

Khasho



News for NPA staff, friends and stakeholders

January/February 2010





Bulelwa Makeke
Executive Manager: Communications

This year brings both excitement and sadness to us as an organisation. We are a few months away from the much anticipated FIFA Soccer World Cup that South Africa is hosting – a first for the whole continent of Africa. This is exciting news.

The NPA is in support of the country's 'Football Friday' campaign. Let's continue to wear those Bafana Bafana soccer jerseys every Friday. It was exhilarating to see the new Director-General of the Department of Justice and Constitutional Development (DoJ&CD), Ms Nonkululeko Msomi, in a Bafana Bafana jersey when she visited the NPA recently.

Letter from the Editor

It was sad to say goodbye to Advocate Mokotedi Mpshe, who served the NPA for over two years as Acting National Director of Public Prosecutions (NDPP). On behalf of the NPA, I congratulate him on his secondment as an acting judge in the High Court of Mafikeng. I truly believe that he will continue to serve the people of this country with diligence and integrity.

It is hard to believe that the Sexual Offences and Community Affairs (SOCA) Unit had just turned ten years old. With the successes and initiatives that the Unit has brought about, which are immediately felt by the communities out there, it feels as though they have been around forever.

We look forward to the Ndabezitha Imbizo Project, which is another initiative of the SOCA Unit in partnership with the DoJ&CD's Chief Directorate of the Promotion of the Rights of Vulnerable Persons, the National House of Traditional Leaders and the Malibongwe Women's Development Organisation. The aim of this project is to fight domestic violence in rural communities. The month of

February and March will see the roll-out of this project throughout the country.

The NPA is leading the Justice, Crime Prevention and Security (JCPS) Cluster in the national communication and community outreach roadshows. The aim is to bring justice to the people and to provide the departments in the JCPS Cluster an opportunity to showcase their work and the services that they offer. What an inspiring effort this is, where all components of the cluster pull resources together for a common cause. This can also be viewed as a sign that the NPA does not operate in vacuum. In his closing address at the January 2010 Lekgotla, the President said: "There is a lot of work ahead of us, but working together, we will indeed do much more." We shall endeavour to emulate these words.

As we strive to do our work, let us remind ourselves of the NPA's values. By living these values, we can greatly enhance our performance.

Bulelwa Makeke
Executive Manager: Communications

Contents

- | | |
|--|---|
| <p>2 Editorial</p> <p>3 Corporate Services integration</p> <p>4 Intern induction</p> <p>5 International Anti-corruption Day</p> <p>6 10th HOPAC held in Cape Town</p> <p>7 TCC launch in the Eastern Cape</p> | <p>8 Human Resource Development</p> <p>9 A conversation with Lulekwa Ngcwabe</p> <p>10 Western Cape focuses on HIV/Aids</p> <p>11 Successful prosecutions</p> <p>13 Taking service delivery to the communities</p> <p>16 New appointments</p> |
|--|---|

NPA's Corporate Services

Tebogo Seate

to be integrated with the DoJ&CD

The long-awaited process of integrating the NPA's Corporate Services with those of the Department of Justice and Constitutional Development (DoJ&CD) has begun.



Ms Nonkululeko Msomi, Director-General of the Department of Justice and Constitutional Development.

The Director-General (DG) of the Department of Justice and Constitutional Development (DoJ&CD), Ms Nonkululeko Msomi, visited the NPA's Corporate Services staff on 29 January 2010, specifically to discuss this issue.

Although she did not dwell on the details of how the new arrangement would take place, she made it clear that the functioning of the NPA's Corporate Services was her full responsibility. She said that the NPA's Acting CEO, Dr Khotso De Wee, was performing duties delegated by her and would continue to do so until the end of the financial year.

The units that currently make up Corporate Services are the following:

- Finance and Procurement
- Communications
- Programme Management Office
- Human Resource Management and Development

- Information Management Service Centre
- Security and Risk Management

Ms Msomi said some groundwork still needed to be done on how the integration would take place. A steering committee has already been established to coordinate inputs from all components. She emphasised the need for the NPA and the DoJ&CD to work closely together. She said working relations between the NPA and the DoJ&CD are critical if the department wants to achieve its mandate. She also highlighted the fact that the DoJ&CD is operating with a very stringent budget, after the budget was cut by R1.4 billion. Therefore, we need to be creative by working smarter and faster, and not let the budget cut hinder service delivery.

The DG promised that she would interact more with Corporate Services' staff to keep them updated as developments unfold.



Ms Nonkululeko Msomi, Director-General of the Department of Justice and Constitutional Development, addressing NPA staff.

THE NPA HOTLINE – 0800 212 580

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

Induction session

for interns in the NPA

Sibongile Mogale

The official intake for the NPA interns took place during September and October 2009. As part of the mandate of the Human Resource Development (HRD) Unit, an induction session was arranged for interns during the first month of their employment. This induction took place on 18 November 2009 and the session took approximately three-and-a-half hours.



Tshiamo Williams (Supply Chain Management)



Machete Nkgweng (Asset Forfeiture Unit)

Different speakers were invited to give detailed presentations on their respective areas of work.

Some of the representatives were Mr George Maphuthuma: Sexual Offences and Community Affairs (SOCA) Unit; Ms Sithembile Manana: Safety and Security Sector Education and Training Authority (SASSETA); Mr Robert Mampana: Corporate Services; Ms Mmathapelo Molefe: Employee Wellness Programme (EWP); and Ms Krista Verster: Library.

Two of the interns, Tshiamo Williams (TW), an intern with Supply Chain Management, and Machete Nkgweng (MN), an intern with the Asset Forfeiture Unit, share their views.

What did you think of the induction?

TW: It was very informative. It gave us an overall picture of what is happening at the NPA. The presentations were great.

MN: It was great. I learnt a lot of things that I didn't know when I first arrived here, especially about SASSETA.

Do you think you benefited?

TW: Definitely, I know where to go when I get stuck and who to contact.

MN: I benefited a lot.

Did you notice any loopholes in the programme? What improvements do you think can be made?

TW: Not that much. I recommend that presenters should also give us their contact details.

MN: The NPA's Human Resources Development must attend to the matter of presenters who didn't pitch up for their presentation. We really feel that by not coming to deliver their presentations, we missed out on a lot of important information. Each business unit should try to have a standby presenter in case the initial presenter can't make it.

Do you think it was a good idea to have this initiative?

TW: It was a very good idea. It gave us a green light.

MN: I would like to thank the NPA for organising this induction.

Gender Justice Regional Summit 2009

Mona Moerane

The interdepartmental management team (IDMT) hosted a Gender Justice Summit from 8 to 10 November 2009 at the Cape Town International Conference Centre.

Line ministries and partners in the IDMT include the NPA, the South African Police Service, the departments of Health, Education, Justice and Constitutional Development, Social Development, and Correctional Services, the National Treasury, the United Nations Children's Fund (UNICEF), the United States Agency for International Development (USAID) and the SABC.

The Deputy Minister of Justice and Constitutional Development, Mr Andries Nel, officially opened the conference. He said the common goal was to restore the dignity of survivors of sexual

offences, address challenges and identify solutions for sexual and gender-based violence across Africa. The summit is long overdue, as African problems need African solutions, said the Prosecutor-General of Cape Verde, Julio Cesar Martins Tavares.

The countries that attended included Cape Verde, Mauritius, Sudan, Lesotho and Zimbabwe. Through funding partnerships with the Danish International Development Agency (DANIDA) and USAID, the South African government proposes introducing the Thuthuzela Care Centre (TCC) model in eight other African countries.

International Anti-corruption Day

Sibongile Mogale

Annually, 9 December marks International Anti-corruption Day, which is celebrated all over the world. The NPA also celebrated the day at the VGM Auditorium at the organisation's headquarters in Pretoria. It was hosted by the Integrity Management Unit.



Schoolchildren performing at the VGM Auditorium during Anti-corruption Day.

This year, Anti-corruption Day was really celebrated in style. Primary schools from Silverton and Arcadia, as well as inmates from the Pretoria Maximum Security Prison, were also invited.

The programme director, Ms Moroko Mabowa, started the proceedings by explaining the NPA's values to the audience. She mentioned that there was a hotline that staff members can use to report corruption in the NPA.

Dr Khotso de Wee, Acting CEO, officially welcomed all the attendees. He said that as government officials, we have a duty to ensure that all corrupt activities are reported. When we retire, we must be able to hand over something to our children.

He said the NPA has done a lot in fighting corruption by creating a unit such as the Integrity Management Unit (IMU) and

creating a hotline where corruption can be reported. He told staff that they should try very hard to do away with corruption, as it creates resentment within society. He concluded by saying that staff should try very hard to support all the NPA's initiatives in fighting corruption.

Advocate Mokotedi Mpshe, the former Head of the National Prosecuting Services (NPS), thanked the IMU for inviting the children to the event. He said it is right to teach children at a young age about corruption, as they are the leaders of tomorrow. As the NPA, we need to teach them to know that corruption, just like crime, does not pay.

He said that corruption constrains our ability to fight poverty as a nation. Although South Africa has achieved a lot in fighting poverty, corruption and crime, we still have a long way to go. The NPA, as a member of the Justice, Crime

Prevention and Security (JCPS) Cluster, ensures that all forms of crime and corruption are dealt with. Units such as the Specialised Commercial Crimes Unit (SCCU) and the Asset Forfeiture Unit (AFU) were established for dealing with all forms of commercial and economic crimes.

It was not only a day full of speeches; it was also a day of winning. The NPA, through the IMU, held a competition to find out how much NPA staff members know about their values. The children were also asked questions regarding the values, and the people who answered the questions correctly won prize hampers.

After the competition, the Pretoria Central Prison inmates entertained the attendees with soothing jazz music.

The next speaker was a representative from KPMG. He told the audience that, in order for people to fight corruption effectively, they needed to start with small things such as paying for parking instead of paying a car guard. He said when people did not pay for parking, they were robbing the government of money, which is tantamount to corruption.

The last speaker of the day was the Acting Head of the IMU, Mr Lothar Mbedzi. He reminded the audience that December was a very busy month all over the world. It started off with the celebration of World Aids Day, followed by Activism Against Abuse of Women and Children, and ending with the celebration of International Anti-corruption Day.

He emphasised that the NPA is committed to fighting corruption and has identified nine risks that were threatening the organisation.

10th HOPAC held in Cape Town

Leandra Ragoonath

South Africa hosted the 10th Heads of Prosecuting Agencies Conference (HOPAC), which took place from 10 to 13 November 2009 at the Cullinan Hotel in Cape Town.



The heads of prosecuting authorities from around the world attended the HOPAC.

The conference attracted heads of prosecuting authorities from Australia, New Zealand, Singapore, Zimbabwe, Swaziland, Bermuda, Scotland, Northern Ireland and various other countries.

The first HOPAC took place in Sydney in

1991. The purpose of the conference was to bring together the heads of prosecuting authorities from countries with a criminal justice system derived from the common law tradition. Attendance of this original conference was by invitation and subsequently HOPAC has taken place every two years.

The aim of the conference is to give heads of prosecuting authorities an opportunity to meet and to discuss matters of contemporary significance, general principles and issues of practical importance.

The conference was officially opened by President Jacob Zuma. The President said he was encouraged by the depth of the topics on the agenda. Some of the topics discussed were the independence and accountability of prosecuting authorities, manslaughter and penalties, prosecution in the digital age, as well as terrorism. The President emphasised that it was important that such a conference took place, as international crime was on the increase.

Although the greatest part of the conference was taken up by important deliberations, the delegates got an opportunity to experience some true South African hospitality. They were taken to some of Cape Town's famous landmarks and many expressed an eagerness to return for the FIFA Soccer World Cup in 2010.

SOCA Unit celebrates 10 years in style

Tebogo Seate

Since its establishment in 1999, the Sexual Offences and Community Affairs (SOCA) Unit has achieved a number of milestones and received numerous awards for its outstanding work.

On 10 December 2009, the Unit celebrated its 10th anniversary at Emperors Palace in Kempton Park.

Advocate Pierre Smith, Deputy Director of Public Prosecutions, started the proceedings by providing a background on the unit. It was established to accomplish a number of key objectives, including the formulation of policies and mechanisms to deal with sexual

offenders and make communities aware of them, to deal with domestic violence and child justice, to establish dedicated sexual offences courts, and to develop an innovative and multidisciplinary way of managing sexual violence by developing Thuthuzela care centres (TCCs).

With the emergence of human trafficking in the country, the combatting of the scourge was a necessary inclusion.

Dr Silas Ramaite, Head of the National Special Services Division, congratulated the SOCA team on their achievement. He said: "As far as SOCA is concerned, we have achieved our vision and mission. So much has been achieved, but we still have a long way to go." He emphasised the importance of providing personal services to customers, and was confident that SOCA would continue to do so.

continued on p 9

TCC launch in the Eastern Cape is a great success

Tsepo Ndwalaza

Two Thuthuzela Care Centres (TCCs) were launched at the Dora Nginza Hospital in Port Elizabeth and St Patrick's Hospital in Bizana on 27 November and 8 December 2009 respectively.



Members of the community at the Dora Nginza Hospital in Port Elizabeth.

The aim of the opening of both centres was to inform the community about the services of the TCCs, and communicate government's commitment to service delivery, community mobilisation and education on sexual violence, as well as multidisciplinary collaboration and mutual understanding.

The Sexual Offences and Community Affairs (SOCA) Unit obtained permission to roll out these centres from the Interdepartmental Management Team (IDMT), which worked closely with the Danish government, as the latter committed itself to supporting the management of sexual violence by establishing 12 TCCs over the next two years.

At Dora Nginza, members of the community came in large numbers to be part of this auspicious occasion. The head of the SOCA Unit, Advocate Thoko Majokweni, provided some background on TCCs. Advocate Kombisa Mbakaza, the Deputy Director of Public Prosecutions in KwaZulu-Natal, spoke at length, educating the audience on the Sexual Offences Act. The medical superintendent of the Dora Nginza Hospital, Dr Vehbi, gave a message from the Department of Health, while a representative of the South Africa Police Service gave a message of commitment.

The Nelson Mandela Metropolitan Municipality was represented by the

new Deputy Mayor, Ms Nancy Sihlwayi, who encouraged the community to make use of these facilities, as they belong to them. She was also very vocal, telling men to help protect women from their communities.

The proceedings were followed by the planting of the Tree of Hope at the Dora Nginza Hospital, which will be used as a symbol of hope for victims of sexual violence, to let them know there is a place where they can find help and comfort. There was also a question-and-answer session, where a panel of experts responded to different questions from the audience. It was well organised and helped people understand more about the TCCs.

In Bizana, the launch was graced by the presence of the First Lady, Ma-Khumalo Zuma, and other high-profile government officials. The First Lady delivered an encouraging speech where she urged the community to work together to overcome social problems like sexual violence. It was a beautiful sight when advocates and TCC staff members participated in discussions with members of the communities about the role of the centres and engaged them on issues relating to abuse and sexual violence.

Training on the Child Justice Act

Nomilo Mpondo

The SOCA Unit is at it again! After the Child Justice Task Team completed developing the training manual and draft policy directives on the Child Justice Act, they embarked on a process of training prosecutors in the country. The training has already been piloted in KwaZulu-Natal, the Eastern Cape (East London), Gauteng (Pretoria) and the Free State. The training is set to continue to other provinces. By 17 March 2010, the first phase of training to cover all the regions will have taken place. There is a great anticipation that come 1 April 2010, the long-awaited Child Justice Act will be in operation. The team will soon be in your area, be on the lookout.



Human Resource Development

– at the forefront of people development

Robert Mampana

Perhaps you have been wondering what the Human Resource Development (HRD) section is all about. Well, as the name suggests, its core focus is on people development – to ensure that people are continually equipped with the right skills and knowledge to do their jobs.



The Human Resource Development Team.

HRD is a small section within the Human Resource Management and Development Unit. Its core function is to oversee the development of people while they are still in the employ of the NPA.

Overseeing the Performance Management System

We encourage people to be in charge of their performance management and urge managers to take the lead in this regard. Performance agreements must be finalised and submitted at the beginning of each financial year. For the 2010/11 financial year, all performance agreements should have been submitted to HRD by 14 May.

Performance assessments must also be finalised soon after year-end. Please note that the first National Moderating Committee meeting will be held on 12 May. The second meeting will take place on 26 May and the last one will be held on 3 June. Managers must please ensure that all assessments are submitted on time to avoid disappointment and embarrassment.

Overseeing the internship programme

The internship programme is funded by the Safety and Security Sector Education

and Training Authority (SASSETA), and is aimed at giving graduates from a variety of academic backgrounds an opportunity to gain relevant work experience. The NPA currently has 30 interns in the system and plans to recruit a similar figure in the new year, depending on the funding.

Granting bursaries to staff to improve their educational qualifications

HRD encourages people to take care of their own development, and the NPA has made bursaries available to improve employees' educational qualifications and skills in their career-related fields. For 2010, 228 employees were awarded bursaries. The application process for 2011 bursaries will commence in July 2010. Please take note of this if you are interested in applying for a bursary for 2011.

Overseeing the training and development of staff

HRD has commenced with a process to identify the skills gap in the organisation. This initiative is aimed at enhancing the inventory of skills in the NPA and to give input into an HRD strategy that is currently underway. If your unit has not received a questionnaire to this effect, you may be missing out! Please contact HRD to ensure

that your unit has not been left out. In addition to this, HRD is also responsible for developing and submitting Workplace Skills Plans and Annual Training Reports to SASSETA in terms of the Skills Development Act.

Induction of new employees

Being a new employee in any organisation is always a challenge: a challenge in the sense that you still need to know more about the organisation, its people, processes, policies, procedures and culture. Most often it is the failure to properly induct new people into an organisation that causes high turnover and low employee morale.

That is why the NPA runs a well-designed and properly packaged induction programme for new incumbents. The programme has two components: the Massified Induction Programme (MIP) and the In-house Induction Programme. The MIP focuses on all aspects of the public service, while the In-house Induction Programme focuses on the NPA. It is mandatory for all members appointed since 1 April 2008 to attend the MIP. Details of when these induction sessions will be conducted will be communicated with the relevant business units.

If you feel HRD can add more value in your area of work, or you need assistance on any HRD-related matter, please do not hesitate to contact Ms Lulekwa Ngcwabe, the Senior Manager responsible for HRD, or any of the following team members:

Mr Robert Mampana: HR Manager
Mr Donovan Marks: HR Manager
Ms Belinda Watters: HR Manager
Mr Mayson Macheke: Deputy Manager
Ms Tlou Mohlaba: HR Practitioner
Ms Dikeledi Moganyaka: HR Practitioner
Mr Bryan Moyo: HR Practitioner

A conversation with Lulekwa Ngcwabe:

Senior Manager: Human Resource Development



Lulekwa Ngcwabe, Senior Manager: HRD

You joined the NPA in 2001 and left in 2004 for the Eastern Cape. Was there a reason why you left the NPA?

It was just a personal decision to leave at that point in time.

What did you do before joining the NPA?

I worked for the Eastern Cape Provincial Government and the Eastern Cape Parks Board.

You rejoined the NPA in 2008. How does it compare now with the first time you joined?

Different. When I first joined, the NPA was still at a crawling stage. It was still being established. Now the focus is quite different. In 2001, the focus was on establishing it. Now systems are in place and the challenges are different.

What kind of a manager are you?

I am not a very formal person. I believe that my team must be comfortable with me. People are not robots. I balance between strict and casual. I also believe in a strongly built capacity.

Briefly, what are your daily duties?

Attending meetings; interacting with SASSETA, my team, other senior managers and training forums.

Are you responsible for the Internship Programme? When did it start at the NPA and why?

Yes, the internship programme has always been there. Since it was implemented differently from time to time, it died at

some point. After I did a thorough needs analysis, I felt it was important that it should be continued. The one that is currently running is funded by SASSETA.

Do you think interns are benefiting from this programme?

Of course they are. We have experienced an overwhelming success. Some of the interns find permanent employment when they leave the NPA. Even though the programme is still not where we want it to be, we are happy with where we are.

We recently attended the induction of interns. Is there a reason why this group is inducted, as the previous group was not?

When the previous group was employed, we were still at the stage of developing the programme. Last year, we had capacity constraints and I was still new. Next year, it will be a lot better.

Are there any hopes of interns being permanently employed by the NPA?

We are currently running a financial programme. Going forward, we will be funding it ourselves until we reach a particular standard that we are aiming for.

Do you have statistics of the previous interns who had opportunities of being employed permanently by other organisations?

Yes, we do. A copy can be made available on request.

What are the future hopes for the NPA?

The NPA should continue to do whatever good that it is currently doing. Let us all give it time to evolve and be recognised.

continued from p 6

In her address, Advocate Thoko Majokweni, Head of the SOCA Unit, congratulated her team on having pulled together and withstanding tough times. She was confident that SOCA was going to reach new heights in the new decade.

Advocate Majokweni was proud that South Africa's TCC model has been declared the world's best practice by the United Nations. As a result, the model had already been implemented in Chile and countries such as the USA. Assistance is being provided by Denmark and it is being rolled out in Mozambique, Zimbabwe, Namibia, Lesotho, Botswana, Kenya, Zambia, Malawi, Angola and Benin.

Advocate Majokweni urged everyone to make 16 Days of Activism an all-year-round activity. She said this campaign not only highlights the work that the NPA is doing, but has to be carried on throughout the year. She said it was the duty of the NPA to make people less vulnerable to human trafficking. "We need to track, disturb and punish all offenders," she said. "Our biggest challenge for 2010 is the forthcoming FIFA Soccer World Cup, which poses a threat to women and children being pimped and trafficked. A strategy to counter human trafficking in relation to international events is being devised to deal with the potential problem."

Advocate Vic van Vuuren, the Regional Representative of the International Labour Organisation (ILO), congratulated the Unit on its achievements and pledged to continue supporting the NPA in the Tsireledzani counter-trafficking public awareness and prevention programme.

Ms Nolwandle Qaba of the NPA and Ms Astrid Coyne-Jensen of the ILO launched the public awareness baseline study, which assessed knowledge about human trafficking among the South African public. It would be used to assess the impact of the Tsireledzani public awareness programme once finalised.

Western Cape

focuses on HIV/Aids

Nomilo Mpondo

It has become a tradition in the country and elsewhere to celebrate World Aids Day on 1 December each year. The objective of these celebrations is to reflect, evaluate and look at the mistakes and achievements made in the fight against the scourge of HIV. The venue for the Western Cape celebrations was carefully chosen and Zevenwacht Wine Estate was indeed a place worth celebrating life. All the speakers and their speeches equalled the ambience of the venue.

All guests were warmly welcomed by Advocate De Kock. Mrs Modise, Executive Manager of the Human Resource Management and Development Unit, on behalf of the NPA's Acting CEO, gave a speech about the NPA's commitment to employment



Adv Mpshe undergoing voluntary counselling and testing.

equity. "Let us be conscious and mindful that HIV is also a disability," she quipped. She revealed that the NPA was not even near the 2% mark when it came to hiring people with disabilities. She made a plea to her audience to take advantage of programmes in the NPA provided by the Employee Wellness Unit. She said everyone should take responsibility and continue to destigmatise HIV and Aids. In closing, she echoed the 2009 World Aids Day theme, and said:

- I am responsible
- We are responsible
- Government is taking responsibility

The former Deputy National Director of National Prosecutions, Advocate Mpshe, also took to the podium. He praised the government for announcing a new strategy to fight HIV/Aids. He viewed the NPA as an integral part of the HIV/Aids situation in the country, and said the NPA relied on healthy and well-balanced staff members, but HIV/Aids was already robbing the NPA of its scarce skilled workforce. He alluded to the fact that in the NPA there are already prosecutors who are unable to wake up in time for their court appearances, because they are affected by HIV/Aids. He requested everyone to be sensitive and treat the affected ones with care.

Pastor George Booysen, a community leader, gave a message of hope when he said: "We are a resilient nation. We have overcome other things in the past. We will overcome HIV/Aids too." As part of its social responsibility, the NPA in the Western Cape was seen to be reaching out to the needy and vulnerable groups. Ms Anne Jacobs of Cotlands in the Western Cape expressed her gratitude for the aid the NPA had given them.



The Cape Town staff visiting Cotlands.

The Take Away Theatre kept the audience in stitches when they performed their Aids awareness play. Between the speeches and entertainment, people were allowed to undergo voluntary counselling and testing (VCT). It was good to see top management also going for VCT. The Ambush theatre took the occasion through to lunch and the attendees could network afterwards.

The State vs Morné Harmse

Gerrit Roberts SC

This case has received huge media attention due to the bizarre facts of the matter. It has been referred to in the electronic and printed media as the ‘Sword Killer’, ‘Ninja Boy’ and the ‘Slip Knot Murder’.

The incident occurred on 18 August 2008 at the Nic Diederichs Technical School in Krugersdorp. The accused, an 18-year old grade 12 learner at the school, had planned his attack carefully. He requested a fellow learner to manufacture a bomb for him. This amateur, home-made device had been given to him on the morning of the 18th, but it had failed to detonate.

On the day in question, he took three swords, three home-made masks similar to those used by the heavy-metal band Slip Knot, elbow and knee guards and black paint to school. At school, he used the black paint to make his face black. He put on the mask like the one the leader of Slip Knot wore and put on the elbow and knee guards and the three swords.

As the bell rang for school to commence and the children started to move to the hall, the accused launched a brutal and vicious attack on the deceased, a grade 10 learner at the school. After hitting him behind the neck with one of the swords, he attacked another learner by hitting him behind his head and attacking two of the school’s labourers. Notwithstanding first aid efforts by some teachers and learners, the deceased was killed on the scene by this vicious and brutal attack. The other complainants were all taken to hospital for treatment. An operation was performed on the other learner who was seriously injured.

The accused was referred to the Sterkfontein Psychiatric Hospital for 30 days of observation. This period was later extended to 60 days. The unanimous decision by all the psychiatrists was that the accused did not suffer from mental illness and that he was able to follow court proceedings and assist in his own defence.

The accused was convicted by AJ Hattingh on a count of murder and three counts of attempted murder in the South Gauteng High Court in Johannesburg. The defence wanted to obtain the services of Dr Irma Labuschagne. Unfortunately, she passed away, so they instructed a probation officer to compile a report for the court.

Evidence by the well-known expert on the occult and satanism, Dr Kobus Jonker, was placed before court. Dr Jonker testified that the accused was only experimenting with certain features of the darker side of life, such as the occult, and that this had no effect on his well-planned actions.

After evidence in mitigation and aggravation of sentence was heard, the court sentenced the accused to an effective period of 20 years imprisonment.

Comments on the case



*Leader of the prosecuting team,
Gerrit Roberts SC.*

The matter of the State versus Morné Harmse is a clear example of the dangers associated with sensationalising the facts of a case. The influence of the media is one of the biggest obstacles while prosecuting a high-profile matter.

According to the prosecuting team, Gerrit Roberts SC and Adele de Klerk of the Director of

Public Prosecution’s Office in Johannesburg, this was one of the major challenges that had to be managed during the trial of the so-called Sword Killer.

Since the crime was committed in August 2008, the media had a field day with the case. What is quite interesting is that everybody – from the state witnesses on the one side to the accused and his family on the other – perceived the media as being sensational and not publishing the truth in the matter.

Due to the sensational nature of the case, the public at large was bombarded with sensational stories, many of which were not in issue between the state and the defence.

The best way to illustrate this is by way of example. Headlines like ‘Sword Killer was often belittled’ and ‘Ons seun is geboelie’ created the impression that the accused was a victim at the school. This was, however, not true and the defence never advanced this as a reason for the attack by the accused.

Headlines like ‘Satanic ghost visions’ and ‘Ninja says spirit told him to become a satanist’ created the impression that the accused was possessed. Once again, this was not a true reflection. The prosecuting team initially prepared the case on the basis that the defence might come with a plea of temporary non-pathological incapacity.

This was fortified by references in the media to the darker side of life with words such as ‘occult’ and ‘Satanism’, which created the impression that the accused was deeply involved in Satanism. This was not the case and it became necessary to disprove it. Due to the huge media coverage, the court also required an expert witness on satanism and the occult to give evidence. This involved an unnecessary waste of time and money.

Girls are the winners with the NPA

Sibongile Mogale

A number of school learners were invited to the Anti-Corruption Day, which was held at the NPA VGM auditorium last year. During that celebration, the then Acting NDPP, Adv Mokotedi Mpshe, ran a competition for the learners around the NPA values and offered a trip to Cape Town for two girls who would answer the questions correctly.



Jennifer du Plooy (in blue) from Christian Brothers College and Mamello Seleka from Pretoria Girls High School in Cape Town.

The girls were asked to name the NPA values and to choose two values that they identified with.

Adv Mpshe kept his promise. Two girls who answered the questions correctly and explained which two values they identified with were flown by the NPA to Cape Town in January 2010. The two girls are Jennifer du Plooy from Christian Brothers College and Mamello Seleka from Pretoria Girls High School.

Commenting on their experience, this is what the two girls had to say:

Jennifer du Plooy: “Thank you very much from the bottom of my heart for what you are doing for the youth of South Africa. The trip was nice and I am truly touched by your caring.”

Mamello Seleka: “The NPA is doing a great job, especially by involving the youth. It was an honour for me to have been invited. I have always wanted to become a singer when I finish school, but now that has all changed. I have decided to rather become a prosecutor and help all the people in the streets, just like the NPA is doing.”

Taking **service delivery** to the communities

Natasha Ramkisson

On 28 November 2009, the NPA, along with various government departments and NGOs, gathered in Dududu on the KwaZulu-Natal south coast to launch a national service delivery roadshow.



Participants in the roadshow set up their exhibitions.

The theme of the roadshow was: Taking service delivery to the communities. The South African Police Service (SAPS), the Department of Justice and Constitutional Development (DoJ&CD), the Department of Home Affairs and Legal Aid South Africa attended the event. The purpose of the roadshow was to provide remote, impoverished communities with access to government services. It was also a platform to educate members of the public about the various departments and their functions.

The speaker for the Vulamehlo Municipality, Councillor T Dube, urged the community to take advantage of the day and utilise the services available and gather information. The event was lauded a success, as approximately 2 000 people residing in either the local or district municipality were present and accessed or benefited from the services provided.

NPA taking OHS seriously

Sibongile Mogale

Occupational health and safety (OHS) issues are top agenda items for most companies, including those that are in the public service. The laws of the country require all companies to comply with all the applicable OHS regulations in the workplace, and the NPA is no exception.



Staff receiving their OHS certificates.

That is why a number of people at the NPA have been trained to be competent on OHS matters. On 10 December 2009, the first group of people based at the VGM building graduated from an OHS training

programme that covered the following courses: Fire Extinguishing, First Aid Training (Basic and Advanced), as well as Safety, Health and Environment.

During the ceremony, Mr Simon Hlatshwayo, Vetting Manager in the Security and Risk Management Unit, urged NPA staff to take OHS very seriously, not just at the NPA premises but also at home.

Mr Tshilidzi Ramahana, the chairperson of the OHS Committee and the Head of Security and Risk Management, also emphasised the importance of safety in the workplace. He said safety had to be taken seriously because failure to do so can have very serious negative consequences, including being dragged to the courts by victims of safety incidents. However, he was happy that the NPA has made progress in making OHS part of our organisational culture. The graduation of these OHS reps was therefore a step in the right direction. He said this programme has also been rolled out to the regional offices.

The state **versus** Ananias Mathe

Prosecutor David Mothibe

The magic for the notoriously dubbed Houdini of C-Max ran out on 4 December 2009 when the Southern Gauteng High Court sentenced Ananias Mathe to 464 years. The judge made some of the sentences run concurrently and the effective sentence is 54 years' direct imprisonment.



For the prosecution team, led by senior state advocate David Mothibe and state advocate Shubnum Singh, it signalled a bitter-sweet victory after months of preparation and hard work.

Mathe's crime spanned seven years and covered three provinces (Gauteng, North West and Limpopo). He was convicted of 64 criminal counts, including multiple counts of housebreaking with intent to rape, as well as rape, attempted rape, housebreaking with intent to steal, theft, attempted murder, robbery with aggravating circumstances, escaping from lawful custody, and other violent crimes.

The state faced the monumental task of calling over 100 witnesses. Four of the rape victims, who had already left the country, had to be flown in, in order to testify. The state called over 20 forensic experts to prove the case against the accused.

As witness after witness testified, the media frenzy began. The court heard evidence on how Mathe poisoned dogs with Aldicarb or Two Step, which was placed in bully beef or sausages. In order to gain access to the houses, he would remove louvre glass and hinges from doors, use broom handles to 'fish' keys out of witnesses' homes, or unscrew and disassemble complicated door handles. He would then terrorise the occupants before fleeing with nothing more than minimal amounts of cash or cellular phones. In a large number of cases, where vehicles were stolen, luxury vehicles were targeted.

Mathe's victims also included a brave mother, who in the presence of her young son, was shot three times in the chest as she pushed him out of her house. Another victim was shot as he lay in bed next to his wife. Other victims included Ekurhuleni Metro police officials and even an employee of Netstar.



Senior State Advocate David Mothibe

Comments on the case

- All the rape victims and witnesses attended victim preparation, as some of the witnesses were too afraid to testify.
- The accused and counsel placed everything in dispute, which meant that the state had to call every available witness. Further challenges encountered were that some of the chain witnesses had passed away and serial numbers of crime kits had been recorded incorrectly on statements and registered.
- Over 20 fingerprint expert witnesses from eight different local criminal record centres testified in the matter. Even though the trial was expected to continue over six months, it was concluded in just over four months. It was a difficult task to plan and call for witnesses each day. Many were impatient. Dates and times for witnesses who had already left the country had to be arranged months in advance. Many were reluctant to testify. Many were inconsolable before and during the trial. Some were problematic and disrespectful towards the prosecution team.
- One of the most challenging pieces of evidence led was related to a shoeprint that had been found at one of the crime scenes. The prosecution team called an expert who identified some seven points of similarities between the shoe worn by the accused on the date he was arrested and the print found on the scene by members from the Local Criminal Record Centre. Although the evidence was largely circumstantial, a conviction ensued.
- The court, in imposing the sentence, said that it wanted to impose a sentence that was practical for a person to serve, rather than impossible.

The NPA goes **matric dancing**

Sibongile Mogale

If you think the NPA is dull and boring, you haven't seen anything. We also attend matric dances! Ask Adv Patrick Nkuna, who was invited by Mandlethu High School in Mpumalanga to its matric dance as a motivational speaker.



Advocate Patrick Nkuna from the Office of the Directorate of Public Prosecutions in Pretoria.

While he also enjoyed the matric dancing, Advocate Patrick Nkuna was there as an ambassador of the NPA, explaining the role of the Authority and how the criminal justice system operates to the learners.

Adv Nkuna holds a BJuris and an LLB from the University of Limpopo. He worked as a first black Judge's clerk from 1995 to 1997, and in 1998 he joined the NPA and worked for the former Scorpions Unit while studying towards his LLB. After completing his LLB, he was admitted as an advocate in the High Court of South Africa.

In his speech, Adv Nkuna told the learners that dedication, determination, discipline and focus were the main ingredients of success in everything a person wanted to accomplish, especially for them as matriculants. "I only passed my matric after repeating it three times, and I am not embarrassed to tell you that". If he did not have enough determination, he said, he would easily have given up. After passing matric, he followed his dream of becoming a lawyer and does not regret it.

Nkuna also advised the learners to be mindful of who they associated with. "The people you hang around with have

a strong influence in your life," he told them.

After his presentation, the learners had an opportunity to ask him questions about the work of prosecutors. Below are some of the questions and his responses:

What does a prosecutor do?

A prosecutor receives a case and decides whether the case is valid for prosecution or not. If it is, he or she will write a charge sheet. Later on, he or she will also write a bail opposition.

What is the difference between a lawyer and a prosecutor?

There is no difference. A lawyer and a prosecutor went to the same university and studied the same degree. On completion of an LLB degree, a lawyer is required to serve articles with a law firm and a prosecutor undergoes the Aspirant Prosecutor Programme offered by the NPA.

The other difference is that a prosecutor stands for the victim and a lawyer stands for the accused.

What is the difference between an attorney and an advocate?

Advocates are divided as follows:

State advocates are employed by the government through the NPA to appear in criminal cases on behalf of the state, primarily in the high courts.

Private advocates are those advocates who are members of, for example, the General Bar Council and get their legal briefs from attorneys. Most of them practise in the high courts, but they can still appear in the lower courts and are not allowed to look for clients directly except through the attorney.

Attorneys, on the other hand, are lawyers who are members of the law societies of various provinces, who have served articles of clerkship as candidate attorneys, passed board exams and have been admitted as such. They practise for their own accounts or they may be employed in any of their legal capacities. Those that practise for their own accounts have to look for clients directly. Nowadays attorneys are allowed to appear in high courts.



Matric learners enjoying dinner at the matric dance.

Who's new?

New appointments

Shabangu MD, Advanced District Court Pros, CPP Pretoria
 Mpanza P, Senior Messenger, DPP Grahamstown
 Mabaso SK, Maintenance Prosecutor, CPP Nylstroom
 Mphemvane LB, Advanced District Court Pros, CPP Welkom
 Reddy K, Junior State Advocate, AFU Johannesburg
 Mdhluli CF, Junior State Advocate, AFU Far North
 Dlodlu ZT, Principal Admin Ass: Gen, DPP Pietermaritzburg
 Mgilane NG, Assistant Librarian, DPP Kimberley
 Tyali LA, Regional Communications Manager, DPP Umthatha
 Zuma VK, Principal Admin Ass: Gen, DPP Pietermaritzburg
 Piennar Z, Junior State Advocate, DPP Johannesburg
 Maphike MJ, Senior Admin Assistant, DPP PTA
 Amod S, Junior State Advocate AFU Lambden NL Relief Prosecutor, CPP East Rand
 Rapfumbedzani MM, Advanced District Court Pros, CPP Vaal Triangle
 Malapane L, Senior Project Manager Program Mana Off
 Combrinck M, Advanced District Court Pros, CPP Middelburg
 Sayed N, Junior State Advocate, AFU Cape Town
 Labuschagne C, Regional Communications Manager
 Malema LC, Senior Admin Assistant, CPP JHB

Rakgotho BA, Chief Admin Assistant HRM&D

Transfers and promotions

Theys (Wessels), CL, District Court Prosecutor, CPP Odi
 Thabe MV, Chief Admin Ass: HR HRM&D (Head Office)
 De Vries E, Senior Admin Assistant, CPP Cape Town
 Kobi TP, Translator, CPP Upington
 More KP, Senior Admin Assis: Gen, CPP East Rand

Relocation

Heunis L, Junior State Advocate, SOCA

Promotions and relocations

Abdol CO, Regional Court Prosecutor, CPP Welkom
 Mhlanga CZ, Advanced District Court Pros, CPP Vaal Triangle
 Sinclair I, Advanced Deputy Manager: LR AFU Durban, Labour Relations
 Baliwe M, Junior State Advocate, DPP Cape Town
 Nkuna PT, Junior State Advocate, DPP Pretoria
 Jacobs MY, Junior State Advocate CT: Tax Unit
 Mhaga MC, Senior Manager: Media Relations Communications
 Mazibuko VNB, Head Control Prosecutor, CPP Bethlehem
 Mthembu B, Junior State Advocate, DPP Johannesburg
 Mashaba LR, Regional Court Prosecutor, CPP Bloemfontein
 Magopeni NG, SSA SCCU

Tlhapi AS, Reg Court Control Prosecutor, CPP JHB
 Matjokana MD, Junior State Advocate, DPP PTA
 Lamola MJ, Snr Prosecutor, CPP Kimberley
 Seabela MR, Advanced District Court Pros, CPP Nylstroom

Promotions and movement

Mothilall BL, Junior State Advocate
 Segalo PF, Advanced District Court Pros, CPP Welkom
 Martin DH, Advanced District Court Pros, CPP West Rand
 Fourie A, Advanced District Court Pros, CPP West Rand
 Bavuma BT, Advanced District Court Pros, CPP West Rand
 Makhubela J, Advanced District Court Pros, CPP West Rand
 Mhlebi TT, Regional Court Prosecutor, CPP Wynberg
 Ajoodha D, Advanced District Court Pros, CPP West Rand
 De Water RA, Advanced District Court Pros, CPP PTA
 Centane B, Advanced District Court Pros, CPP Vaal Triangle
 Melane M, Maintenance Prosecutor, CPP Mitchell's Plain
 Manena L, Advanced District Court Pros, CPP PTA
 Semenya L, Advanced District Court Pros, CPP PTA
 Mphela NS, Advanced District Court Pros, CPP PTA
 Sekhonyana T, Advanced District Court Pros, CPP Bethlehem
 Turner CJ, Regional Court Prosecutor, CPP Wynberg



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