



Khasho



News for NPA staff, friends and stakeholders

January 2008



FUTURE PERFECT: An artist's impression of what the Victoria and Griffiths Mxenge (VGM) building will look like after the expansion and renovations have been completed. See story page 3

Pikoli inquiry moves into top gear

SUSPENDED National Director of Public Prosecutions Adv Vusi Pikoli is expected to make his submission to the Ginwala Commission of Inquiry soon. The commission is headed by former parliamentary speaker Dr Frene Ginwala.

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Challenges of working in a remote region

ADVOCATE Chris Louw, who is the Deputy Director of Public Prosecutions in the Northern Cape, tells Khasho about the challenges of working in this province where offices can be 1 000km from each other.

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NPA turns 10 this year

THE National Prosecuting Authority celebrates its tenth year of existence.



To commemorate this milestone, Khasho will feature a series of celebratory birthday articles each month.

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Unity is an imperative now more than ever before

Let me first welcome you back as we begin travelling the journey through 2008 together. The year 2007 ended with us facing a lot of challenges and it looks like the incoming year has a lot in store for us still.

But then I'm not worried because I know the kind of workforce we have in the NPA. We are the kind of people attuned to facing challenges with vigour and loyalty.

It is better that we focus less on the challenges and more on achieving the goals we have set ourselves.

We already have a visionary strategy in place and we must do everything in our power to take it forward.

Bringing Charges

We have come under a lot of criticism in the recent past on some of the high profile cases the DSO has been handling. Some of the criticism related to the slow pace with which we took decisions on some criminal matters; I am specifically referring to the case against Police Commissioner Jackie Selebi. It is important to understand that our decisions and operations are never based on people's opinions. We have a responsibility to carry out our work in the most responsible manner and we will do so at all times.

On the Zuma matter I am satisfied that we have acted responsibly.

Gerrie Nel

We then had to deal with the arrest of one of our own. The Head of the DSO in Gauteng, Gerrie Nel, was arrested on charges of corruption and defeating the ends of justice; these charges have subsequently

been withdrawn in the Pretoria Magistrates Court.

As we face these stormy seas, let us do so with the purpose of ensuring that the NPA should emerge with its reputation repaired. The truth of the matter is that we have done very well in delivering on our mandate and perhaps this is the year that



Acting National Director of Public Prosecutions Adv Mokotedi Mpshe

we should be acknowledged for our efforts and successes.

I want to urge all of you to stay focused on the vision and do not panic. I know that for some this may be a time when you would want to consider other options.

But I implore you to stay with us and let

us fight to win these battles together.

There is a SeTswana proverb which says 'Sedikwa ke ntjapedi gase thata'.

Loosely translated this means any difficulty if dealt with by two dogs can easily be won.

Therefore in 2008 I would like to see relations between the different business units of the NPA strengthened so that we can achieve the goals we have set ourselves.

DSO Relocation

We are also aware that there has been a decision taken to incorporate our Directorate of Special Operations into the SAPS. It is a given that the investigative component of the DSO will be most affected by this decision.

And that means it's the investigators who will have to make the move. All the other professionals will be relocated to the NPS and other structures of the NPA.

We are currently discussing how this process will unfold, we are aware it's not going to be easy but we commit ourselves to ensuring that it is carried out in the most sensitive manner.

We also want to assure those investigators who will move to the SAPS that; there will be no demotions, salaries will not be affected; nobody will be dismissed as a result of this process.

The most significant aspect of this decision is really that the reporting lines for the DSO will change.

On a happier note the NPA this year celebrates ten years of its existence. While it has been a turbulent journey at times, the organisation continues to deliver on its mandate.

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Headquarters set to expand

THE National Prosecuting Authority headquarters in Silverton, Pretoria, has gotten too big for its boots.

Expansion at the Victoria and Griffiths Mxenge (VGM) building has become inevitable and building is expected to start no later than the middle of March.

According to Johan Lucas, manager of the Head Office Facilities Unit, the NPA has seen tremendous growth over the past seven years.

“We are struggling to accommodate the growing number of staff. As a result, employees have been using temporary workstations in boardrooms or wherever space is available.”

Lucas said while the expansion and renovations were not too dramatic, employees should be prepared for some inconvenience. But this would be to their benefit in the long term, he said.

“I am very excited about the expansion. The change is going to be amazing and benefit

“The change is going to be amazing and benefit most employees.”

most of the employees. Part of the expansion includes a separate conference centre and an executive wing.”

According to Lucas, not only were the growing number of employees and the lack of space a problem but security also had to be addressed urgently.

“At present visitors are taken around the VGM building by the person they are visiting but there is no guarantee they are constantly supervised. With the coming changes, this will not happen. It is hoped the changes will ease the pressure on the security department while ensuring the functioning of the NPA is not affected,” said Lucas.

Another benefit to visitors is the planned conference centre.

“Our aim is to ensure all interaction with people outside the NPA takes place in a separate facility. One of the lessons we have learnt from various other countries is that this minimises the security risk.”

Also on the cards is an office for the Serurubele Transformation Centre, which is currently situated some 6km away.

Set to be completed by 2010, the expansion will also see the building of an executive wing where the national director and heads of the

Big changes are in the pipeline for the Victoria and Griffiths Mxenge building



RENEW: The Victoria Griffiths Mxenge building, the National Prosecuting Authority's head office in Pretoria, is soon to be expanded and renovated.



PLANS: Johan Lucas, manager of the Head Office Facilities Unit.

business units will have their offices. It will have its own underground parking.

“This will also minimise security risks and avert threats involving them and the work they do,” said Lucas.

While the separation of superiors from the rest of staff may not be a popular move, Lucas said it was a decision based on security and risk management.

“Security is very important to us and with the executive wing we may lose some functionality but being secure overrides this.”

Stakeholders and employees will meet next month. Blueprints of the planned renovations and expansions will be presented and final approval will be sought before the

actual building can begin.

“Two sets of blueprints have been drawn up – one with the Directorate of Special Operations (DSO) and one without. This was due to the uncertainty about the DSO's future within the NPA. Bearing the costs in mind, it has been imperative that we take all possibilities into account.”

According to Lucas, the renovations have an impact on parking.

“We hope not to affect parking too much, but some 50 bays on the left of the building will be lost to the renovations.

“This will mean employees will have to park at the back of the building. If there is not sufficient parking, we will be temporarily using the piece of land between the VGM and the railway line – pending approval from the Department of Public Works.”

Lucas said the expansion could also see the empty floor in Block E being used to accommodate some staff.

The main gate may be out of use during the renovations but provision will be made for access through the side gates.

“We know these renovations will cause some inconvenience for employees but it will improve their working conditions in the long run.

“It brings us a step closer to our vision for 2020. We are building a better head office for all who work here and those associated with us, and we hope that the staff will support us during the renovation.”

Pikoli inquiry moves into top gear

Suspended National Director of Public Prosecutions Adv Vusi Pikoli is expected to make his submission to the Ginwala Commission of Inquiry in February.

The Commission, headed by former Parliamentary Speaker Dr Frene Ginwala (right), was appointed after President Thabo Mbeki suspended Pikoli in September last year.

President Mbeki cited an 'irretrievable breakdown' in the working relationship between Pikoli and Justice Minister Brigitte Mabandla as the reason for the suspension.

The two have constitutional and legislative obligations that guide their working relations and the commission will probe whether there has been a breach by either party. It has also been tasked with determining Pikoli's fitness to hold office.

The commission will question whether Pikoli sufficiently regarded "the nature and extent of the threats posed by organised crime to the national security of the republic" when deciding whether to prosecute offenders.

Explaining this, government spokesperson Themba Maseko said certain deals were struck which did not consider national security. In her submission Mabandla, will have to give examples of where Pikoli "failed to apply his mind".

Media reports indicate the government has had to beef up its initial submission because it was lacking in substance and depth.

Suspended National Director Vusi Pikoli to make his submission soon

According to *Business Day*, Pikoli's lawyer, Wim Trengove, complained that the government's submission was "too bare".

But Ginwala has denied sending back the government's submission and explained that the government had the opportunity to provide a further submission.

Another contentious issue is whether the hearings will be open or closed. Pikoli is believed to be pushing for an open session so he can clear his name.

National security concerns might provide reason for a closed hearing.

After Pikoli's submission in February, Mabandla will get an opportunity to reply. The hearings are expected to take place in March this year.



COMMISSION HEAD: Dr Frene Ginwala

Arrest of DSO regional head causes concern

The arrest of Advocate Gerrie Nel, head of the Directorate of Special Operations in Gauteng, has led to shock and concern within the NPA.

This was concurred by acting National Director of Public Prosecutions Advocate Mokotedi Mpshe who said he was concerned about the process followed in this matter.

"The NPA would like to stress it is committed to dealing with any wrongdoing in its own ranks and it has never hesitated to act when there was proper evidence to do so. We believe the law should be allowed to take its course and that the facts will be established," said Mpshe.

He told *Khaskho* that the NPA first became aware of the allegations against Nel in September when it discovered that an investigating team from the South African Police Service (SAPS) was attempting to obtain an arrest warrant for him. Several prosecutors were approached to apply for an arrest warrant for Nel.

They declined on the basis that there was not sufficient evidence in the docket.

The NPA suggested to the police that

Adv Sibongile Mzinyathi, acting head of the Prosecutions Service take charge of the matter.

"The procedure is not unusual as the policy directives approved in terms of the NPA Act state that no prosecutor may be charged without the written authorisation of the relevant Director of Public Prosecutions. There are similar provisions dealing with the charging of police and correctional services officials," Mpshe said.

On October 22 Mzinyathi met the investigating team and indicated there was no sufficient evidence to justify an application for an arrest warrant.

He was requested to issue a Section 205 subpoena to compel a reluctant witness provide a statement and did so.

He indicated his willingness to assist.

These discussions were confirmed in writing. It was agreed that all further communication regarding the investigation would be with Mzinyathi and that the investigating team would bring the docket back to him when the investigation was complete, Mpshe said.

On December 4 Mzinyathi sent a letter to the investigating team to enquire about progress in the matter.

The investigating team responded, saying they would approach the NPA when further assistance was required. No mention was made that a warrant had been obtained.

On December 5, the NPA was asked by the media to comment on the fact that the SAPS had obtained an arrest warrant for Nel. The investigating team told Mzinyathi they were not aware of the development and that when an arrest was imminent, they would inform him and Mpshe. This was confirmed in writing.

"The NPA was therefore very concerned to learn by that time the investigating team had already applied for an arrest warrant and that it had been obtained on November 22, 2007, two weeks before this exchange," Mpshe said.

Whilst the matter was thrown out of court in January, Mpshe said it continued to receive his direct attention and he would keep employees updated.

Unit keeps on the safe side

Vital department is in charge of keeping the NPA and its employees safe and secure

The process of keeping all NPA employees safe begins even before one walks through the metal detectors at work.

The Safety and Risk Management Unit carries the huge responsibility of ensuring safety and security for all at the NPA.

Some of the unit's functions include managing the security guards who perform access control functions and vetting potential employees.

"The unit also handles internal and loss-control investigations. We investigate threats against employees and security breaches," said Charmaine Marshall, Manager of Investigations in the unit.

Protection

The aim of the unit is to protect NPA assets and provide information security which focuses on the protection of information in the form of documents and IT, as well as the technical security equipment utilised.

One of the unit's most important functions is to ensure that all staff hired by the NPA are vetted to ensure they comply with the organisation's security clearances.

"Vetting is a systematic process that determines a person's security competency. It is also necessary for the gathering of counter-intelligence which helps in the defense of the country against possible threats.

"There are three different levels of security clearances: confidential, secret and top secret," said Seipati Sizani, who is Senior Manager of Information Security: Compliance.

Because the NPA is a key institution in bringing justice to South African society, employees are often at risk of being targeted for acts of espionage, sabotage, subversion, corruption and a range of other criminal and unconstitutional activities, Sizani said.

"It is therefore important that adequate processes concerning the security screening and vetting of candidates and employees be



IMPORTANT FUNCTION: Seipati Sizani is the Senior Manager of Information Security: Compliance at the NPA.

put in place.

"The NPA also deals with a lot of information of which some is classified as confidential, secret or top secret.

"The vetting process would therefore assist in ensuring that classified information is accessed by employees who are security competent," Sizani said.

Vetting at the NPA can be split into three screening processes. Pre-employment screening is conducted when people apply for jobs at the NPA. NPA employees, both permanent and contract workers, need to undergo continuous vetting at

predetermined intervals during their employment.

Companies who provide services to the NPA undergo company screening and are vetted each time they have to perform any functions at the NPA. The unit is headed up by Acting Executive Manager Dipuo Mvelase and has 50 employees.

Severe budget constraints, non-compliance and lack of co-operation by NPA employees who do not follow security policies and procedures are some of the challenges faced by this unit, which has one of the most important functions in the NPA.

How the vetting process works

There are three phases to the security vetting process:

Administration phase:

Registration of the Z204 form by the NPA Vetting Fieldwork Unit. The Z204 is checked to see if it's correctly completed and all required documents are attached. Record checks are conducted with Home Affairs, Criminal Record Centre and Credit Inform.

Collection phase:

Interviews are conducted with applicants and references. The information acquired through record

checks and interviews is analysed. Recommendations are made to the NIA's evaluation unit.

Evaluation phase (conducted by the NIA only):

Information is studied and interpreted. Set evaluation technique is applied. Vetting evaluation report and clearance letter is written. A presentation is made to NIA management for consideration and approval. Security clearance certificates are printed for signature. Security clearance certificates are sent to NPA Vetting Fieldwork Unit.

The challenges of a remote region

Kimberley in the Northern Cape is home to Advocate Chris Louw, Deputy Director of Public Prosecutions.

Appointed to the position in 1998, this married father of two – one in high school and the other a BCom Law student – is a key figure in the Northern Cape NPA offices. His primary responsibility is the allocation of state advocates.

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

A: Because I am responsible for the allocation of state advocates to appear in court, the first thing I do daily is to ascertain which advocates are available and then ensure cases are attended to.

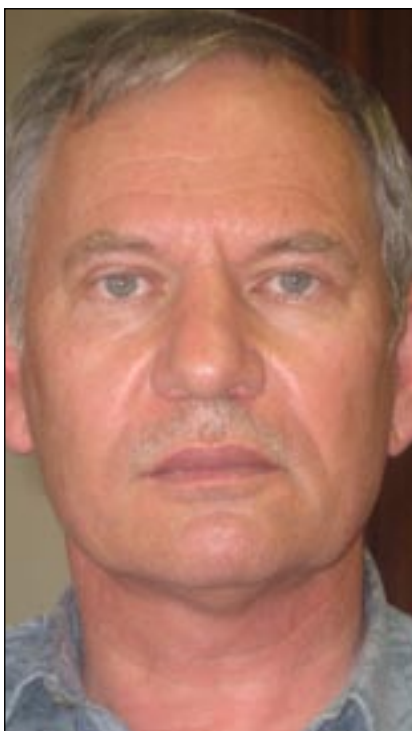
Q: The Northern Cape region has two Deputy Directors of Public Prosecutions. What does your position entail?

A: It entails acting as the Director of Public Prosecutions when she is unavailable. I am also responsible for the enrolment of criminal cases and appeals on the High Court roll and the allocation of state advocates to appear on behalf of the state in these cases. I also help prepare heads of argument and sometimes appear in court. I am basically the one who allocates state advocates with work, I also check and furnish them with reviews and legal opinions. Occasionally I train personnel, while making sure that communication and co-operation with stake holders, including the Judge President of the Northern Cape, is met. We also work closely with the SAPS' Organised Crime Unit.

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

A: The main challenges I face in my position are fast-tracking the cycle times of cases, reducing case backlogs and reducing of the number of awaiting-trial prisoners without compromising on quality and justice

Advocate Chris Louw, Deputy Director of Public Prosecutions in the Northern Cape, tells Khasho about working in the province



RESPONSIBLE: Advocate Chris Louw, Deputy Director of Public Prosecutions in Northern Cape.

outcomes. Given the amount of vacancies of state advocates and prosecutors, it is a constant struggle to allocate work.

Q: What are the highlights of your job?

A: The everyday challenge of fighting crime and to be of help to all the members of the community.

Q: One of the major challenges in the Northern Cape is the lack of psychiatric facilities. How is this being addressed?

A: Unfortunately psychiatric observation patients must still be transported to Valkenberg Hospital in Cape Town for observation. Valkenberg Hospital can only observe one patient from the Northern Cape at a time, with the result that the accused from this province have to wait up to two years to be admitted.

A new facility is being built at present in Kimberley. We are unsure when the first observation patient will be admitted to this hospital.

Q: What makes the province unique?

A: The fact that it is far off and almost secluded. Many people from the other provinces cannot understand that the province's offices are 1 000km from each other.

Q: What are the other daily challenges you face in the province?

A: We have a very big shortage of prosecutors in the Northern Cape because of people's reluctance to come to the province. Our province also faces the same problems of organised crime and drugs as the other provinces. Because we are so close to the borders of Namibia and Botswana, the province is usually a gateway for illegal immigrants who carry most of these drugs when they access the country.

Q: What makes your province the best?

A: The wildlife, the Karoo and the Kalahari, along with the unique friendliness of the Northern Cape people.

WE NEED CONTRIBUTIONS

Khasho invites all NPA employees – and not just those who are legal-minded – to get creative.

Send in copies of your 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 for possible publication.

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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?
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BOOKWORMS: Senior librarian Thulisa Mankune and Senior Manager Krista Verster run the NPA library.

New system revamps library

Easy access to information and the provision of up to date legal documentation is the aim of the NPA library.

Managed by Krista Verster, the library has recently installed a new system to ensure a faster and more efficient service.

Known as the I-LINK the service is described by Verster as being extremely user-friendly and accessible.

"Since its implementation last year, the library has seen more and more employees utilising its services.

"Employees can now access information from their desks by just clicking one link. They do, however, have to register for the service.

"We are actively trying to get all our employees to go online and register," said Verster.

The NPA library provides an efficient service for employees to access information

Once logged on to the Intranet access to Jutastat and Lexisnexis is gained.

The new process has also lessened the time library staff spend helping employees access information, giving them more time to focus on their core functions.

Staff can view updates of books, return dates and order new books electronically. They can also request books for purchase by the library using this system.

"It was evident at our library forums, held annually, that easier access had to be implemented as the NPA grew and the needs of the employees became greater. Our library today competes with some of

the best in the world as it has the latest information which is updated on a daily basis," said Verster.

For more up to date information the Internet sites can be accessed.

Problems encountered with the old system included the inability to track books not returned by employees and loose leaves that were not updated by the prosecutors.

"We are very happy with the new system and the progress encountered with the library."

Also on the cards is expanding the head office library into a technical and information centre.

According to Verster this will see more staff recruited to deliver a better and proactive service.

Visits to regional libraries are also planned to ensure the department remains on par in terms of service delivery.

There are currently 25 libraries in NPA offices across the country.

"All of our libraries cater to every employee of the NPA by creating easy access to various databases to ensure better service delivery," Verster told Khasho.

"We aim to ensure our staff have the information resources they need to do their job to the best of our ability.

"The library is critical in the service delivery of the NPA."



EASY ACCESS: The NPA library at the VGM building in Pretoria.

NPA skills audit ahead of target

Dedication and cooperation keep project on track

The NPA's Skills Audit Project team is making great progress. Not only has the bulk of the auditing process been completed but the required 70% target has been exceeded.

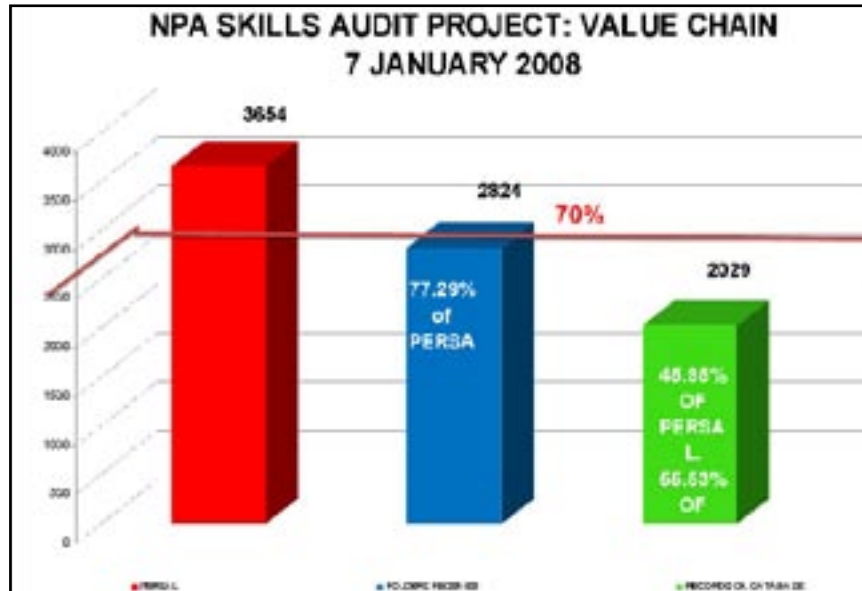
According to Marsha Möller, Project Manager of the NPA Skills Audit, a total of 2 824 officials had been audited by January 7 out of the 3 654 officials that have to be audited.

"This figure excludes Asset Forfeiture Unit personnel and Northern Cape as their audits are still in progress and/or the folders are still being processed," said Möller.

With the information gathered during the audit the Human Resource Development (HRD) Department will be able to develop and submit a comprehensive and informed workplace skills plan to the Safety and Security Sector Education and Training Authority.

"We hope this process which allowed us to identify the various skills gaps will give HRD efficient ammunition when fighting for funding for training and development initiatives," continued Möller.

Challenges for the team include employees who are on sick or maternity leave and have yet to be audited and getting outstanding folders from supervisors who have not finalised their subordinates' questionnaires. Möller said these problems



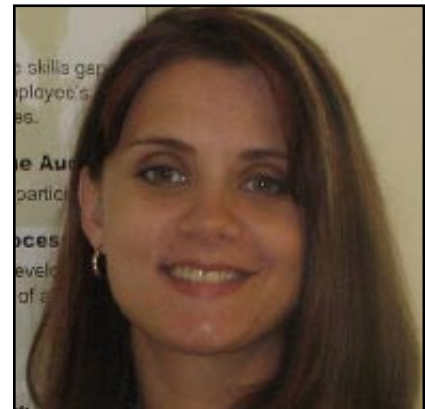
were being addressed.

Once the Database and Learning Management System has been finalised and is fully operational, Personal Development Plans (PDPs) of each employee will be printed and distributed to them.

According to Möller, this will act as an incentive for officials to take their development more seriously and encourage them never to stop learning.

NPA employees have been very supportive throughout the duration of the audit, said Möller.

"The project is turning out to be the success it is because of the dedication and co-operation of all the role players."



WORKING: Marsha Möller, Project Manager of the NPA Skills Audit.

Serurubele resolves to boost service delivery

The NPA's Transformation Programme, Serurubele, has exciting plans for the new year.

Under the motto "Changing ourselves, Transforming our Organisation", the initiative seeks to promote the NPA's vision of justice in our society so that people can live in freedom and security.

"Our main focus for the transformation programme in 2008 will be to accelerate the operationalisation of the transformation initiatives. This entails the transformation of staff and resources integrating their activities more closely with their client in the NPA in the daily activities of the

organisation," said Karen Van Rensburg, Acting Executive Manager: Strategy and Risk at Serurubele.

The integrations will include Risk Management being relocated to the office of Senior Manager Pat Achary, who remains thought leader for governance.

The primary focus of the governance, delivery and resourcing transformation initiatives is to ensure that they are all supported by sustainable processes, procedures and systems.

This goes hand in hand with the goal of the programme which is to improve service delivery by addressing

inefficiencies through the design and implementation of sustainable solutions.

"It is important to know what works, what does not work and what works well," Van Rensburg added.

"The main objective for 2008 is to improve service delivery by designing and implementing frameworks in the areas of governance, delivery and resourcing. These are all aimed at delivering value to the customers of the NPA.

Transformation will no longer be a separate entity in the organisation but be a way of life in the NPA, says Van Rensburg.

Sex Act marks a new beginning

The new legislation was met with mixed reviews by the legal fraternity and some advocacy groups but the NPA believes it will help intensify efforts to fight sexual crimes against all vulnerable groups, including women, children and people who are mentally disabled.

This Act will enable prosecutors to effectively prosecute a wider range of sexual offences, in collaboration with investigating officers from the South African Police Service (SAPS), to whom new investigative tools will be afforded in terms of the Act.

The design of guidelines on Prosecution-Guided Investigations (PGI) will be enhanced by this legislation, as it calls for the holistic management of sexual offences matters by all role-players.

“The Act seeks to afford all survivors in sexual offences matters their fundamental rights of equality, privacy and dignity.”

The Act repeals the common law offence of rape and replaces it with a new, expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender.

The NPA hopes that the thousands of male victims will now also begin to access the criminal justice system by speaking out against this form of abuse.

The Act also repeals the common law offence of indecent assault and replaces it with the new offence of sexual assault which contains an expanded definition of a wider range of acts of sexual violation without consent.

An exciting development is the enactment of new, expanded or amended sexual offences against children and persons who are mentally disabled, including offences relating to sexual exploitation, exposure to or display of pornography and the creation of child pornography.

It also criminalises the act of compelling or causing the witnessing of certain sexual conduct and parts of the human anatomy.

Certain sections remind prosecutors to consider the possibility of liaising with the

Advocates Lindie Saunderson, Pierre Smith and Omashni Naidoo of the Sexual Offences and Community Affairs Unit take an in-depth look at the Sexual Offences Amendment Act, No 32 of 2007 which came into effect in December



EXPERT: Advocate Lindie Saunderson of the SOCA unit.

Asset Forfeiture Unit (AFU) where objects, such as property, vehicles or computers, are used in the commission of a sexual offence.

The Act also addresses previous gender-inequality pertaining to the age of consent and states it as 16 years for boys and girls.

It contains specific provisions relating to the prosecution and adjudication of consensual sexual acts between children older than 12 years but younger than 16.

This affords a prosecutor the discretion to determine whether a prosecution should be instituted or whether an alternative to prosecution, such as diversion, be considered.

Some media and civil-society groups have attempted to label these provisions as draconian, blowing out of proportion the broad objectives of the Act, namely to fight the high incidence of sexual offences in South Africa head-on.

In all instances prosecutors will manage these matters on a case-to-case basis and will exercise their prosecutorial discretion

in deciding whether to prosecute or not on the merits of each case.

The concept of reasonableness will continue to guide the NPA and the focus will not be on prosecuting teenagers who are clearly in need of some form of sexual education but on detecting instances where there has been some clear form of sexual abuse.

Chapter 5 of the Act deals with services for victims of sexual offences and the compulsory HIV testing of alleged sexual offenders. Chapter 6 relates to the establishment of a National Register for Sex Offenders and will take effect on June 16 this year.

Section 69 of the Act provides that the prosecution of all criminal matters pending before the courts, including any appeal or review proceedings, must be continued with and disposed of as if Chapters 1 to 4 and 7 of the Act had not been enacted. This means that the Act is not retrospective.

To oversee the implementation of this Act within the NPA, a Sexual Offences Task Team – consisting of members from the Sexual Offences and Community Affairs Unit, National Prosecuting Services and AFU – was established towards the end of last year.

During 2008 the NPA will conduct training programmes throughout the country, during which every prosecutor who deals with sexual offences will be equipped and empowered to successfully and confidently apply the Act.

Members from this task team will be available in the interim to assist prosecutors with any matter relating to this Act.

The Act seeks to afford all survivors in sexual offences matters their fundamental rights of equality, privacy and dignity. It marks a new beginning for the NPA in aggressively executing our mandate of bringing justice to all, especially to the most vulnerable members in our communities.

Khasho takes a look at the evolution of the NPA



It was the year 1998 that saw the birth of the National Prosecuting Authority. Prior to that, prosecution work was led by Attorneys General at all nine provinces across the country. There was no uniformity in how these offices operated because each province worked independently. But it was clear that there was a need not only to consolidate the work, but also to ensure that the prosecutions system is aligned to the entire Criminal Justice System in the country.

The new prosecuting authority was headed by a National Director of Public Prosecutions, who was then tasked with producing a uniform set of policies and directives to guide the prosecutions service in the country. Through the National Prosecuting Authority Act 32 passed by Parliament in 1998, the NPA came to exist.

It was legendary statesman, former President Nelson Mandela, who announced the NPA into existence. He then also appointed Adv Bulelani Ngcuka as the first National Director of Public Prosecutions to head the NPA. Ngcuka was subsequently succeeded by Adv Vusumzi Pikoli in 2005. It was the challenges and battles that Ngcuka had faced as head of the NPA that led him to resign way before his 10 year



Adv Bulelani Ngcuka Adv Vusi Pikoli

term came to an end. This followed allegations he had been an apartheid spy, but he was exonerated by a judicial inquiry which investigated the matter.

And now on the eve of the NPA's 10 year anniversary celebrations, Pikoli is facing his own serious battles that threaten his career in the organisation.

In September last year South Africa was shocked by the announcement by President Thabo Mbeki that he had suspended Pikoli because of an apparent irretrievable breakdown in the working relations between him (Pikoli) and Justice Minister Brigitte Mabandla. Mbeki has since appointed a commission of inquiry to investigate whether Pikoli is fit to hold this office.

As if these woes were not enough, now the Directorate of Special Operations (DSO), one of the key business units of the NPA faces possible disbandment and relocation. A decision to disband the DSO or incorporate it into the SAPS may very well see the end of the unit's existence within the NPA. It is undeniably one of the law enforcement agencies most trusted by South Africans to make a meaningful contribution in the fight against crime.

Following on its motto, loved by the people, feared by criminals and respected by peers, the DSO has indeed made a visible dent in the fight against crime in this country. Established in September 1999, as a unit within the NPA, it was initially called the Directorate of Special Investigations and enacted through an act of Parliament. It was given the mandate to deal with serious, organised crime and sophisticated economic crime and corruption.

The achievements of the DSO speak volumes about the quality of the work done by the unit.

In its first year of operation, the Scorpions produced an 80% success rate in its cases and continue to show a 10 - 15 % improvement in outputs year on year.



Employees speak out on the relocation of the DSO

Khasho asked a few NPA and DSO staff members to comment about the imminent disbanding of the unit and this is what they had to say:

"I don't think it's a wise decision, the DSO is effective in its work and is held in high esteem. Some successful DSO cases are currently used as case studies by other countries that are looking for innovative and effective ways of dealing with crime. I believe most members of the DSO will not go to the SAPS, those who will, will only stay for a short while. This will be sad for our country because we will lose the skills, knowledge and expertise which we desperately need to route out crime and corruption in our country."

"This is a sad development. There is nothing wrong with the structure as it is now. It puts us (DSO officials) in a difficult position because we are uncertain of the future. It is going to be tough for us in the SAPS, the culture is so different to what we have now. Those people (SAPS) are going to make our lives difficult."

"It's an open secret that we have not been getting along very well with the SAPS. Also, as an individual I am now in a predicament because I had already carved a career path for myself in the DSO and now I'm not sure how my career is going to develop."

"This is truly sad for South Africa's

crime fighting efforts. It doesn't make sense to place the DSO – a law enforcement agency with a consistent success of over 80% success rate into an agency that is corrupt, incompetent and has consistently underperformed."

"This sounds to me like more of a political decision than one that considers crime fighting needs of South Africa. Practically, I don't think it would be easy to merge the two (SAPS and Scorpions). We do understand there is a legal process that now needs to be followed, but we are extremely sad and our morale is very slow and we also wish our management could speak to us more about this thing concerning us."

Prosecutors give kids day of fun

Thabo the Owl and Archie the Blue Crane were two of the star attractions when children from the Abraham Kriel Home in Johannesburg recently visited the Monte Casino Bird Park.

Just as popular were the prosecutors from the Johannesburg Magistrates' Court accompanying the 40 children.

Said Senior Prosecutor Suren Naidoo: "These children lie very close to our hearts. We deal with children from abusive homes on a daily basis. Bringing these children to the park for a day of fun, is but one way for us to give something to them."

Prosecutors, advocates and other staff pitched in to raise the money for the day at the bird park. Naidoo said R7 500 had been donated by court officials for the trip.

According to Naidoo, who organised the day along with his colleague Cathy Zam, the event was met with huge enthusiasm by the children and the court officials.

"In 2006 we took the children to the zoo, which is hugely popular. This time we decided to be different and try something else. The bird park has been fantastic and we had a brilliant day. These children deserve at least one day of fun."

The day started off with a guided tour around the park, which included a visit to the snake and frog enclosures. Gasping of awe, the young ones marvelled at parrots and other colourful creatures.

Among the highlights of the day was lunch – hot dogs and chips at the restaurant where the children were surprised with gifts like soccer balls to drawing sets, sponsored by friends of the Magistrates' Court.

A bird show brought the important message of conservation to the children.

"This has been the best day of my life because I love birds," said one ecstatic 11-

Staff from the Johannesburg Magistrates' Court take underprivileged children on an outing



HANDS-ON: Staff from the Johannesburg Magistrates' Court spend time with children from the Abraham Kriel Children's Home at a bird park.

year-old, while watching her friends giggle at the antics of dancing birds.

"I loved the snake park and the anaconda," said 10-year-old boy, who recalled how snakes strangled people in the movie *Anaconda*. "But I don't think it's possible," he continued.

Taking underprivileged children on such trips not only make a difference to the lives of the children but also those who made it possible, said Naidoo.

"Days like these, while they might not be huge and involve hundreds of children, change lives. Not only do we get to interact with the children and learn from them, they also experience something different."



The NPA is heading off to school

A new corporate social investment programme aimed at involving communities in the fight against crime will this year see an even greater number of schools being adopted by prosecutors.

The Prosecutor-Adopt-A-School initiative hopes to empower families and communities through the education of learners. It was developed by the Sexual Offences and Community Affairs (SOCA) unit as part of the representative leg of its gender based violence programme. Now the focus will

fall on all forms of crime.

According to SOCA's National Head Advocate Thoko Majokweni, the project will bring to children an understanding of justice and how it can be effective in the country while also teaching them about their rights and obligations.

The programme aims to bring the message to learners between grades 7 and 12 via a variety of activities. These include industrial theatre such as the speak-out play, debates, essay competitions as well as art and craft projects.

The project will be implemented across the country with prosecutors involving themselves with their local schools. The National Director of Public Prosecutions (NDPP) will be an active participant at five schools targeted for special attention. Learners from these schools and their School Governing Bodies will get the opportunity to spend a day with the NDPP.

"We must teach our children the consequences of crime and also show them how to protect themselves against criminals," said Majokweni.



CLEAN SWEEP: 2007 is swept away at the Johannesburg High Court where everyone is ready for the year ahead.

GO, TEAM, GO!



GEARED FOR THE NEW YEAR: Staff from the DPP offices in Bisho, Grahamstown and Port Elizabeth get together for a team-building session in preparation for 2008.

We resolve to ...

It's a new year and with it come resolutions. Khasho got a few from the regions.

Chris Louw, Deputy Director of Public Prosecutions in the Northern Cape: "Given the amount of vacancies of state advocates and prosecutors, the filling of these vacancies will be very high on the agenda."

Anton Steinberg, Senior State Advocate from KwaZulu-Natal: "To act fearlessly and independently in the fight against crime, notwithstanding public or political pressures."

Zolekile Willie Pafa, Corporate Manager from the Eastern Cape: "To improve team work in the office, thereby improving the response time, while adhering to NPA policies and procedures."

Johannes Hiemstra, SC, Deputy Director of Public Prosecutions in Bloemfontein: "During the present climate of significant change and uncertainty it is important to maintain focus and direction. Clearly 2008 is going to be a bumpy

ride. Numerous events pose challenges to the NPA. Under these conditions it is imperative that we continuously remind ourselves of our credo to prosecute without fear, favour or prejudice. We must maintain our principles.

These principles also imply that we must ensure we continue to build and create a corps of prosecutors with absolute integrity.

There are far too many worrying signs of corruption which taint our image and reputation. The danger of corruption is that it easily reaches a point where it becomes irreversible within the system. We will attack this cancer with renewed vigour.

It is our aim to continue and improve co-operation between the role players and stake holders in our province. Our aim is to combat crime. To this end mutual support between ourselves, other NPA units, SAPS, NGOs and the general public, to name but a few, is essential.

To summarise, our aims for this year are to maintain and promote our principles, to eradicate corruption amongst staff and to improve co-operation in fighting crime."

NEW APPOINTMENTS



CONGRATS: Zolekile Willie Pafa, is now the Corporate Manager for DPP in Bisho.

I K Yalezo and N Madolwana have been appointed as District Court Prosecutors in the East London cluster.



Send your news – serious and funny – as well as letters to the editor to Khasho at pkotane@npa.gov.za
Alternatively, fax your stories and information to Phumzile Kotane at 012 843 2141

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