

# Khasho



News for NPA staff, friends and stakeholders

January 2009



# Facing the challenges of the **new year**



Advocate Mokotedi Mpshe  
Acting National Director of Public  
Prosecutions

**W**elcome back to all of you who took time off during the festive season. I hope you have come back revived and ready for another busy year. I am also thankful to those of you who continued to work over this period, keeping the home fires burning.

The year 2009 has kicked off with a lot of public attention focused on the NPA. The ruling of the Supreme Court of Appeal proved to be a vindication of our procedures in the matter. I must give credit to the prosecution team who drafted the legal arguments for the court papers in defence of the integrity of our approach in following the letter of the law.

I trust that you appreciate the difficulty that this case presents to us, where national public interest must be balanced with the precepts of equality before the law. There are many varied expert opinions and proposals on the direction that this case should follow, including that there must be a political solution. I would like to emphasise that the NPA is only concerned with legal procedure, as confined by our mandate.

I am sure that you all join the management of the NPA in wishing Advocate Vusi Pikoli well as the President's decision is being reviewed in Parliament, with a final decision expected very soon. Interestingly, he is the December nominee for the Legal Newsmaker of the Year Award. This award is presented by *Legalbrief Today*, in conjunction with the Law Society of South Africa. The motivation for his nomination is that he is "a shining example of prosecutorial independence."

Advocate Mokotedi Mpshe  
Acting National Director of Public Prosecutions



Editorial

**W**elcome colleagues! I hope that you find our monthly dose of internal news interesting and useful. In most cases, we get the news and stories from you. You determine the direction of each month's issue.

I take this opportunity to implore you to keep the information coming to us: interesting events and information that you feel is relevant for all us NPA-ers. If you do not have the time to write a report or an article about what you want to communicate, let us know about your story and we will make arrangements for an interview and write the piece on your behalf. You are welcome to send your news contributions to [khasho@npa.gov.za](mailto:khasho@npa.gov.za).

We intend to commission a short internal survey in the near future to solicit your comments and opinions about what we need to maintain, improve, change and eliminate to help us to make *Khasho* a source of credible news and information about life in the NPA. Please participate and contribute to the survey. It's all about you.

As we look forward to another eventful year, we hope to be at the forefront of bringing the news to you in a way that will engage and enlighten you.

Keep reading

Bulelwa Makeke  
Executive Manager: Communications

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# NPA and SAPS

## march against the abuse of women and children

**State advocates from the NPA joined the SAPS and other law enforcement agencies in a march through the streets of Johannesburg on 10 December 2008 to mark the end of the 16 Days of Activism campaign against the abuse of women and children.**

The march was organised by the Women's Forum of the SAPS and participants included SAPS officials from the Johannesburg cluster, advocates from the Witwatersrand Local Division and the Johannesburg Metro Police.

The hundreds of marchers first gathered at the Johannesburg Central police station carrying banners calling for an end to violence against women and children. The march then proceeded along Commissioner and Breë streets and ended at Beyers Naude Square, where a number of dignitaries, including Ms Jacqui Mofokeng, Chairperson of the Portfolio Committee on Community Safety, and Commissioner Simon Mpembe of Johannesburg Central addressed the crowd.

Commissioner Mpembe called for men and boys to be educated about gender violence and remarked that law enforcement officials needed to indicate to perpetrators that their days were numbered. Ms Mofokeng remarked, among other things, that some police officers were themselves victims of abuse at home and at work and should be encouraged to come forward and report their abusers. She also cited poverty alleviation as one of the solutions to violence against women and children and welcomed the collaboration of the different law enforcement agencies in the awareness campaign. She noted that this was the first time that the NPA, the SAPS and the Metro Police had joined forces to participate in a campaign of this nature.

A pledge of commitment to delivering service to victims of crime was signed by representatives from the different law enforcement agencies. Advocate Xolisile Khanyile, Deputy Director of Public Prosecutions at the Witwatersrand Local Division, who represented the NPA, remarked that this was the beginning of an ongoing collaboration with other agencies and that activism against abuse of women and children should be sustained throughout the year.



*Marchers from the participating law enforcement agencies signed a pledge of commitment to serve victims of crime.*



*Men and women of the NPA, the SAPS and the Metro Police joined forces to participate in the 16 Days of Activism campaign.*

**THE NPA HOTLINE – 0800 212 580**

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

Ke Bona Lesedi -

# I see the light!

The training programme for the newly appointed court preparation officers of the National Prosecutions Service (NPS) held at the NPA's VGM Building in Pretoria in the first week of December 2008 is called 'Ke bona lesedi'. This means 'I see the light'. It was attended by newly appointed court preparation officers from all regions, who were supported by court preparation managers, senior public prosecutors and control prosecutors.

"The court preparation programme is a specific intervention aimed at empowering witnesses by familiarising them with the court environment, legal processes and legal terms at an appropriate level so as to address their fears and concerns about having to testify. It also aims to reduce secondary victimisation and to provide coping skills for the purpose of giving evidence on the day of trial," says Karen Tewson, court preparation manager.

## Overview of the court preparation process

### Who?

- Witnesses need to be familiar with all the individuals who will participate in the court process.
- Witnesses need to know what the role of the accused is.

### What?

- Witnesses need to know what will happen in court.
- Witnesses need to have some understanding of courtroom terminology.
- Witnesses need to know that they will be exposed to cross-examination.

### When?

- Witnesses need to know when and how often they will go to court.

- Measures should be taken to assure that the witness testifies at an appropriate time. Prosecutors should therefore avoid scheduling children's testimonies during a nap time or in the afternoon when they are tired.
- Witnesses, especially young children and youths, cannot wait for extended periods of time before testifying.
- Children should be given continuous breaks while on the stand.

### Where?

- Witnesses and their caregivers need to know where they will wait prior to testifying.
- If a witness is separated from his/her family, make sure that he/she knows this ahead of time. A back-up support person will be needed.
- Witnesses need to know where the accused will be in relation to where they will be during testimony.
- Tell the witness where to look for a 'friendly' face.
- Where will the support sit?

### How?

- Witnesses need to understand appropriate courtroom behaviour.
- Discuss what to wear to court.
- Stress the importance of 'best behaviour' while in court.
- Stress the importance of telling the truth.



# In recognition of excellence

**The year 2008 came to an end on a very high note in the Western Cape with the third annual awards ceremony taking place on 5 December. Awards were presented to staff members of the Directorate of Public Prosecutions in the Western Cape. These awards are a keenly anticipated event every year.**

Since its inception, the award ceremony has taken place at the Grand West Casino, but the 2008 function was held at the Lord Charles Hotel in Somerset West. This raised the bar for the standard of this function.

The gathering at this function served to enhance and cultivate a positive, responsive working relationship among all staff. It was a wonderful celebration of the significant contribution staff members bring to the prosecution service and identified those members who excelled beyond the normal call of duty.

A combination of the following factors was taken into account when nominating colleagues for the categories of best state advocate: court work, decision work, inter-personal relationships and the promotion of Batho Pele. In the case of administrative officers, the criteria were reliability and quality of work, paired with Batho Pele.

The following awards to the best performers in the Western Cape were presented by Advocate Mpshe and Advocate Rodney De Kock:

- Best performing cluster: Cape Town
- Best community outreach programme: Ms Linda Van Wyk
- Best state advocate: Mr Gregory Wolmarans
- Best regional court prosecutor: Mr Vuyani Nathi
- Best district court prosecutor: Ms Deidre Julius
- Best admin officer in the DPP office: Ms Shamelia Jordaan
- Best admin officer in the Lower Court: Ms Thembeke Winter

After the formal proceedings came to an end, staff mingled and enjoyed the music provided by the live band, Adrenalin.

*Excellence is the gradual result of always striving to do better – Pat Riley*

## Criminal Justice System discusses domestic violence

**The NPA in the Western Cape, in conjunction with Gun Free South Africa, the Ceasefire Campaign and SAPS at Cape Town Central, hosted a 16 Days of Activism programme at the NPA offices on 9 December 2008.**

Close to 80 people attended this programme, which was mainly attended by public prosecutors, advocates and unit heads, NGOs, members of victim support groups, community policing forums and members of the community.

**“The main aim of this programme was to facilitate dialogue.”**

The main aim of this programme was to facilitate dialogue and engage the different role-players in how to effectively deal with violence against vulnerable groups in society, especially

women. The dialogue also focused on the impact of firearms on domestic violence and gender-based violence.

Ceasefire outlined the South African militarised history and the resulting attraction of firearms to men, which leads to femicide and famicide in our society. Gun Free South Africa examined how the Firearms Control Act can be utilised to deal more effectively with domestic violence. A survivor outlined her own personal experience of domestic violence. A panel consisting of members of SAPS, NPA, Department of Social Development, Gun Free South Africa and Ceasefire engaged with and answered questions from the attendees.

# A soul searching mission sparks a positive mood

**Prisoners of the Pretoria Central Prison and community-based stakeholders took the opportunity to interact in a commitment to revive the values of *ubuntu* at a national symposium on correctional services and *ubuntu*.**

The NPA was invited to attend this symposium, which was hosted by the Pretoria Management Area of the Department of Correctional Services, in partnership with the National Heritage Council, on 20 November 2008. The symposium was aimed at promoting the revival of *ubuntu* in nation-building, with particular focus on integrating the values of *ubuntu* into the programmes of the Department of Correctional Services, such as crime prevention, moral regeneration, spiritual care, healing, reconciliation, rehabilitation and re-integration.

During the event, prisoners mingled freely with community members.

They presented a pledge, signed by the majority of the prisoners, to various community leaders.

One of the key points in the pledge was that, as prisoners, they “will not deter from the commitment they have made to work with the Department of Correctional Services to rehabilitate them and to be re-integrated into society as forgiven individuals, as part of *ubuntu*”.

In his opening remarks, Advocate Sonwabile Mancotywa, CEO of the National Heritage Council, said that *ubuntu* defines our distinct

African philosophy, and he was pleased to be part of this *ubuntu*. He further acknowledged government initiatives such as Letsema, Batho Pele, the Moral Regeneration Movement, the National Heritage Council and the National Ubuntu Panel. He also commended the efforts of a unified and tolerant South Africa.

“*Ubuntu* defines our own identity as South Africans by showing unconditional respect,” he said. He directed his words of encouragement to prisoners and said: “*Ubuntu* simply says *umuntu akalahlwa* (do not throw any person away) to all brothers and sisters who are labelled offenders in our Constitution today. People need to revisit the rural areas and see how *ubuntu* is being lived, unlike in urban areas where community values have deteriorated. As a people, we need to change the whole policy paradigm to contribute effectively in this initiative. *Ubuntu* is not an academic expression. It is what we live by every day. It is about recognising our dignity.”

Some of the offenders were requested to come and share their *ubuntu* experiences. Lynette Botha, an offender, recalled being transported from court and being scared, with no idea what was awaiting her in prison. “Nobody said anything to me in the police van we were travelling in. On arrival, our fingerprints were taken and we were sent to the prison cells. One of the inmates took me aside and gave me the rules and regulations of both the cell and prison. She even made me a cup of coffee. I was so fortunate to have somebody like her, someone to take control of my life when I couldn’t. I have a deeper appreciation of *ubuntu*.”

Another offender, Jaco Kruger, said: “The term *ubuntu* is well known to

me since I was involved with the Department of Education before coming to prison. In my heart there was no hesitation to attend the arranged *ubuntu* sessions. After finalising the session, I realised that *ubuntu* was much more about prisoners and their communities. I am privileged to have been in this prison since 2006, because it taught me so much more, especially about *ubuntu*. I have learnt that you can never be a person without another person.”

Ms Zandile Mdhlahdla, Chief Executive Officer of the Moral Regeneration Movement, had the opportunity to brief delegates on practical steps for integrating the positive values of *ubuntu* into moral regeneration and to review the Positive Charter of Positive Values. She said: “Self-centredness and greed are some of the elements that kill our society. *Ubuntu* deals with issues of humanity and cuts across culture.” These issues involve the ability to elevate one another, and being conscious of our actions. She advised inmates not to entertain negativity while in prison. She also said: “Communities must learn to accept offenders back into society. If we call them names, they will see their actions as careers and start committing crime all over again.”

According to Ms Mdhlahdla, *ubuntu* is a philosophy we as South Africans understand. Do we have any right to claim *ubuntu* as South Africans? There has been a lot of debate around this topic. “I understand *ubuntu* to be about human generosity and a concern about the wellbeing of others.” The challenge we are facing is about building a world where there is no pain, greed, selfishness or corruption. “I believe that world can still be built: we need to teach our



kids about the benefits of living with integrity, honesty and loyalty.”

Inmates were encouraged to indulge in the following activities:

- Take ownership of all the problems in our society. Morality starts from our minds and our hearts. We must be cautious of ourselves and our thoughts.
- Avoid trying to put the blame on others.
- Seek forgiveness from those harmed.
- Forgive those who have transgressed us and accept them back positively into our flock.
- Support them in any way so that they don't revert back to their own bad ways.

A Morals Charter is being translated into all 11 official languages and will be made available to everyone. Copies of booklets that illustrate the Charter of Positive Values were distributed to the attendees.

Rev Motlalepula Chabaku, Gauteng dignitary and Member of Parliament, delivered a short speech. She commented that “people who do not commit mistakes are usually the ones who are not doing anything”. She told the inmates that they should be grateful for being in prison, as they could be in far worse situations. “The fact that you are alive today is because God still has plans for you,” she said.



Showing that every person counts through ubuntu.

**“For us to be involved in ubuntu is to first be involved in humanity”.**

Rev Chabuku considers the Department of Correctional Services to be a healing ministry. They correct people's lives, giving them a second chance. It is not right to call people offenders because, according to her, we are all offenders. We offend God and our ancestors day and night. She told people not to give up.

To be involved in *ubuntu* is to be involved in human beings. People were encouraged to stand up for what they believe in: when a thing is wrong, it is wrong.

People were encouraged to strive for honesty, purity in thought, word and deed, unselfishness, love, being guided by God and being people-centred. The inmates were encouraged to utilise their time to be better persons when they get out of prison.

People should have discipline without violence. That can only be done by following what she calls the ‘3 Fs’: ‘fair, firm and fun’. She also believes that, in order to survive, people need another ‘3 Fs’: ‘food, fuel for energy and family’. She encouraged everyone to study the Constitution and apply it. In her conclusion, she said that people who make mistakes, should not be laughed at, but should be helped.

Advocate Tozama Mqobi, Gauteng Regional Commissioner of Correctional Services, delivered the keynote address on behalf of Mr Ngconde Balfour, Minister of Correctional Services, who had not been able to attend the symposium.

Bishop Anthony Mdletshe, Anglican Diocese of Zululand and a member of the Ubuntu Advisory Panel, gave a vote of thanks. The event was concluded with a lunch that had been prepared by the offenders.

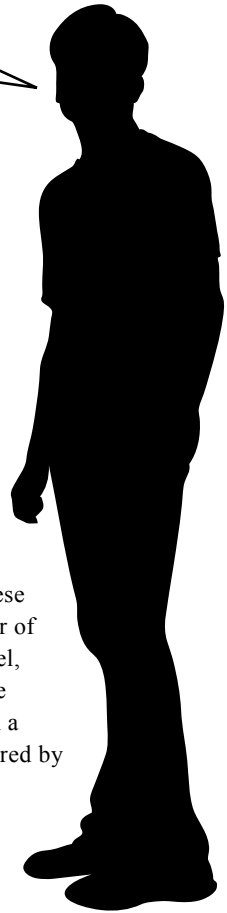
The hope was expressed that the offenders will serve their sentences with pride and honesty and, on the day of their release, that they will be able to face the world with confidence.

#### Keynote address

According to Mr Balfour, *ubuntu* is about taking collective responsibility for whatever starts with you. The principles of *ubuntu* are what we are living today. Forgiveness should always be part of *ubuntu*.

The majority of offenders have not yet reached the point of getting out. They must serve their appropriate sentences and pay for the offences they have committed. *Ubuntu* defines what South Africa can offer the world. “*Umuntu ngumuntu ngabantu*.” Offenders are encouraged to live by the principles of *ubuntu*.

Mr Balfour's message was that this partnership is sustainable and should go far. The rest of the country and other departments need this kind of partnership and it should be embraced with morality.



# Taking a stand

## against the abuse of women and children

The 16 Days of Activism against the abuse of women and children campaign is an important international annual campaign originating from the Women's Global Institute in 1991.



starting date of the campaign and the date on which it ends are very significant globally. The campaign starts on 25 November, which is internationally commemorated as a day for no violence against women. It ends on 10 December, which is International Human Rights Day. This places clear emphasis on the fact that such violence is a violation of human rights.

The NPS staff at the Protea Regional Court organised events to focus on this campaign at Signet Terrace, Lenasia, on 29 November, Jabulani Mall, Soweto, on 2 December, Shoprite, Eldorado

Since 1999, South Africa included children's issues in its campaign because of the high incidence of violence against children that is experienced in this country. The NPA continues to support and stand by the victims of crime. The West Rand Cluster of the National Prosecutions Service (NPS), together with other community organisations, participated in a four-day campaign in and around the southwestern area.

Once again, the NPS in the West Rand Cluster took part in a four-day campaign against the abuse of women and children. The events, which took place on different dates, were a joint initiative with NGOs and other community organisations and leaders.

A white ribbon has been declared a global symbol to never commit or condone violence against women and children and to speak out when one sees it. The global campaign *Human Rights for Women, Human Rights for All* mainly focuses on women, but due to the high rate of abuse against children, South Africa has developed and incorporated a special theme, *Human Rights for Women and Children*.

The South African campaign seeks to create awareness of the impact of violence on women and children. Both the

Park, on 3 December, and Protea Mall, Soweto, on 5 December. The Teddy Bear Clinic at the Protea Regional Court in Soweto also held a party for orphans on 6 December 2008.

Some of the organisations that participated with the NPA included the Teddy Bear Clinic, the Family and Marriage Association of South Africa (FAMSA), People Opposing Women Abuse (POWA), the South African National Council on Alcoholism and Drug Dependence (SANCA), the SAPS and Lifeline.

The West Rand Cluster brought all these organisations on board, together with some others that provided their support by sponsoring items that were used during the events such as marquees, chairs and public address systems. The NPS presented these volunteers and non-governmental organisations with certificates as a token of appreciation.

**“Human rights need  
to be protected at all times  
and at all costs.”**



# Managing HIV and Aids in the workplace



**The NPA acknowledges the seriousness of the HIV/Aids epidemic and the potential negative impact it presents to business and all aspects of society. While pursuing its mission to ensure justice for victims of crime, the NPA cannot afford to be ignorant of the impact of the HIV/Aids pandemic on its productivity.**

Part from the urgent need for speedy and effective prosecutions to reduce national crime levels, there is a need for the NPA to strengthen its commitment to reduce the impact of HIV/Aids. As one of the major role-players in the South African criminal justice system, the NPA takes serious note of the fact that HIV/Aids poses a major challenge to the realisation of its vision and mission. If not properly managed, it will undermine the organisation's human capital and put pressure on the revenue available to finance its core business.

## Policy statement

The high-level commitment of the NPA to effectively manage the impact of HIV/Aids among its employees and in its environment is sternly declared in the organisation's policy statement. This policy was developed through consultative processes that unleashed the need to create a safe environment that will protect the rights of all employees and their family members. Its primary objective is to provide guidelines for the NPA and its employees to ensure the eradication of stigma and discrimination against employees that are infected with HIV/Aids.

The policy also sets clear guidelines on services to be put in place to ensure that employees at all levels are educated on matters related to HIV/Aids and to harness easy access to resources to promote the prevention, treatment and care of employees and their family members. It recognises the need to support those who are infected with HIV/Aids, so that they may continue to be productive both in the workplace and in their private lives.

The HIV/Aids policy is also linked to other related and mandating legislation that governs service delivery in the workplace.

## Interactive awareness workshops

The NPA's approach in its HIV/Aids awareness workshops is based on the belief that the prevention of new HIV infection and the effective management of HIV and Aids begins with the individual him-/herself and therefore recognises the energy and potential of individual participants and the group as a whole.

The experienced and skilled workshop facilitators apply skills and techniques that empower participants to contribute fully to the process of defusing negative attitudes, perceptions and behaviours that put employees at risk or impede positive living, especially for those living with HIV/Aids. Workshops enable participants to develop insights into the impact of HIV/Aids on the individual and the organisation, while tapping into sexuality and condom usage, disclosure and the creation of a non-discriminatory environment. Its focus is the role of attitudes, perceptions and behaviour in dealing with HIV/Aids.

The success of the NPA's workshops is evidenced by employees going for voluntary counselling and testing (VCT) subsequent to attending the workshops. Participants realise the importance of knowing their status and – most importantly – the fact that it starts with them.

## VCT and TB screening

The NPA regards VCT and TB screening as the gateway to prevention and early access to treatment, care and support services. Onsite VCT was launched in January 2008, led by the Acting National Director of Public Prosecutions, Advocate Mokotedi Mpshe, the Acting CEO, Dr Khotso de Wee, and the Chief Financial Officer, Mr Brian Graham, together with

other executive and senior managers. The programme has since been implemented in NPA offices in Pretoria, KwaZulu-Natal and Bloemfontein.

NPA employees spend most of their time in courts. Bringing VCT to the workplace is another way of improving access to critical HIV/Aids services and minimising interruption of the core business. This service may, therefore, be seen as another way of saving time and minimising absenteeism.

The VCT services are provided by experienced professionals who offer high-quality pre- and post-counselling sessions to promote individual choice and informed decision-making. Counselling also helps employees handle emotions that may arise from the testing process. It is preceded by interactive awareness workshops and information sessions to allow employees ample time to think about the value of counselling. TB screening services have also been incorporated into the programme to raise awareness of tuberculosis. Counselling provides information on available resources to employees who have undergone counselling and testing.

VCT also contributes to the destigmatisation of HIV testing, sending the message that it is acceptable to go for testing and to gain access to the available internal and external resources to manage HIV/Aids. VCT in the NPA is thus gaining popularity as more and more employees are being exposed to the interactive awareness workshops and information sessions.

## Condom distribution

The prevention of new infections takes priority in programme planning and implementation. The NPA has employees on its workforce who are sexually active and therefore vulnerable to HIV infection.

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# Northern Cape Province

## rape reduction summit

**The resolutions taken at the rape reduction summit recently held in Kimberley have called upon the public and faith-based organisations to take a lead in curbing the scourge of rape in the Northern Cape.**

The three-day summit was opened by the Minister of Safety and Security, Mr Nathi Mthethwa. He stressed that, as part of the resolution of the summit, religious leaders had a responsibility to take charge of counselling rape victims in their communities.

“We cannot have police stations and Thuthuzela Care Centres (TCCs) in every village and community. That is why our resolutions today call upon religious leaders to help us attend to the victims of rape in their own communities. Their contribution will ensure that victims do not suffer from secondary victimisation. It will empower them in such a way that they know how to handle victims and to counsel them,” he said.

During the event, Advocate Ivy Thenga, Director of Public Prosecutions in Kimberley, told the summit that the NPA has enhanced its resolve to fight rape and offer comfort to victims of rape.

“In this province, we have increased our TCCs to two. We have also increased our capacity to handle cases reported at these centres by appointing victim assistant officers, case managers and site coordinators. We have one TCC in Kimberley and another one has just been opened in Kakamas. This is all in an attempt to intensify our service points, which can be of great help to our people,” she continued.

The NPA has recently appointed a state advocate in the province to head the community prosecution programme. There is also a dedicated sexual offences court in the Kimberley Magistrates’ Court, which is an ideal and comfortable environment for victims of rape.

The summit was attended by representatives of the Department of Safety and Security, the NPA, the Department of Correctional Services and SAPS.



*Advocate Ivy Thenga, Director of Public Prosecutions: Kimberley, speaking at the rape reduction summit.*

Ceasefire outlined the South African militarised history and the resulting attraction of firearms to men, which leads to femicide (killing women) and famicide (killing family) in our society.

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On the other hand, the nature of the NPA’s business demands a lot of travelling and mobility of employees. Given these circumstances, the NPA cannot in any way leave the prevention of new infections to fate and therefore makes condoms and programmes that promote faithfulness and abstinence available in the workplace.

### **Psychosocial counselling, support and health promotion services**

The NPA Employee Wellness Programme provides professional counselling and support services to help employees and their family members manage problem situations and develop the unused resources and opportunities of their lives more effectively. The 24/7 toll-free telephonic counselling service

is accessible to employees, and face-to-face counselling is arranged for those in need. The service can be utilised for a range of psychosocial problems, including those related to HIV/Aids. It is offered by qualified counsellors/therapists and is closely monitored and evaluated to measure its impact. The NPA also offers stress management and relationship-building interventions, as well as those that proactively prevent ill health and promote healthy lifestyles.

### **Peer educators’ programme**

The NPA sees the need to have an environment that is resourced with supportive and caring employees at work station level. It is developing a sustainable peer education and mentoring programme that will secure the availability of well-trained peer educators at all levels of operation to expose employees to policy matters

and promote a safe environment in the workplace. Peer educators are required to sustain all the programmes and projects developed to fight HIV/Aids in the workplace.

### **Partnership in the fight against HIV/Aids**

The NPA is of the opinion that the challenges posed by HIV/Aids are huge and formidable in nature and can only be addressed through a collective effort. It is to that effect that the NPA strives to establish and maintain healthy and sustainable partnerships with other government departments, medical aid schemes, NGOs and external service providers that ensure extended visibility and access to HIV/Aids testing, counselling and support services.

# International Anti-Corruption Day: “your NO counts”

**Corruption is one of the major problems facing South Africa and, as a result, the NPA could not afford to let International Anti-Corruption Day on 9 December 2008 pass by without observing it with an awareness-raising activity.**

The Integrity Management Unit organised a day to remember in the VGM Auditorium of the Pretoria Head Office in recognition of this problem. The theme of the event was *Your No Counts*.

The programme started with a video on values. This was followed by a keynote address delivered by Advocate Mokotedi Mpshe. He spoke out strongly against corruption in our society. He took delegates back to the 9<sup>th</sup> anti-corruption conference that was held in Durban in 1999. At this conference, Kofi Annan, United Nations Secretary-General at that time, stressed that “issues such as corruption carry no passport”. He emphasised that corruption is a worldwide problem that needs to be eradicated.

According to Advocate Mpshe, the NPA has taken a leading role in implementing the Anti-Corruption Act. He went further to say that corruption “stifles economic growth and does not respect human rights”. One of the problems experienced in our country is the irregular investment of state funds. He concluded that regular interaction and supervision is required to combat crime.

Ms Bulelwa Makeke, Programme Director and Executive Manager: Communications, said that the fight against corruption “requires strong leadership,” such as is presently in the NPA.

Acting CEO, Dr Khotso de Wee, launched the NPA Code of Ethics. He congratulated the organisers of the event for a job well done. Dr De Wee also complimented NPA staff for “not jumping ship when times were hard”.

Included in the Code of Ethics are matters such as seeking guidance confidentially,

reporting theft, fraud or corruption confidentially or anonymously, reporting unethical conduct related to theft, fraud or corruption confidentially, and creating an enabling environment to seek advice or to report.

This code applies to all NPA employees, partners and clients. It gives a clear indication of what is expected, both by the organisation and other stakeholders. Suppliers and contractors are also expected to comply with the values and principles contained in the code.

NPA employees need to ensure that they are familiar with the content of the code of ethics, as failure to comply with the code or to take action in respect of unethical or illegal action, will be dealt with according to the applicable disciplinary rules and procedures. “The evaluation, monitoring and enforcement of ethics are crucial for a sustained ethical culture in the NPA,” concluded Dr De Wee.

Presentations were also made by Mr De Beer, Managing Director of KPMG’s Forensic Department,

Advocate Becker of the Directorate of Special Operations, and Mr Van Zyl of the Asset Forfeiture Unit. The event was concluded with the launch by Advocate Mpshe, in partnership with KPMG, of the NPA’s hotline number where corruption can be reported on a 24-hour line, 365 days of the year. The hotline number is **0800 212 580**.

Advocate Mpshe commented, however, that he found it unacceptable that an institution like the NPA that aims to fight corruption, should need to institute a crime hotline against its own people: the same people who are the custodians of safety and freedom.

**REPORT ANY  
CORRUPTION,  
THEFT OR  
DISHONESTY  
INVOLVING  
NPA EMPLOYEES**

**PHONE THE NPA HOTLINE  
0800 212 580**

# Congo delegates

## visit the Pretoria Magistrates' Court

**During a visit to South Africa, delegates from the Congo, assisted by the Institute for Democracy in South Africa (Idasa), paid a visit to the Pretoria Magistrates' Court to get a better understanding of how the South African courts and systems for sexual offences operate. The visit was coordinated by Advocate Ishmael Motaung, Senior Public Prosecutor of the Pretoria Sexual Offences Court.**



*Advocate Motaung shows delegates the victims' testifying area.*

Delegates were shown around the Sexual Offences Court, and were interested to see where the accused sits, as well as the prosecutor, the attorneys of the accused, and the clerk of the court who records all the court's proceedings. They were shown the witness stand, the bench where the magistrate/judge and assessors sit, and also where the police officers sit that keep record of the proceedings. It was indicated that interpreters don't have a specific place in the court, as they move around the court. Finally, they were shown the television that the victim sees when testimony is given outside the courtroom. They learnt that there are only three sexual offences courts in the building.

The visitors were interested to learn that the offices of the court preparation officers are always locked, and that they share offices with the presiding prosecutors. There are four prosecutors: two in the inside and two in the outside offices.

During their tour of the waiting areas, they were told that this is where witnesses and victims wait when they arrive at the court

normally waits in the public area and the victim in the waiting area. This is done to prevent contact between the accused and the victim. Juvenile offenders are summoned to be brought by their parents or guardians.

The victims' testifying area, also called the intermediary room, is the room where the victims sit when they testify. There is a sofa, teddy bears on the sofa to make the victim feel more relaxed, a machine that the victim uses to talk through when testifying, and a closed-circuit television camera that shows the victim's movement. There are family dolls, both female and male, representing the mother, father, grandmother, grandfather, brother and sister, that are used by victims to demonstrate how sexual molestation occurred.

In case of a power failure, there are generators that are used in specific areas especially for sexual offence cases. After the victims have testified, they go back to the waiting area where the court preparation officers are on hand

and before they go into court. There is a television set in the waiting area, as well as a kitchen to prepare food for witnesses and victims who come from poor families and might need something to eat before they testify. There is also a designated place for children with small chairs and a table. The accused

to provide them with any assistance they might need. If money is needed for transport, court preparation officers complete a claim form and take it to the cashiers for them.

The visit was concluded by providing the delegates with an opportunity to raise questions. The following were some of the questions that were answered:

### Questions

**Where does the money come from that is given to the victims/witnesses for transport?**

Government (the Department of Justice and Constitutional Development).

**What is the difference between the court and the Thuthuzela Care Centre?**

The Thuthuzela Care Centre (TCC) is where sexual offence cases are reported. One will find the following people there to provide assistance: a police officer/investigating officer, a case manager, a doctor or qualified nurse to do all the relevant tests, and a victim assistance officer to provide initial support and assistance to the victim.

**What happens to the case after it has been reported at the TCC?**

It is then forwarded to the police station.

**What does 'Thuthuzela' mean?**

It is a Xhosa word that means 'to comfort'.

**What is the duty of the prosecutor?**

The prosecutor receives the case and decides whether it is valid for prosecution. If the case is valid, he/she will prepare a charge sheet and bail opposition.

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# 16 Days of Activism



## marked in the Eastern Cape

**The Transkei Division of the NPA added its voice in speaking out on issues of violence against women and children during the 16 Days of Activism campaign.**

Speakers at an event that was held at the NPA's offices in Mthatha on 2 December called for a need to change attitudes in dealing with issues of gender-based violence. "Research has shown that it is our attitudes that render us unable to judge those who have fallen victim to this cruelty," said Advocate Buyisiwe Nkala of the Sexual Offences and Community Affairs (SOCA) Unit.

The event was characterised by the attendance of the elders of the OR Tambo District, a number of schoolgoing boys, NGOs and members of civil society.

One of the elders, and a former mayor of the KSD Municipality, Dr De La Ray Mkhathshwa, said that although much has been done to highlight the situation, "it remains a human rights issue that is of great concern". Dr Mkhathshwa said that early intervention is needed to create awareness among boys and girls and instil a sense of respect for one another.

Chief Mwelo Nonkonyane of the Eastern Cape House of Traditional Leaders said that government and communities need to consider what lies behind this 'mischief'. He said it is his belief that another issue that exacerbates this challenge is the abandonment of the African values and norms in favour of Western cultures. "We must only adopt and promote Western cultures that fit into African society and ensure that we entrench our own culture into the minds of young South Africans."

He made a clarion call for active support of the 16 Days of Activism campaign for no violence against women and children, "so that there can be sanity in our homes and in our country".

On 3 December, the campaign was extended to include members of staff and nursing students of the East London Hospital complex, with the aim of creating awareness about the services of the SOCA Unit through the Thuthuzela Care Centre (TCC) at the Cecilia Makhiwane Hospital.

"We want to ensure that cases that end up in the hands of other staff members

in the hospital complex are correctly referred to the centre so as to ensure that victims receive proper care and treatment," said Ms Nosisi Nangu, site coordinator.

Speaking at the event, Matron Nobuntu Pona said that it is the duty of nursing staff, as professionals and members of society, to say 'no' to violence – not only when it happens to others, but also to speak out when it is directed at them or their children. "Let us ensure that we internalise the messages we hear everywhere, and use them to make a meaningful impact on the lives of our respective communities," she said. "Let us spread the gospel of good news."

Advocate Mzoxolo Rusi, court manager at the TCC, took the opportunity to encourage nurses to enrol for forensic nursing studies, as this is a very scarce skill in the Eastern Cape.

"The availability of such skills will ensure that we have the expertise to deal with cases of sexual abuse and also collect the much required evidence for prosecution purposes," he said.

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### **What is the role of the prosecutor or magistrate?**

It is the magistrate's duty to ensure that evidence and the truth are brought before the court, and to decide whether the accused is guilty or not.

### **Are there any corrupt prosecutors?**

Yes, we have those who have already been prosecuted.

### **What sentence do perpetrators get?**

For children and mentally retarded victims, the perpetrators could get a life sentence. This is in accordance with the new Sexual Offences Act.

### **What happens when the victim is a juvenile and the parents don't feel like proceeding with the case?**

In this event, the NPA can still proceed with the case, even if the juvenile's parents no longer feel like it.

### **In the DRC, women and old ladies were raped during war. What happens to victims like this?**

In this case, victims are given after-care referrals and receive further care. This is particularly relevant in the case of victims who are mentally retarded.

At the end of the visit, the visitors received a document prepared by Advocate Motaung explaining the process from start to finish.

# Veteran prosecutor semi-retires after 41 years of loyal public service

**After a prosecuting career spanning four decades, Advocate Bruce Morrison, Deputy Director of Public Prosecutions, who is currently attached to the Directorate of Special Operations (Scorpions) in Cape Town, is taking early retirement on 31 January 2009. On 11 December 2008, he had served 41 years in the service of the Department of Justice and Constitutional Development (DoJ&CD).**



*“Prosecution and criminal law have been my life. There have been no monetary riches, but I am rich in experience and have had a fulfilling career.”*

At the age of 59, Advocate Morrison has been there, done that and has the T-shirt to prove it. He has extensive experience in the fields of prosecutions and legal training. He is an admitted advocate and Senior Consultus (awarded on 20 January 1994 by the President when he was Attorney-General of Venda). This is a man who has dedicated the past 41 years of his life to providing an invaluable service to the DoJ&CD.

He started his career with the Department on 11 December 1967, and studied BJuris full-time at the University of Johannesburg (RAU) for three years. As a full-time employee of the DoJ&CD, he worked at various magistrates' courts during his university vacations. He also holds an LLB degree, which he obtained through part-time studies at the University of South Africa (Unisa).

He has worked all over South Africa and has appeared in virtually every court in the country – including the Constitutional Court – on behalf of the State.

In KwaZulu-Natal, he worked as a prosecutor, where he was selected to serve in the rank of magistrate. He also worked as a senior state advocate.

He also served as an English lecturer at the Pretoria Justice Training College, where he trained BJuris students who were enrolled at Unisa. He was promoted to the rank of senior magistrate while at the Justice College and has presided as magistrate at trials in the lower courts.

In the Eastern Cape, he worked as a senior state advocate. “While working in Grahamstown, I was approached by the Chief State Law Advisor of the DoJ&CD and was offered a position as law advisor in the office of the Chief State Law Advisor in Pretoria,” says Morrison.

In his position as Attorney-General in the Supreme Court in Venda, he had to deal with a backlog of serious cases of ritual murders and necklacing (killing people by burning tyres around their necks) that had to be brought to trial. These were atrocities committed during the latter days of apartheid to make the country ungovernable. Over a period of three years, four prosecuting counsel sentenced some 460 persons for murder.

A further promotion saw Advocate Morrison become Deputy Attorney-General in the Western Cape, based in Cape Town, and later Deputy Director of Public Prosecutions in charge of commercial prosecutions in Cape Town. He assumed, this position on 1 December 1995.

Upon assuming his current position, Morrison immediately became involved in the prosecution of two Cape Town businessmen in a multi-million rand fraud case. This entailed drafting a large number of applications for international mutual legal assistance, and travelling to Hong Kong, England, Ireland, the Isle of Man, the Channel Islands, Russia (Moscow and St Petersburg), the USA and the British Virgin Islands to interview witnesses, take their statements and collect evidential material. The prosecution took seven months to complete in the Cape Supreme Court. The accused were convicted after a very difficult trial, which entailed his having to make use of modern technology in the form of an international video-conference link to lead his final witnesses. This was the first time that this had ever been done under the new provisions that had just been added to the Criminal Procedure Act.

He also prosecuted the former South African State President, PW Botha, in the regional court in George in 1998 for failing to comply with a subpoena issued by the Truth and Reconciliation Committee under the Chairmanship of Archbishop Desmond Tutu. This case turned on intricate administrative legal points and dealt, inter alia, with orders given to bomb ANC buildings. He appeared against two senior counsel from Pretoria. The case received extensive publicity, both internationally and locally. Mr Botha, however, succeeded on a technical point in having his conviction and sentence set aside on appeal.

As an expert on mutual legal assistance, Morrison has lectured to prosecutors from all over Africa at the invitation of

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# Securing NPA staff and stakeholders

**The NPA's Risk and Security Management Unit held a two-day management meeting in November that was described as 'critical' and 'paramount' to the safety of NPA staff and relevant stakeholders.**

A number of resolutions were taken in a quest to improve the services rendered, including policies that are in a draft stage and the Occupational Health and Safety programme. The core discussions at the meeting revolved around policy reviews, occupational health, safety compliance, the planning of meetings for all managers, assessments of previous decisions taken, as well as the structural alignment and budgets of other key components of corporate services.

"The managers at the meeting usually revisit minutes taken at the previous meetings to alter any faulty standing decisions taken by the managers," says Mr Tshilidzi Ramahana, Executive Manager of the Risk and Security Management Unit. "The managers also discuss the progress in terms of the unit's annual plan, which includes security policies. These are very critical and imperative issues that the managers pledge to discuss at meetings, for the betterment of the organisation."

According to Mr Ramahana, it is imperative that the security of NPA staff members and stakeholders is regarded as a top priority. "The NPA could not function without its hard-working staff members and stakeholders. As a corporate service, we are duty-bound to protect them and uphold the name of the organisation," he said.



*Members of the NPA's Risk and Security Management Unit*

He also emphasised that the Chief Executive Officer of the NPA is given feedback on progress made and any other problems managers encounter in the line of duty.

"It is of paramount importance that we brief the CEO about regional visits, security, finance and human resource issues. The national managers and the management committee are also given feedback. The managers present monthly progress reports and assessment reports to the CEO," he said.

As part of its inner core functions, the Risk and Security Management Unit is duty-bound to oversee the wellbeing of every person employed by the NPA.

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the United Nations Office on Drugs and Crime (UNODC), as well as to students at the Justice College. He presented a paper on corruption and the role of lawyers in combating corruption at the invitation of the International Bar Association and at their cost in Buenos Aires on 13 October 2008.

Prior to his retirement, he was the lead prosecutor in the Fidentia investigation in which fraud, theft, money-laundering and corruption charges ran into approximately R1.8 billion. The accountant, Graham Maddock, has

been convicted on a number of these charges and is serving an effective seven years' imprisonment. Another accused is awaiting extradition from the USA at request. The main perpetrator had been in custody for six months and was facing charges in three different cases together with other accused. The main case was transferred to the Cape High Court on 10 December 2008 for trial. Unfortunately, Advocate Morrison will not be seeing the end of the Fidentia case as prosecutor, as he will be leaving the Directorate of Special Operations on 31 January 2009.

Although he is retiring from public service, Advocate Morrison will still be involved in prosecutions, but as a Coordinating Manager for Gobodo Forensic and Investigative Consultants in Cape Town. Among his peers and colleagues, Morrison is seen as calm and unassuming and is respected for his honesty and conscientiousness. "I doubt whether I would have left now, had the Scorpions not been in the process of being dismantled. Prosecution and criminal law have been my life. There have been no monetary riches, but I am rich in experience and have had a fulfilling career," added Morrison. Now his priority is to focus on his new job.



# In memoriam



## Corrolla Faith Hejana

Corrolla Faith Hejana was born in Keiskammahoek on 12 October 1970. She passed away on 2 January 2009 after a long illness. Faith obtained her BLuris degree from

the University of Fort Hare and started her career with the NPA at the Zwelitsha Magistrates' Court on 6 May 1999. She later moved to the Mdantsane Magistrates' Court on 3 February 2002, where she was practising until she passed away.

At the time of her death, Faith was an advanced district court prosecutor, working in the Bail Court. Her colleagues and superiors have described her passing as a great loss to the NPA family.

She is survived by her son, Yanga, her mother and her brothers. She was laid to rest in her home village, Rabula, in Keiskammahoek. Faith will always be remembered by her quiet nature, sense of humour and generosity.

## Lionel Absolomon Klerk

It was with great sadness and a feeling of loss that the death of Lionel Absolomon Klerk was announced. He worked for the Director of Public Prosecutions in the Northern Cape as a control prosecutor in the De Aar Magistrates' Office. He passed away unexpectedly on 16 November 2008, and was buried on 29 November 2008.



## New appointments

### Chief Public Prosecutor

- Advanced District Court Prosecutor: JH Swanepoel (Pretoria), HE Mhlungu (Port Shepstone), KL Rambau and B van Zyl (West Rand)
- Junior State Advocate: A Madzhuta (Thohoyandou)
- Head Control Prosecutor 1: SG Hina (Welkom)
- Court Preparation Officer: NR Dingiswayo (Mitchells Plain)
- Prosecutor: H Gouding (Butterworth)

## Promotions

### Chief Public Prosecutor

- Advanced District Court Prosecutor: IT Baloyi and L Welgemoed (West Rand), TR Tandi and MS Jonker (Pretoria)
- Regional Court Control Prosecutor: AM Rhodes (East London)
- Regional Court Prosecutor: B Vika (Port Elizabeth) and BL Monyoko (Pretoria)
- Senior Prosecutor: KM Mashapa (Nelspruit)
- Court Preparation Officer: LC Mpama (Bellville)
- Senior Administrative Assistant: General: B Sijila (Cape Town)
- Principal Administrative Assistant: Human Resources: TV Vuke (Umtata)

## Contract appointments

### Chief Public Prosecutor

- Advanced District Court Prosecutor: AZ Matlhatji (Pretoria)

## Human Resources Management and Development

- Data Capturer: M Lukhuzo, N Musetsho and MM Leketi



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