such as offices, equipment, telephones, computer services, etc, may not be used for outside employment.

What is the current position in the NPA?

Non-compliance with legislation and the NPA's guidelines on remunerative work outside the organisation seems to be prevalent. The Auditor-General, by means of a lifestyle audit, identified 20 officials who have contracts with government without having obtained proper authorisation to do so.

What are the consequences of non-compliance?

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JANIE GROOTBOOM FINALLY SENTENCED FOR HIS EVIL DEEDS

Tsepo Ndwalaza

A Kareedouw teenager, Janie Grootboom, who was 16 years old at the time when he committed the offence, was charged with two counts of murder, robbery with aggravating circumstances, rape and robbery in the Port Elizabeth High Court on 7 February 2011. He pleaded not guilty to all the charges.

On 26 April 2009, during the early hours of a Sunday morning, the accused knocked on Salmiena Paul's door. She invited him in and offered him doughnuts as she was his neighbour and relative. He threatened her with a spade and demanded money. The deceased's 10 year old son woke up, distracted the accused and his mother got a chance to run away.

The accused hit the boy with the spade against the head and cut his throat with a knife. The boy died as a result of blunt trauma to the head. The accused chased after Salmiena, hit her with a spade against the head and raped her while she gurgled in her blood outside her house down the street. She also died as a result of blunt trauma to the head.

The accused searched the deceased's house and took an amount of R300 in cash. Thereafter he went on a drinking spree with two friends. The accused was brought in for questioning because his two friends saw him with a purse full of money and blood on his shoes while they were drinking. Vaginal swabs taken from the deceased matched the DNA of the accused.

He alleged that two people were with him during the incident and they forced him to have sex with the deceased. These allegations were followed up and the people he mentioned were questioned but their alibis were solid. Thereafter the accused confessed to his older brother while incarcerated, that he was alone and therefore responsible for the killings.

A trial within a trial was held with regard to the confession i.e., it was not freely and voluntarily given, that it was made under duress, that he was assaulted by the police and that during his questioning he was not assisted by a guardian.

The challenge for the state was the admissibility of evidence. It became unclear whether there was indeed a guardian present at all relevant times during the questioning and whether or not the accused's older brother, Elgin Plaatjies, was a person in authority. The defence argued that the accused's older brother was a person in authority and that there was no guardian present during the police questioning, thus rendering the confession inadmissible.

The state argued that, it has been suggested that the "person in authority" requirement is an unjustifiable yardstick for testing the voluntariness of an admission and that it should be treated merely as one of the relevant factors in determining whether the admission was freely and voluntarily made. So in this matter, if Elgin was a "person in authority", the court could still allow the admissions.



Adv Andre Canary

The accused was convicted on all the charges save for the fifth count of robbery. Both the state and the defence were in agreement that the court should deviate from the minimum sentence of life imprisonment mainly because of the youthfulness of the accused. The learned judge agreed and sentenced the accused as follows: count one: 15 years imprisonment, count two: 15 years imprisonment, count three: 10 years imprisonment and count four: six years imprisonment. The court also ordered that counts one to three run concurrently which makes the term of imprisonment effectively 21 years.

After the sentencing Adv Andre Canary expressed joy for securing a successful conviction on this case.

Tsepo Ndwalaza is the Regional Communication Manager for DPP: Grahamstown

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Disciplinary action will be taken against officials who fail to apply for remunerative work or who act in contravention with legislation and policies. Some officials have already been charged and dismissed because

of their actions as this is a dismissable offence.

The IMU however, encourages disclosure and would use punitive measures as a last resort.

For further information or clarification, please feel free to contact Mr Hercules Wasserman on tel (012) 845 6191 or e-mail him at hwasserman@npa.gov.za

VOX POP

Nomilo Mpondo

In celebrating women in the prosecuting service, Khasho spoke to a few of them asking the following question: **What message of encouragement would you like to give all the women who want to follow prosecutions as a career?**

Below is how they responded:

**Adv Retha Meintjes,
Deputy Director of Public
Prosecutions - DPP: North Gauteng**

It is a privilege to be able to provide a service to those who are most vulnerable. In my view there is no career that can provide the essential job satisfaction to the degree that prosecution does.



**Adv Nomthetho Gcingca, Senior
State Adv - DPP: South Gauteng**

My advice is: be strong, have courage and be confident. You have the qualifications, so empower yourselves and nothing should stand in the way of your success. This is a very challenging career which needs hard workers and good researchers who will research about current cases, statutes, etc. It is for people who like challenges in life. Although it is practically impossible, my advice is “don’t get personally involved when you are doing a case”.



**Adv Lebo Baloyi, Senior State Adv
- NDPP Office: HQ**

There are good days and bad days in the life of every prosecutor such as when you lose cases as a result of technicalities, or you get the satisfaction of witnessing a hard core criminal being sentenced to life imprisonment. These will however, only truly matter when one starts to appreciate that nothing worthwhile will ever come easy, and that only through hard work will one accomplish results that last.



**Adv Ivy Thenga, Director of Public
Prosecutions - DPP: Northern
Cape**

Believe in yourself. It’s all about reading the same legal books as our male counterparts. I remember years back when I told my father that I wanted to study law. He said I am too soft and I wouldn’t be able to argue my case in a courtroom. I told him that everyone gets an opportunity of presenting his/her case in a courtroom and it is all about presenting a formidable case that will convince the judge or magistrate about your case.



**Adv Maro Papachristoforou,
Senior State Adv - DPP: South
Gauteng**

Prosecution is a life time commitment. It’s a 24 hour, seven days a week job. It’s a career that requires hard work, self belief and the ability to never give up in the face of adversity. It will test your emotional being and make you discover inner strengths you never thought you had.



**Adv Bonnie Currie - Gamwo,
Deputy Director of Public
Prosecutions - DPP: Western Cape**

I would encourage women who seek fulfillment, excitement and who have ‘making South Africa a better place’ as one of their goals, to enter the prosecutions service. It is not an easy career path, but the feeling of satisfaction and pride when a victim and his/her family say thank you to you is unsurpassed. You then know that you have lessened their pain and achieved justice for them. Currently women are an asset within the prosecutions service because of their strength, endurance, compassion and attention to detail.



MS THAMI NKONYANE GOING ON RETIREMENT

Sibongile Mogale

Ms Thami Nkonyane, who is currently holding the position of Administration Manager in the IMU, has served the NPA with dedication, loyalty and integrity for the past 12 years. The Khasho team felt it fit to interview this beautiful lady before she bows out of the NPA, out of the public service and out of working life. She is going on retirement.

This is what she had to say when Khasho spoke to her:

When did you join the NPA and how long have you worked here?

I joined the NPA in December 1999. It was a two year contract with the former DSO. I was involved with the recruitment of special investigators.

How would you compare the NPA now to when you joined?

Comparison can refer to a lot of things. It can refer to the size of the organisation, and can also refer to the amount of work. The NPA has grown immensely. There has been improvement in some areas and not in others.

How was it like working for the NPA?

It was exciting, at times challenging, and yet also very fulfilling.

What are your hopes for the NPA?

It must continue to serve the people of South Africa to ensure "Justice in our society so that people can live in freedom and security". In future, whenever the NPA is in the news, it should be for the right reasons.

What memories are you taking with you?

- The experience and pleasure of having worked with the most wonderful, hard-working and dedicated people;
- The lessons I have learnt through interacting with a lot of people from various cultures and backgrounds; and
- The many friends I have made in the NPA will always be treasured.



Ms Thami Nkonyane

Do you have any future plans that you would like to share with us?

I only have immediate future plans which amongst others include: plenty of rest, going to the gym, travelling and spending more time with family and friends. The rest will depend on whatever comes my way.

If you were in the NDPP's shoes, what is it that you would change?

I would continue the culture of being more visible to staff by encouraging more interactive sessions with them. This will benefit both the employees and the NDPP – as it will make working life easier when both parties know each other better.

What message would you like to leave for the NPA?

Since its inception the NPA has succeeded in fighting crime and ensuring that the citizens of South Africa are safe and secure. It must pull out all stops in fighting crime. The NPA should ignore

all the negative criticism and believe in carrying out its mandate which is: *FIGHT CRIME WITHOUT FEAR OR FAVOUR!*

I guess we as the NPA should consider ourselves lucky to have worked with such a lady. She was a pillar to the organisation. Not only was she a colleague to most, she was also regarded as a sister and mostly a mother. We hope Ms Nkonyane uses her retirement as she wishes, mostly to get plenty of rest. I will personally hold you to that Sesi Thami. I must say 'Sesi' Thami as she was affectionately known to everyone who knew her at the VGM, will be sorely missed.

**"WORKING
FOR THE NPA
WAS EXCITING,
AT TIMES
CHALLENGING,
AND YET ALSO
VERY FULFILLING."**

Sibongile Mogale is the Assistant Director: Communications

NPA EVENTS

CELEBRATING WOMEN

Natasha Ramkisson

“Women are life-givers and care-takers; but they need to take care of themselves in order to fulfill that purpose.” That was the message behind the theme at the Women’s Month function held at the Thuthuzela Care Centre (TCC) in Pietermaritzburg recently. The TCC, which was launched in November last year is situated at the Edendale hospital.

Amongst the guests gathered at the event were women from the various government departments and NGOs that are in continuous partnership with the TCC. These stakeholders include: the Department of Health, the Department of Community Safety and Liaison, Esther House, Lifeline and the South African Police Service (SAPS).

Mrs Thenjiwe Ngcobo, Site Coordinator of the TCC, enlightened the guests on the aim of the day which was to equip

women with information which would enable them to take care of themselves (mentally and physically) in order to be healthy and competent to care for others. She also explained the function of the TCC and how the various role players worked together.

Women from all walks of life listened with great interest as the guest speaker Mrs Zulu from the Department of Health, reminded them of their responsibility to themselves with regards to health issues. She advised the women about the importance of a balanced diet as well as exercise. Motivational speaker, Ms Lee M, inspired them to want more from life. She encouraged them to take advantage of the opportunities that become available to them. Guests were treated to free beauty treatments from a local beautician called, ‘Ladies Mantombazane.’ There

were also poetry recitals by students from the University of KwaZulu Natal.

Certificates of appreciation from the NPA were handed out to all stakeholders for their dedication and commitment to our united fight against crime.



Women in Pietermaritzburg attending the event

Natasha Ramkisson is the Regional Communications Manager for DPP: KZN

ANOTHER COMMUNITY OUTREACH - MOTHERWELL, PE

Nomilo Mpondo

Women of Zone 30 community and neighbouring zones in Motherwell, Port Elizabeth, came in droves to attend yet another community outreach event. The event was organised under the Women’s Month theme but men were not to be outdone by women, they also came in big numbers. Representatives from the NPA, GCIS, SAPS and Women Against Women Abuse (WAWA) all assembled in a packed hall with the common objective of educating the said community members about the different responsibilities and roles that these stakeholders play in the fight against crime, especially gender-based violence.

Ms Zimkhitha Bula, a TCC official, took time to explain their multidisciplinary victim centred approach that journeys

the victims of rape through the criminal justice process. The Court Preparation Officers who were present on the day were Ms Sondezwa Vazi, Ms Neliswa Dinga and Ms Phakama Ngona. They continued from where the TCC official left off. With the aim of empowering victims of crime, they thoroughly explained the court processes, emphasising on how witnesses should conduct themselves during the entire court process. Aspects that contribute to making the victims credible witnesses were explored exhaustively.

In between speeches, ululations and vibrant songs that celebrated women reverberated through the hall. A question and answer session to end the day also became essential. NPA representatives proved to be equal to the task of

addressing all the questions that were fielded.

Through the NPA partnership with the Motherwell Community Policing Forum (CPF) this event was a resounding success. The knowledge that was shared during this event should go a long way in the unrelenting pursuit of justice by the vulnerable groups of our society.



CPO demonstrating with the puppets



BUTTERWORTH TCC LEADS MEN AGAINST RAPE MARCH

Luxolo Tyali

In an attempt to curb gender-based violence and raise awareness about the rise in the number of rape cases around villages and townships under Mnquma and Mbashe municipalities, the Butterworth Thuthuzela Care Centre (TCC), which serves these areas, organised a march around the streets of the busy streets of the city.

Brandishing posters and singing songs denouncing rape and abuse, about 300 people, mostly men and school boys, peacefully marched in the main streets of Butterworth to the Magistrate's Court, bringing the city to a standstill for an hour on 24 August 2011.

"Real men do not rape", "Rape must

stop", "Rape is the worst crime on Earth", "Rapists do not have a place in society", were some of the messages on the posters.

According to the Butterworth TCC site coordinator, Mr Lonwabo Rhini, the idea of the march came in the wake of a recent wave of rapes in the area, which has seen the TCC having to help more and more young and old women.

"As men from all the JCPS stakeholders and non-governmental organisations that deal with all forms of abuse, we decided to make our voices heard and we believe the march has had an impact on those who took part and those who witnessed it," said Rhini.

On the way to the Magistrate's Court, where the marchers handed over a petition to the Acting Chief Magistrate Brown, they were joined by more men and women, including school girls saying; "shouting is enough".

In the petition to the magistrate, the marchers called for harsher sentences against rapists and for the accused to be denied bail.

The march was jointly organised by the following NGOs: We Care, Cingela, Siyakhana, Child Welfare and Sakhubunye.

Luxolo Tyali is the Regional Communications Manager for DPP: Mthatha

DPP NORTH WEST MEDIA BREAKFAST

Frank Lesenyego

On 31 August 2011, the Director of Public Prosecutions (DPP) in the North West hosted a breakfast session for the various media organisations in the region. The purpose of the breakfast session was more than just a bacon and egg session, but an attempt by the NPA to forge partnerships with the media, build mutual trust and understanding and to educate them about the role of the NPA in the North West Province.

The DPP in the North West, Adv Johan Smit said a free press is one the major cornerstones of any democracy. He commended them for the role they play as a watchdog of society and the activities of government in general.

Adv Smit urged the media to work with the NPA to educate the public about the role played by the NPA in the criminal justice system because of the critical masses that they are able to reach. He said people needed to understand that the NPA was indeed the "People's Lawyers" committed to timely delivery of justice to all.

The DPP also praised the North West province for having a very strong and well entrenched Case Flow Management, which was aimed at speedy and efficient finalisation of court cases. He said credit should go to the current Chief Justice Mogoeng Mogoeng, who when he was the Judge President of the North West High Court, played a critical role in the

development of the current Provincial Case Flow Management.

Adv Smit said the NPA in the North West was very committed to rooting out corruption in the public sector, by establishing a Specialised Commercial Crime Unit in the province. He said the additional capacity created would go a long way in waging a serious battle against this form of crime.

Executive Producer of SABC Radio News, Mr Frans Nong, thanked the NPA for the media breakfast, and promised to strengthen the relationship between the two organisations at both provincial and national level.

Frank Lesenyego is the Regional Communications Manager for DPP: North West

NPA WOMEN PROVIDE FREE LEGAL ADVICE TO VILLAGERS

Luxolo Tyali

As part of Women's Month activities, Access to Justice Week and the ongoing NPA education and awareness road shows, an all-women prosecutors team from the Mthatha DPP office shared their valuable knowledge with the less legally-savvy community of Thuthurha village near Butterworth.

More than 500 people congregated at Thuthurha Traditional Council Hall on 19 August 2011, to an imbizo called by the NPA, where they were educated about the work of the NPA and the criminal justice system, as well as other legal matters that affect rural women on a daily basis.

Maintenance, Sexual Offences and Thuthuzela Care Centres, Domestic Violence, Court Preparations, Wills and

Estates as well as other prosecutions related matters were presented by the NPA team.

Butterworth cluster Senior Public Prosecutor Ms Zukiswa Jikwana, Senior Maintenance Prosecutor Advocate Nolitha Madiba, Court Preparation Manager Ms Sindisiwe Buthelezi, Butterworth TCC Case Manager Ms Vatiswa Jodwana-Blayi, Court Preparation Officer Mapule Ratsoma, Butterworth Court Office Manager Ms Thuliswa Nqwena and Assistant Master of the High Court, Ms Kululwa Baneti led the presentations and answered relevant questions from the public.

Legal Aid South Africa, also represented by women, together with the South

African Police Service; Department of Social Development; Department of Correctional Services; South African Security Agency; Department of Home Affairs; Department of Health; Mnquma Local Municipality and Amathole District Municipality also took part in the day-long affair.

Those in attendance were entertained by Vully Valley High School choir who composed and sang a song about the NPA. The Thuthurha Traditional Dance Group also rendered an item.

Also in attendance were the Butterworth cluster Chief Prosecutor Mr Vela Balfour and the Thuthurha traditional leader Nkosi Maphasa.

Luxolo Tyali is the Regional Communications Manager for DPP: Mthatha

THE NPA AT THE SPRING SHOW

Basetsana Motlhamme

Once again the NPA participated in the Spring Show, which was previously known as the Pretoria or Tshwane Show. The show was held on the 26 August to 4 September 2011.

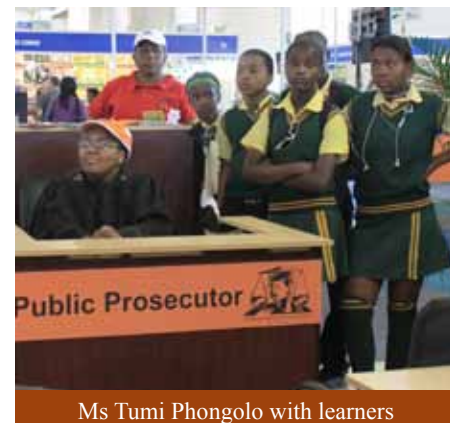
The NPA's participation was in the form of an exhibition. Our outstanding stand in a court setting drew a lot of attention from the general public especially school learners.

Court Preparation Manager for Gauteng Ms Sinothile Mosomi and Court Preparation Officer Ms Xoli Gape did the puppet show, which focussed on

educating the public about the role of each stakeholder within the Criminal Justice System. Prosecutors did a mock court that demonstrated what happens in the court. Ms Tumi Phongolo, Regional Court Prosecutor, played the role of a magistrate to educate learners about the judiciary. She encouraged them to speak out when being abused physically, sexually and in any other way.

Learners were also engaged in a question and answer session. Learners from Tsakani Primary School (Mamelodi) and Nchaupe High (Hammanskraal) all enjoyed listening to the puppet show and

learning about the workings of the justice system of the country.



Ms Tumi Phongolo with learners

NPA SPRING DAY CELEBRATION

Nomilo Mpondo

The first day of spring is also called the vernal equinox. Vernal and equinox are Latin terms meaning “spring” and “equal night” respectively. The idea therefore is that on the first day of spring there are exactly 12 hours of daylight and 12 hours of darkness, but it rarely works out that way. In spring, the Earth’s axis tilts toward the sun, increasing the number of daylight hours and bringing warmer weather that causes plants to bring forth new growth. It is the new growth that Executive Manager Matshidiso Modise in her opening address enthused about. Encouraging fellow NPA colleagues, she said spring meant new beginning, new start, new life, new energy, new enthusiasm and new ideas. She challenged everyone to excel in what they do in the new season. Illustrating the new start, she welcomed the birth of a new NPA choir that rendered its maiden performance on Spring Day.

Explaining the need to celebrate Spring Day, Acting CEO Karen Van Rensburg said the unqualified audit opinion from the Auditor-General was worth celebrating. She particularly thanked Corporate Services for their immense effort in putting the house in order. Acknowledging excellence, she alluded that Corporate Services was better equipped with the right skills, right people, right management and the right attitude at every level. She encouraged

staff to leverage on the rejuvenation benefits that come with the spring season, to take the work of the NPA to great heights with the aim of achieving clean audits beyond 2011.

Echoing Ms Van Rensburg’s sentiments, Mr Willie Hofmeyer, speaking on behalf of EXCO, said Corporate Services was a thankless place to work in where recognition for doing well was not acknowledged. He challenged Government to set an example by enforcing the rules to do our jobs diligently. He cautioned that we must take up the challenge and get rid of those points of emphasis in the audit report.

Ms Modise moved on to launch the NPA’s Sports and Recreation Programme. The launch was the highlight of the day, taking place on the eve of our South African National Rugby team, the

Springbok’s departure to New Zealand for the Rugby World Cup. She reminded us about the unifying impact that sports have which could also help to improve relationships within the NPA. Inculcating a sense of pride for the gym facilities that we have at Head Office, she said not many government departments have these facilities and therefore proper usage should be exercised at all times. She closed by inviting all NPA members to utilise recreational services that are provided for in the NPA. She inherently saw this launch as a building block that adds to the NPA’s retention strategy.

The day would not have been complete without a variety of sporting activities that took place. The showcasing of our proudly South African indigenous games turned out to be a crowd puller not to mention exhibitors that showcased their different wellness products and services.



NPA choir with the Acting CEO Karen Van Rensburg

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