



Khasho



News for NPA staff, friends and stakeholders

February / March 2008



WORKING TOGETHER: Community prosecution is aimed at enhancing community participation in setting criminal justice priorities.
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Prosecutors take drug fight to schools

A new initiative by Pretoria prosecutors, called Operation 360, is taking the fight against drugs into the schools. The project aims to educate learners in the area about drugs and the harsh realities for both users and dealers.

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He's proud to be in the Free State

Khasho had a chat to the Deputy Director of Public Prosecutions in the Free State, Johannes Hiemstra, about the highs and lows of his job as well as the challenges of working in a big and largely rural province.

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Judgment in watershed case

Thabo Lebakeng, the Advanced Manager Employee Relations, takes a look at the Constitutional Court decision in the Sidumo v Rustenburg Platinum Mines Ltd and its implications for employers.

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Merger leads to new crime-fighting body

Let me first deal with the contentious matters of the Directorate of Special Operations (DSO).

You should be aware by now that the government has officially announced that the DSO will be merged with the SAPS's Organised Crime Unit to form a new crime-fighting body.

Following that announcement, we have been informed that a National Body comprising representatives from the NPA, the Department of Justice and the SAPS will be formed to carry the process forward. We haven't as yet received a policy document but we will be waiting to receive it so that it assists and guides us in this process.

I want to take this opportunity to thank the staff members of the DSO for the calm and disciplined manner in which they have handled themselves during this very difficult time. You have dealt with this in a dignified and sensible manner while we know this has been really tough on you, so thank you.

The NPA Task Team, that we have appointed to assist with this matter, has made a presentation to Exco.

We have accepted their presentation and then also finalised the terms of reference for the task team.

Members of this team will meet on a regular basis and also give regular updates to affected staff on progress in the process.

Let me also say that this task team will automatically represent the NPA in the national body that will oversee this process.

With regards to the Ginwala Commission of Inquiry, I am aware that the NDPP Adv Vusi Pikoli has submitted his replying



Acting National Director of Public Prosecutions Adv Mokotedi Mpshe

report to the commission, following government's submission.

So, everything is on course and there is a strong likelihood that the hearings will be open to the public as Pikoli had wished.

In recent weeks we also appeared before parliament's portfolio committee on justice. I am happy to say that we were commended for our work as the NPA.

In fact, the chairperson of that committee challenged us to make sure that we communicate with the South African

"I am happy to say that we were commended for our work by parliament's portfolio committee on justice."

public to inform them of our work and successes.

We even had one opposition politician promising to write an article in the media to inform the general public about the good work that we are doing.

Of course, we were criticised on a few cases. We accept the criticisms and I would like to appeal to all of us to carry out our work with sensitivity and responsibility and, obviously, without compromising on our values.

We will, in a few weeks' time, get a report on one of our major projects, the Community Prosecution Project.

For the past year we have been trying this model which takes a strategic shift from a purely reactive case-processing approach to a more proactive, problem-solving one.

One of the key elements of community prosecution is to enhance community participation in setting criminal justice priorities. And so we will be presenting findings of a report by an independent researcher who was tasked with evaluating this project.

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Community project a success

The Community Prosecution Project that was initiated in 2006 as part of the NPA's strategic shift from a purely reactive case-processing approach to a more proactive, problem-solving one, is proving to be extremely successful. Eighteen months after its inception the project, which is being run at nine sites countrywide, was recently externally evaluated by Dr Richard Griggs, an established researcher in the criminal justice sector.

A key element of community prosecution is to enhance community participation in setting criminal justice priorities.

As Adv Shamila Batohi, the Project Owner notes, "This approach entails a long-term, proactive partnership between the prosecution, law enforcement, the community and public and private organisations with a view to solving particular community crime problems, improving public safety and enhancing the quality of life of community members."

Griggs found that there was a marked reduction in crime and improved

"This approach entails a long-term, proactive partnership between the prosecution, law enforcement the community and organisations."

perceptions of public safety in the majority of the sites, which was directly attributable to the involvement of the community prosecutor (CMP).

He also noted that three types of interrelated activities delivered the most impact – educational activities on the law via public outreach initiatives, building strategic partnerships for crime prevention outcomes and selective prosecutions which create community interest.

The evaluation by Griggs paints a picture of how these measures, run in partnership with the community, have made a difference to crime levels.

Ron Mncwabe, the CMP in Mamelodi, highlighted the importance of community

An evaluation of the Community Prosecution Project shows that it has been effective



WORKING: Some of the people who run the Community Prosecution project, which has a proactive, problem-solving approach to prosecuting.

participation, noting that he was "glad that the major stakeholders in this initiative all pitched in to help – without them the project couldn't have been such a success".

Mncwabe believes that this new approach to prosecution is effective because it facilitates participation from the community and the major stakeholders who don't always have a cordial relationship.

This was supported by Fiona Cloete, who was the CMP for the Cape Town community of Siyahlala.

Cloete felt that the key to community participation was having someone who would listen. "A lot of the time the community feel that they are not considered to be important, but through this initiative, which required us to engage meaningfully with them, they felt needed and wanted," she said.

At the Windsor East site, Griggs observed that the SAPS Sector Manager, supported by the CMP, became so proactive in patrolling the site that the drug dealers and bylaw infractions that were clearly visible on the streets at the time of the baseline study were no longer evident at the time of the evaluation.

Windsor East is now visibly cleaner and more regulated.

Mamelodi, east of Pretoria, a hotspot for hijacking at the time of the baseline study,

was eventually dropped from the SAPS hotspot list because the CMP worked with a municipal councillor to ensure that the land was developed and better street lighting was installed.

Crime prevention was achieved through environmental design.

The project has been run over the last 18 months at nine sites, namely Pretoria: Mamelodi, Johannesburg: Windsor East, East London: Mdantsane, Mthatha: Ngangelizwe, Bethlehem: Bohlokong, Galeshewe: Phuthaneng, Kuruman: Kudumane, Durban: Point, and Cape Town: Siyahlala.

These sites were chosen because there was reasonably good infrastructure, which in many sites included a court and other support structures but, more importantly, they had the potential to reduce crime.

"It was important to identify communities which had problems, but which also had the potential to address these problems," continued Batohi.

The CMPs will continue with their work for at least another year. The findings of the evaluation are due to be released in March.

For more information on the initiative, go to www.justiceforum.co.za

Prosecutors take fight against drugs into Pretoria schools

Operation 360 aims to educate learners about the harsh realities for users and dealers

Pretoria prosecutors are taking the fight against drugs into the city's schools.

Initiated by Chief Prosecutor Matric Lumphondo, Operation 360 will see prosecutors from the Pretoria Magistrate's Court take up the call to act against drug use in schools.

According to Lumphondo, the campaign is due to be launched across the city in March.

"We continuously received letters from school principals telling us about the severe drug problems in the schools as well as complaining about the crime situation.

"This was a fantastic opportunity to involve ourselves with a campaign to benefit the city and our youth."

"We as prosecutors are in daily contact with school children in the juvenile courts. This was a fantastic opportunity to involve ourselves with a campaign to benefit the city and our youth," said Lumphondo.

Forming part of the NPA's broader plans to be more involved with crime prevention and expanding this as part of prosecutors' mandate, Lumphondo made a call to his colleagues and Operation 360 was born.

"Usually we just prosecute children who have committed crimes. But this is not solving the problem," said Lumphondo.

Prosecutors realised they needed to dig deeper and try to assist families and teachers more thoroughly.

In an effort to get the campaign off the ground, Lumphondo and fellow prosecutors started visiting schools in Pretoria.

"This was to determine exactly what



BATTLING DRUGS: Matric Lumphondo, Chief Prosecutor at the Pretoria Magistrate's Court, and Yvonne Phoshoko, a senior prosecutor at the court, are actively involved in Operation 360.

crimes were being committed, what the problems were in the schools and to find out more about solutions for issues.

"One major problem was drugs. It became clear children were involved with drugs and this needed to be addressed."

Areas such as Atteridgeville, Soshanguve, Mamelodi, Brits, Pretoria and surrounding areas all showed that drugs were a common problem.

Operation 360 will see prosecutors going to the schools and educating learners about drugs and the harsh reality of the after effects for both users and dealers.

"I believe that by rescuing today's children you are preventing tomorrow's criminals. We are not necessarily addressing a criminality but rather a social issue at the heart of our schools," said Lumphondo.

The campaign will get input from many different role players.

"Principals, teachers and families will work alongside us.

"We don't have the answers on our own, but as a collective we can address the drug problem and attempt to make a difference," Lumphondo said.

Already companies have come on board and funding is being found.

Wesbank has contributed R900 000, to the project, which will be spread out over the next three years.

"The money is being used to identify problematic schools that need urgent attention in Gauteng.

"It is also used to teach and pay people who are hired to identify children with drug problems, pay for two manuals and a DVD that will be distributed to the schools to educate the children about the dangers of drugs.

"I believe that by rescuing today's children you are preventing tomorrow's criminals."

"I'm happy that the prosecutors have taken it upon themselves to make a difference. We are often seen as the ones who just want to put people behind bars, but that is not always true.

"We want to also help children by making sure they don't ever land up in our courts," he said.



SOCIAL UPLIFTMENT: SCCU Durban prosecutors and staff recently spent time in Umsunduzi in KZN where they provided the community with a water tank.

Garden grows, thanks to gift

Durban prosecutors provided a water tank to help a local community sustain their vegetable patch

SCCU Durban Prosecutors have made a difference in the lives of a local community by finding a donor for a much-needed water tank.

Staff arrived to a warm welcome at the Tribal Authority Court in Umsunduzi where members of the local community and tribal council were present.

The tank was presented to the community at a function.

SCCU has been involved in the area for over a year as part of their social upliftment project. They focus on raising awareness about Aids.

The SCCU had found that Aids was highly prevalent in the area and Aids-related deaths had left many children orphaned.

The SCCU embarked on a social upliftment project last year in a bid to assist those families left without parents.

Regular visits were undertaken with food hampers and clothing being handed to the community.

They also helped people to obtain social assistance grants.

The prosecutors were introduced to Mama Ntuli, a resident of Umsunduzi, an area in the Valley of a Thousand Hills, last year. She has opened her heart and home



SHAKE ON IT: The prosecutors were given a warm welcome.

to the many orphans in the area and has become their champion.

Mama Ntuli has got sponsors to provide food, shelter and other necessities to Aids-affected, poverty-stricken families.

Advocate Musa Mzelemu said that during these visits, the SCCU was informed of the community's urgent need for a water tank in order to sustain a vegetable garden.

The SCCU found a sponsor, forensic investigator Aubrey Slinger, who donated the water tank which was handed over to the community.

The community plans to place the tank near a vegetable garden and install a pump at the nearby river.

This would enable the community to grow vegetables in order to sustain themselves.



GIFT OF GIVING: Donations help members of the community.

Proud to be in the Free State

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

A: Greet the other staff as I enter the office. I suppose that's not what you wanted to hear!

Taking stock of what lies in store, prioritising it, dealing with the first rush of incoming calls, which is inevitable, and of course, dealing with my wake-up call – a cup of coffee or rooibos.

If there are documents awaiting my signature, I start off with that. It clears the decks for action and avoids others having to wait for a mere signature from someone somewhere. Most of us know how frustrating that can be.

Thereafter it depends what is on the menu for the day and the week.

While I am a stickler for routine in some respects, this is not one of them.

If my mood and circumstances allow, it is the best time for exchanging greetings and taking an interest in other staff, before the demands of the day overtake us all.

Q: What are the challenges you face with your position?

A: There are numerous challenges, but perhaps the most taxing is simply trying to balance the different demands.

The curse (or advantage) of this small office is that the two deputies must deal with all aspects of the work of a DPP office. No such luxury as strict portfolios.

The post of DPP has been "vacant" for two years and all the responsibilities of the office have to be shared between Andre du Toit, who is acting as DPP, and myself.

During this period an organised crime section and an STU section were established, both of which are my responsibility.

The long-awaited third deputy post has not yet been filled. We are looking forward to this event with great anticipation and perhaps with some glee for the rude

Khasho speaks to Johannes Hiemstra, Deputy Director of Public Prosecutions in the Free State about the challenges of his

awakening which is in store for our prospective colleague!

And then, of course, the human factor and interpersonal relationships, which get quite taxing, need to be managed.

Q: What are the highlights of your job?

A: The great team spirit, friendship and support from colleagues and admin staff.

The Free State office is exceptional in this regard and all visitors and members of the Society of State Advocates will confirm that. It makes one's daily chores, frustrations and successes all worthwhile.

Q: How long have you been at the NPA?

A: It seems like forever! Not that I complain. I enjoy my job.

I joined the prosecution in 1974 and was transferred to the attorney-general's office in Pretoria later that same year.

Q: What challenges do you face in your location?

A: Many people do not realise Free State is a large province. While we can't compete with Northern Cape, our furthest points are about 400km from Bloemfontein.

Being a largely rural jurisdiction with numerous small and widely spaced offices, creates challenges, especially in respect of infrastructure and communication.

On the positive side, Bloemfontein is a lovely dorp with all the advantages of a city and none of its disadvantages. Let us talk traffic, for example.

I think we maintain a high quality of life and very few who have joined us ever want to leave.

I do not see my location in the Free State as a significant challenge, rather as a



POSITIVE: Deputy Director Johannes Hiemstra

fringe benefit.

Q: What are the success stories in your region?

A: Most recently, the success of the Organised Crime section, which put all other provinces to shame!

We are very proud of what we have achieved thus far. Add to that the community prosecutions in the Eastern Free State, traffic initiatives in the Southern Free State and in general a very positive spirit of co-operation between stakeholders, especially the police.

WE NEED CONTRIBUTIONS

Khasho invites all NPA employees – and not just those who are legal-minded – to send in copies of their writing, illustrations, art or any creative work because Khasho is set to publish employees' work in upcoming editions.

Your poems, essays, short stories, drawings or illustrations could soon be adorning the pages of your favourite newsletter.

Send your contributions to pkotane@npa.gov.za.



FEEDBACK ON KHASHO

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- Do you feel our coverage of the NPA is representative of all the regions and business units?
- Are there any units that you feel deserve more coverage?
- What would you change about Khasho?

Send your responses to pkotane@npa.gov.za



FIGHTING CRIME: The DSO has become renowned as one of SA's elite crime fighting units.

Battle rages over the DSO

The storm over the relocation of the Directorate of Special Operations (DSO) is still raging.

Prior to the State of the Nation Address, where President Thabo Mbeki was expected to give clarity on the issue, the country was abuzz with politicians, commentators and ordinary South Africans making their views known about the contentious decision to close down the DSO.

But it was Safety and Security Minister Charles Nqakula who set the ball rolling when during the debate on the State of the Nation Address, he announced that the unit would be dissolved and its employees merged with members of the police's Organised Crime Unit to form a new unit.

Mbeki later confirmed this and explained that the decision was influenced by the need to strengthen the fight against crime in the country. He mooted that the new unit to come out of the amalgamation would adopt an intelligence-and-prosecutions style of operation to ensure that it is as successful as the DSO has been in its work.

While politicians, commentators and even ordinary South Africans have feasted on the opportunity to join in the intellectual debate, the reality is different for the DSO staffers who are most affected by this move.

Since the announcement was made in December, for most the uncertainty about the future has been the most difficult part.

What has emerged over past few weeks is that many staff members are reluctant to move to the SAPS.

The closing down of the Directorate of Special Operations has caused a furore which has gone way beyond the NPA

This was confirmed by Sanele Mtshazo, Chairperson of the DSO's Workplace Forum. In an interview with *Khasho* he made this point clear.

"It is obvious that we will be moving to a hostile environment in the SAPS.

"The tensions between the two organs of state have been visible for everyone to see and we therefore don't envisage that we will be treated well and so they can't dictate to us that we should go there.

"We should be given the option to join other government departments where our skills and expertise will be useful."

His deputy, Frans Sesemola, added, "The move to the SAPS could mean our new employer will be at liberty to deploy us wherever is deemed necessary.

"We have already established our lives where we are, we have families and loved ones that we can't just up and leave. This will be very disruptive to our lives."

Sesemola went on to identify other government departments where DSO staff could be absorbed. These include firstly other NPA business units, Home Affairs, Social Services, the Special Investigative Unit, Fica and the Financial Services Board.

They are also not convinced that the decision to dissolve the DSO is a good

one.

"The DSO should not be disbanded. It is a necessary and relevant organisation that has made a meaningful contribution in the fight against crime in South Africa. The fight against crime has been dealt a heavy blow by this decision," says Mtshazo.

"We will be seeking legal opinion to see if there is something we can do to try and save the organisation. And so we will be seeking assistance through the Public Servants Association, a worker's union, to look at all avenues," he adds.

While members of the DSO were initially unhappy that management was silent while the country was debating the fate of the unit, they have appreciated efforts to improve communication.

Acting NDPP Adv Mokotedi Mpshe, together with the leadership of the DSO, held several meetings with the unit's staff across the country to discuss the matter.

In addition, Mpshe has set up a task team within the NPA to assist with the relocation process.

Two members of the Workplace Forum will also join the task team.

President Mbeki has promised that by the end of March all relevant legislation and other decisive measures will have been dealt with by Parliament.

Judgement in watershed case

The Constitutional Court recently handed down the much-anticipated judgment which has had huge implications for employers and employees.

The case involved the dismissal more than seven years ago of Zingisile Sidumo (the applicant), who had been employed by the Rustenburg Platinum Mines Ltd (the respondent) as a security guard since December 2 1985.

Upon his dismissal in June 2000, he was a Grade II patrolman responsible for access-control in a high-security facility, with a clean disciplinary record.

His dismissal for failing to apply established and detailed individual search procedures followed an internal disciplinary enquiry and an internal appeal.

Sidumo contested his dismissal and subsequently referred an unfair dismissal dispute to the CCMA, where he successfully challenged his dismissal at arbitration.

The CCMA commissioner found him guilty of misconduct but held that dismissal was not an appropriate and fair sanction in the circumstances. He reinstated Sidumo with three months' compensation, subject to a written warning valid for three months.

On receipt of the award, the mine applied to the Labour Court in terms of section 145 of the LRA (Labour Relations Act 66 of 1995), to review and set aside the Commissioner's award. The Labour Court held that the award did not contain any reviewable irregularity and dismissed the application with costs.

The mine then took the matter on appeal with the Labour Appeal Court. The court held that dismissal was too harsh a sanction was justified.

After failing in the Labour Appeal Court, Rustenburg Platinum Mines decided to shop in a different forum. They referred their dispute to the Supreme Court of Appeal. This subsequent appeal resulted in a success for the mine as it overturned the decisions of both the Labour Court and the Labour Appeal Court.

This decision left employees and unions in the cold as it gave the employer unfettered discretion to dismiss as and when they felt they needed to. This they would do because the CCMA commissioners were left with no power to interfere with sanctions imposed by employers.

Sidumo then made an application for leave to appeal to the Constitutional Court.

Four judgments were written. Madala J, Moseneke DCJ, O'Regan J and Van

Thabo Lebakeng, Advanced Manager Employee Relations, takes a look at the Constitutional Court decision in the Sidumo v Rustenburg Platinum Mines Ltd and the implications thereof for employers



PLACE OF JUSTICE: The Constitutional Court in Johannesburg where the much anticipated judgment was handed down.

der Westhuizen J, with whom Navsa AJ concurred, were all unanimous in that, when deciding a dismissal dispute commissioners are not bound by the decision of the chairperson in the disciplinary hearing.

"This decision gives dismissed employees a second chance to have their matters heard by an unbiased and impartial commissioner."

The judges also concurred that compulsory arbitration proceedings undertaken by the CCMA constituted administrative action but are not subject to the Administrative Justice Act.

They also concurred that the standard to be applied by the commissioner in terms of the Labour Relations Act is whether the decision reached by the commissioner is

one that a reasonable decision maker could not reach in the circumstances.

In a minority judgment in which Mokgoro J, Nkabinde J and Skweyiya J concurred, Ngcobo J held that this case did not require the court to decide whether CCMA arbitration proceedings constitute administrative action.

The Constitutional Court found unanimously that, in deciding a dismissal dispute, a commissioner is not required to defer to the decision of the employer. However, the commissioner is also not given the power to consider afresh what he would do in the circumstances but to decide whether the decision of the employer was fair.

This decision overturned the previous Supreme Court of Appeal decision which gave absolute powers and rights to employers to determine the sanction with which non-compliance with the rules in the workplace should be sanctioned.

It in turn gives dismissed employees a second chance to have their matters heard by an unbiased and impartial commissioner, who is in a better position to determine and decide on the fairness of their dismissal.

NPA muscles in on healthy living

Healthy and balanced living are a priority for many people these days.

As part of the NPA's continued Employee Wellness Programme (EWP), gym facilities have been made available at the VGM premises free of charge in an effort to assist employees to live as healthily as possible.

According to Shadrack Monyai, who is in charge of the gym, it opened in 2002 but without a coach.

"There was no one who was responsible for the gym but because I loved exercising, I decided to try to systemise the way it worked," said Monyai.

Because Monyai was an employee from Corporate Facility Managers (CFM) he sourced funding for his aerobics and personal training. "I began being the person in charge of the gym after I had finished my training," he said.

The gym has 25 members, with the most popular time to gym being during the lunch hour.

"We have periods when we are very busy and everyone is coming to the gym – especially after the festive season – and then there are times we are very quiet," said Monyai.

The gym offers a variety of activities, like aerobics, body building and toning.

"We try to encourage people to use the NPA gym because we have a range of facilities that they can gain from."

The gym also hosts body-building and fitness competitions.

According to EWP manager, Phuti Semanya, exercising should be an important part of everybody's life.

"Exercising promotes physical wellness, which in turn promotes good mental functioning," she said.

"The EWP unit will maximise the functioning of the gym and its value to the well-being of the organisation. We will be including the gym more and more in our corporate programme, and will look at ways at which we can contribute towards the improvements of its facilities."

Semanya said that EWP wants to create a link between professional and physical wellness, adopting a holistic wellness approach that includes aspects of approved policies and procedures, nutrition and more information to prevent lifestyle diseases.

Employees are invited to send their comments and suggestions to the EWP unit.

The VGM's free gym facilities are helping employees stay fit and strong, says Shadrack Monyai who runs them



PUUUUSH!: Shadrack Monyai, manager of the gym at the NPA headquarters in Pretoria, assists Clifford Rapoo, an administrative assistant, with his training.



HAVING A BALL: Monyai and Rapoo work on strengthening exercises.

Remembering the first days



Q: Give us an idea of how you got to come to the NPA, were you seconded, did you apply?

A: I worked in Parliament as an assistant to the Chairperson of the National Council of Provinces, Bulelani Ngcuka, who became the first National Director. When he was appointed he had no staff. He asked me and his secretary in Parliament to assist him in setting up the office. I was initially seconded to the NPA by Parliament for three months. As I was living in Cape Town and had not really planned on relocating to Pretoria, I did not intend to stay for longer than three months. However, the challenge of establishing the new NPA was exciting and I eventually joined the NPA as a permanent staff member in January 1999 and haven't looked back! (I did make it back to Cape Town a year later, but still in the employ of the NPA).

Q: What was your professional background before NPA?

A: Before I joined the NPA I had been working at Parliament for close to two years after graduating with an LLB from UCT.

Q: What were your expectations of the NPA?

A: I did not have very positive expectations of the NPA. The prosecution at the time was not an institution which enjoyed the confidence of the majority of South Africans. It also was not an institution held in high regard in the legal profession. I did expect it to be a very challenging place to work.

Q: What specific role did you play in the beginning?

A: In the beginning I was an assistant to the National Director. I helped with speech writing, I prepared the agenda and minutes of meetings of the National Director with the old Attorneys General and did just about everything else from motivating for a budget for the organisation to helping secure furniture for the office.

Q: Who did you work with?

A: The National Director and Sheila, the secretary to the National Director, as well as Siphon Ngwema, his spokesperson and Garbriel Sewele, who was seconded from the Department of Justice to draw up the first budget for the NPA.

Q: Give us an idea of what you remember about the very first day, who and what was in the office (a picture of

In keeping with our theme of celebrating Ten Years of the NPA, Khasho chats to Hermione Cronje, one of the pioneers of the NPA, who together with former NDPP Bulelani Ngcuka and former Spokesperson Siphon Ngwema begun the work of the National Prosecuting Authority.



IN THE BEGINNING: Hermione Cronje, one of the first employees of the NPA.

the environment)?

A: The office consisted of a few rooms in a building on Visagie Street. Apart from the people mentioned earlier Neil Rossouw, an Attorney General without portfolio also reported for duty on the first day. There was very little in the office by way of furniture. We had no phone working, no computers, and hardly any furniture and definitely no kettle to make coffee.

Q: How have you moved or progressed in the NPA?

A: I have now been in the NPA for 10 years. I left the National Director's office and decided to start my career as a legal practitioner in the Asset Forfeiture Unit. I am now Regional Head in charge of the Western Cape office of the AFU.

Q: What do you think about some of the challenges the NPA has faced in the past ten years?

A: The NPA has faced several challenges over the past 10 years, but with the National Director suspended and the

future of the Scorpions up in the air, it certainly feels like the organisation is facing its most serious challenge to date. Doing high profile criminal cases is certainly challenging and the fallout from doing so is perhaps not very surprising. However, my personal feeling is that the biggest challenge we face is still to make the criminal courts more functional. To ensure that when a case is enrolled, it will run speedily and will be prosecuted effectively. The dust must, however, first settle on the two big cases currently in court.

Q: Having been here for the past ten years, what are some of the key achievements that you think are most worthy of being celebrated by the NPA?

A: A lot has been achieved in the last 10 years. The image of the prosecution is changing. A lot is being done to improve the conditions of service of prosecutors. The specialist units like the SSCU, AFU, SOCA and the Scorpions are making a real impact. We really need to build on these successes and make sure they become routine in the prosecution as a whole and not just in pockets of excellence. Personally, I also believe that we have reason to be proud of the suspended NDPP, Advocate Vusi Pikoli.

Q: How can you describe the role of the NPA in the fight against crime in South Africa?

A: We have a very important role to play in the fight against crime. We are the gatekeepers to the criminal justice system. We decide who will be prosecuted and who not. We need to appreciate fully what responsibilities this places on our shoulders and do our best to exercise this function responsibly. There is so much potential in the NPA to make a real difference so that people in this country can live in freedom and security, I look forward to us making this impact over the next 10 years.

Zooming in on staff wellness

The leadership of the NPA is taking the lead in the fight against HIV-Aids.

At the NPS Admin Conference in Cape Town in January members of Exco led by example when they took public HIV and other health-related tests.

Among those who took the tests were acting NDPP Adv Mokotedi Mpshe, acting CEO Beryl Simelane and the Chief Financial Officer, Brian Graham.

It was hoped that this would encourage other staff members to be tested.

The tests formed part of this year's Employee Wellness Programme. The EWP unit is rolling out a series of Aids-awareness campaigns which will include making voluntary testing and counselling services available. It also aims to:

- ! Promote employees' timeous access to the prevention, treatment, care and support services offered by the NPA and others;
- ! Eradicate stigma and discrimination against employees living with or affected by HIV-Aids;
- ! Promote the benefits of the voluntary counselling and testing services; and
- ! Create a caring and supportive environment in the NPA.

Recently, the EWP unit held an Aids and wellness event at Mthatha, Eastern Cape.

It aimed to inform employees about the need for continuous screening to prevent

Exco staff lead by example when they took HIV and other health-related tests at a conference



KNOW YOUR STATUS: Acting CEO Beryl Simelane takes a public HIV test.

and manage HIV-Aids and other diseases.

Officials from the departments of Justice and Correctional Services and the SAPS were invited to the event. Officials from the Department of Health were there to help with counselling and testing.

The SA National Blood Bank was there to encourage people to donate blood.

A fun walk was held on the day and among those who participated was Mthatha's Director of Public Prosecutions Advocate Humphrey Lusu.

Lusu advised employees to regard wellness days as an aspect of work and not just relaxation time.

He urged all employees to take precautions against HIV-Aids and other diseases like hypertension, stress, and diabetes.

Phuthi Semanya of the Employee Wellness Unit says these awareness campaigns also encourage staff members to screen for other health problems like diabetes and high cholesterol.

International teamwork gets crooks nabbed

LW Mahlati SC, Director of Public Prosecutions in the Eastern Cape, warns criminals to stay out of the province as they don't stand a chance.

On Valentine's Day, a Norwegian Court sentenced Ivar Thorer Henrikson to eight years imprisonment for corruption. He was also ordered to pay a fine of about R36 million. In addition, eight game farms that he owns are to be forfeited to the Norwegian authorities.

What has this to do with us? Well, this story has a definite South African, and particularly Eastern Cape, connection.

The accused bought the game farms, which are near Grahamstown, with money he embezzled from the Romerike Public Water Utility Company in Norway, of which he had been the CEO.

He stocked some of the farms with implements belonging to the company,

which he had stolen.

Officials from the Norwegian National Authority for the Investigation and Prosecution of Economic and Environmental Crime approached the NPA for assistance. They were asked to gather evidence in the Eastern Cape against Henrikson and his son, Pål Henrik.

A senior official from the Grahamstown DPP office, Adv Nico Henning, was appointed to assist them.

Over the course of two weeks in March 2007, the investigators, assisted by Henning, visited the game farms to trace the stolen implements.

They found several containers in which the implements had been shipped.

The police provided the use of a spotter plane which enabled the investigators to conduct a low-level aerial search to trace stolen property and obtain aerial

photographs of the farms.

In East London, the investigators interviewed the accused's auditors in search of evidence of the flow of funds from Norway to South Africa.

Four potential prosecution witnesses had to be questioned. Henning arranged for these to take place and led the examination of the witnesses before the magistrates.

Henning did a sterling job, contributing to a successful prosecution.

The assistance of the Asset Forfeiture Unit may be sought in future to assist in the repossession of the forfeited farms.

This case is proof that, as a result of international co-operation, the world has become too small for *skelms*.

The long arm of the law is capable of reaching from the Norwegian fjords all the way to an Eastern Cape game farm, to successfully nab a crook.

FOCUS ON HEALTH

WELLNESS DAY: The DPP Mthata office came together on Valentines Day to raise awareness about healthy living and to raise awareness about of HIV-Aids in the workplace.

I am what I am

A poem by Clive Kilian, Senior Public Prosecutor Port Elizabeth.

I am from the dusty streets of Kliptown,
the hills of Helenvale, the rivers,
streams and valleys of Bethelsdorp and
the concrete streets of Arcadia.

I am a doctor, lawyer, teacher, factory
worker, mother, father, sister and
brother, birthed from places like
Kliptown, Helenvale, Bethelsdorp and
Arcadia.

I am from places like Kliptown,
Helenvale, Bethelsdorp and Arcadia
where the stench of stagnant water
mingled with the sweet aroma of
breakfast.

The breakfast which, for some is nothing
else, but the consumption of cocaine,
marijuana and alcohol. The sweet aroma
of cocaine, marijuana and alcohol that
carried a message of death, which
threatened my very existence.

I am from places like Kliptown,
Helenvale, Bethelsdorp and Arcadia
where our children are faced with their
biggest challenge: the common enemy of
humankind: DRUGS and CRIME!

I am from these places where the people

refuse to be bedfellows with the vipers
and rattlesnakes who peddle DRUGS
and CRIME and where the development
of the people cannot be sustained in the
midst of death and hopelessness.

I am from Kliptown, Helenvale,
Bethelsdorp and Arcadia where the
mothers, fathers, teachers and children
demand that the shameless destruction
of a future generation must stop!

I am from places like Kliptown,
Helenvale, Bethelsdorp and Arcadia,
where the strength of my character
has been moulded and shaped to
realise that there is hope and a better
tomorrow.

I am what I am because of all these
challenges. I have confronted these
challenges, I have overcome them, and
now I know that there is indeed a better
tomorrow!

I am from places like Kliptown,
Helenvale, Bethelsdorp and Arcadia
which forms an undeniable part of the
African continent.

I am what I am. I am an African!

APPOINTMENTS

DPP BLOEMFONTEIN

I Bidhsum Somaru and Antonette
Ferreira – Senior Advocates.

DPP KIMBERLEY

I Ruben Ligaraba – Chief
Prosecutor.

DPP MMABATHO

I Madumetje Jeffrey Matlou –
Advance Deputy Manager: General
I Kgomoco Ojeng – switchboard
operator.

I Baitse Thuto Lekoma has been
transferred to Lichtenburg as
Advanced District Court Prosecutor
I Obed Molope has moved to
Bafokeng as Advanced district
court Prosecutor.

DPP PIETERMARITZBURG

Sindiswa Kunene – Court
Preparation Manager
Ashton Pillay – Regional Court
Prosecutor in Pine Town.

DPP MTHATHA

I Ntombizine Bandla – Court
Preparation Manager



**Send your news – serious and funny – as
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