

Khasho



News for NPA staff, friends and stakeholders

July 2010





Letter from the Editor

This month, we bring you yet another good dose of news, events and important information from the world of the NPA.

As you are aware, the public participation programme (previously known as Imbizo) continues to be central in the way that our government approaches service delivery and community engagement to increase communication flow between government and the citizens of South African. The NPA, together with other departments in the Justice, Crime Prevention and Security (JCPS) Cluster participated in the third provincial community outreach roadshow on 24 July 2010. The Free State leg of the roadshow was in Allanridge, Welkom, and it again demonstrated the synergy between the three spheres of government – national, provincial and local government – in raising awareness about and providing access to government services to communities. We share the experiences of the day in

this issue, and we advise you to be on the lookout for the Eastern Cape leg, to be hosted in Cradock in August.

As you may already know, the United Nations has adopted 18 July every year as International Mandela Day, in which people across the globe are encouraged to celebrate Nelson Mandela's life and legacy. Most importantly, it is a global movement to take his life's work into a new century and change our world for the better. This year, we were urged to put aside 67 minutes of our time for a charitable cause. We know that many NPA employees heeded the call and participated in this noble cause, and we are really proud of that. Others came forward and shared their experiences with us. We salute the efforts made by NPA employees, in their individual capacity, to take part in community upliftment projects.

Having emerged from a successful FIFA Soccer World Cup, we have unfortunately noticed the re-emergence of xenophobic attacks against foreign nationals. The government is very clear on this one. Such acts will not be tolerated, and perpetrators will be brought to justice. In this issue, we remind you of the key messages from government, and urge you to assist in spreading these messages as widely as possible. The end result that we want

to achieve is to hear all South Africans saying a big "No" to xenophobia.

It was sad to say goodbye to Adv Humphrey Lusu who retired in June. He was the Director of Public Prosecutions (DPP) in Mthatha. Those who have had the privilege of working closely with him learnt from his vast prosecutorial knowledge and from his wisdom in general. He embodied professionalism in its highest form. Adv Lusu was a true people's lawyer who bowed out with both integrity and dignity. The NPA family wishes him a peaceful retirement.

This edition of *Khasho* brings you a glimpse into the life of Adv Silumko Ngqwala, Acting DPP: Mthatha, who took over from Adv Lusu in an acting capacity from 22 June to 31 March or when a permanent DPP for the Mthatha office is appointed, whichever occurs first. We also introduce to you the Acting DPP: South Gauteng, Adv Xolisile Khanyile. Adv Khanyile commenced her acting position on 1 June and will continue in this capacity until 31 March 2011 or when a permanent DPP is appointed, whichever occurs first.

Bulelwa Makeke
Executive Manager: Communications

Cover photograph: A pre-kick-off Soccer World Cup event at the VGM Building in Pretoria.

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Message from the National Director of Public Prosecutions

Let me start by thanking all NPA staff for the support they have given to our country during the FIFA Soccer World Cup, in particular for participating in the Football Friday Campaign.

Thank you very much for flying the flag of our country high during the tournament, but most importantly, for ensuring that the excitement that prevailed did not in any way affect our service delivery. For that I want to give you eight out of ten. I am sure you will agree with me that this was indeed a very successful tournament. The world at large is still talking about it, and it will certainly remain in the minds of many South Africans for years to come.

As far as the administration of justice is concerned (of which the NPA was an active participant), I believe that we performed exceptionally well. Personally, I would give the justice cluster 110% for a job well done. This achievement is not something that fell from the sky. It came about as a result of thorough preparations that were made well in advance to ensure that the justice cluster was not overtaken by events. It ensured proper and swift administration of justice, and ensured that perpetrators were appropriately punished for their transgressions. It was able to identify problem-makers in advance and prevented them from entering the country. The overall assessment of the performance of the cluster during this spectacular event shows that it is far more advanced than the credit it received. I therefore want to thank and congratulate all prosecutors and other support staff for their contributions.

This is the kind of legacy we want to continue with. We need to ask ourselves what we need to do to carry the momentum forward, without having to work overtime, because as you are aware, resources are very limited. We need to investigate how we can achieve similar results during normal working hours. People have shown that they want to serve the country, and we need to create the right environment for them. We are still waiting for the Minister of Justice and Constitutional Development to provide further clarity on the way forward.

One of the challenges that I have identified since assuming office as National Director of Public Prosecutions is the pressure facing the NPA to appropriately reward staff for good performance. I want to believe that there are a lot of employees who work very hard, but are never rewarded. Our reward and recognition system only caters for top performers, but I believe that apart from them, there are many employees who are also good performers who miss the boat when it comes to rewards. The challenge is, how to make our reward system more inclusive without necessarily having to give money to everybody.



*Advocate Menzi Simelane,
National Director of Public Prosecutions.*

Should we perhaps give them more responsibilities and accountabilities to enrich their personal growth and development? This is something that we need to explore.

Another critical challenge I have identified is the urgency to build trust among staff members. We don't seem to trust each other enough at the NPA, and we cannot deliver effectively on our mandate if we lack trust. Where there is lack of trust, there is no unity of purpose. Where there is no unity, people tend to pull in different directions. However, due to the nature of the work we do, trust is very important, and we need to conduct our business according to high ethical standards. Members of the public must also trust the institution, but we first need to do our part in building it internally.

Finally, let me say emphatically that transformation is part of government's agenda to improve the wellbeing of our society. We cannot delay it anymore. I therefore urge everyone to approach it with an open mind. Bear in mind that improving our organisation is not an isolated event, but an ongoing journey.

Let us focus on seizing opportunities as they come, as opposed to investing our energies in preserving the past. Most importantly, let us ensure that transformation works for us.

THE NPA HOTLINE – 0800 212 580

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

Being the people's lawyer

– following in the footsteps of Madiba

Tebogo Seate and
Nomilo Mpondo

The month of July was dedicated to honouring a great son of the soil, as he celebrated his 92nd birthday. We are talking about none other than Madiba himself.

Nelson Mandela is a lawyer by profession. He went to Fort Hare University in pursuit of a law degree. He later worked as an articled clerk at the then Johannesburg law firm of Witkin, Sidelsky and Edelman. While working there, he completed his BA degree at the University of South Africa through correspondence, after which he began his law studies at the University of the Witwatersrand.

He qualified as a lawyer in 1942. With his law degree, he wanted to protect his fellow black countrymen against the repressive apartheid system. Together with Oliver Tambo, he established the country's first black law firm. His work as a lawyer gave him a better insight into how the system was affecting his fellow countrymen.

However, his career as a lawyer was unfortunately very short-lived, as his involvement in politics and subsequent arrest finally took away the 'people's lawyer'. Later in his life, while in prison, Mandela studied for a Bachelor of Law through the University of London's External Programme. His deep-rooted passion for law clearly shows that he had the interest of people whom he wanted to defend and protect at heart at all times.

Being from the legal profession, and therefore being 'one of us', is there anything that we can learn from Madiba? Can his life story be of any value to us as we attempt to 'represent and act on behalf of the people in all criminal trials' as is envisioned in the NPA's Service Charter, and in ultimate fulfilment of our vision, 'justice in our society, so that people can live in freedom and security'?

Khusho spoke to three prosecutors, and this is what they had to say:

Nico Benson, Senior State Prosecutor, Northern Cape DPP, Kimberley office

I get to feel like a people's lawyer when I see both the victim and the accused getting assistance. Both the victim and the accused must be treated with respect and dignity. Wrongful arrest goes against our vision of justice in our society... It is unfortunate to have someone spend time in jail and later find that he was wrongfully accused. Being the people's lawyer is serving both the victim and the accused.

Moemedi Mabogoane, Senior State Prosecutor, Northern Cape DPP, Kimberley office

Being the people's lawyer gets to be fulfilling when I see the victim of crime leaving the court satisfied, irrespective of whether the accused has been found guilty or not.



Nelson Mandela as a young lawyer before being imprisoned and later becoming President of the country. (Image: Wikipedia, the free encyclopedia)

Nkhetheeni Munyai, Senior State Prosecutor, North West DPP, Mmabatho office

As prosecutors, we are truly inspired by the dedication and tireless efforts of Mr Rolihlahla Nelson Mandela in his fight for freedom, justice and human rights. As 'people's lawyers' like Mr Mandela, we must continue to serve the people of South Africa, in their diversity, with pride to ensure that justice is dispensed evenly, irrespective of the socio-economic conditions that may affect particular sections of the various communities. We will continue to play a proactive role to ensure that what Mr Mandela fought for is realised in our justice system. To Mr Mandela we say: "You are an inspiration to the nations."

Did you know?

When he was still practising as a lawyer, Madiba developed eight propositions that he used in his day-to-day life as a lawyer. These later came to be known as Mandela's eight lessons in leadership. (www.time.com)

- Courage is not the absence of fear: it is inspiring others to move beyond it.
- Lead from the front, but don't leave your base behind.
- Lead from the back and let others believe they are in front.
- Know your enemy and learn about his favourite sport.
- Keep your friends close and your rivals even closer.
- Appearances matter, and remember to smile.
- Nothing is black or white.
- Quitting is leading too.

Heeding the 67-minute call

Tebogo Seate

On 18 July 2010, Mandela's 92nd birthday, the Nelson Mandela Foundation urged people to devote 67 minutes of their time to help improve the conditions of their communities. The 67 minutes represent the number of years that Nelson Mandela spent serving his community, his country, and the world at large. The United Nations has adopted this day as International Mandela Day, when people across the globe are encouraged to celebrate Nelson Mandela's life and legacy. Many NPA employees heeded the call. Some of them came forward and told *Khasho* what they did on that day.

Billy Mabena, Information Management Service Centre (IMSC)



Billy Mabena of IMSC, VGM Building, spent more than 67 minutes at Leamogetswe Home of Safety.

To celebrate Nelson Mandela's birthday, Billy decided to spend some time at Leamogetswe Home of Safety in Atteridgeville, where he spent more than 67 minutes playing with the kids, assisting with the preparation of their breakfast and lunch, and also taking over some of the daily chores at the home. "The day was really enjoyable and

the residents of the home were very welcoming," he said. To emphasise the legacy of the 2010 FIFA World Cup, the NPA donated four soccer balls to the home. "The soccer balls were thoroughly appreciated by the children, who immediately engaged in a football match on receiving them. Needless to say, I did not miss the opportunity to show off my skills in the field as well, much to the kids' amusement," he said.



Advocate Xolisile Khanyile visits disabled children at the Ithembelihle School in Primrose, Germiston.

Adv Xolisile Khanyile, Acting DPP, South Gauteng

Adv Khanyile was really touched by the reality of the world of disabled children at Ithembelihle School in Primrose, Germiston. "Although visiting Ithembelihle does not form part of the work of the NPA, I will still go back again

because the little that we can do will always make a difference," she said. She was accompanied by prosecutors from the Specialised Commercial Crimes Unit, who spent their 67 minutes distributing mini-vuvuzelas donated by Brand SA, as well as fruit, to children. The children made a lot of noise and were very excited by the warmth they were receiving. The NPA entourage felt welcome and eager to return.

North Gauteng DPP, Pretoria Office



Members of North Gauteng DPP provided soup and blankets for the homeless outside a magistrate's court.

When the advocates of the North Gauteng DPP, Pretoria Office reported for duty at some of the dedicated World Cup courts at night, they noticed a number of homeless people who were living outside the Pretoria Magistrate's court. Many of those people did not have sufficient bedding to keep them warm. They used plastic bags to protect themselves from the cold. This really touched the hearts of our colleagues, and they decided to buy blankets and soup for the homeless people out of their own pockets. Although society views prosecutors as those who only prosecute, it shows that they also care for the community and ensure that social justice is achieved in all forms. In light of a number of cold fronts that the country experienced during winter, we sincerely hope that this charitable work helped those in need.

Threats of violence

against foreign nationals in South Africa

Nomilo Mpondo

As the whole world was united during the month of July in showing their respect for one of South Africa's greatest leaders, Nelson Mandela, and following the euphoria of a very successful FIFA World Cup hosted in our country, threats of violence against foreign nationals, similar to incidents of two years ago in which 62 African immigrants were killed and thousands others displaced, have resurfaced. The government has taken note of these alleged threats and the following key messages clarify its position.

The government takes threats to security in a serious light, whether perceived or real.

Government is aware of and takes seriously rumours of violence against foreign nationals following the completion of the 2010 FIFA World Cup, the first to be hosted on African soil. The government has activated the Inter-Ministerial Committee on Xenophobia, chaired by the Minister of Police. The attention paid to this issue at the highest levels indicates the seriousness that government accords to the matter. Government is reviewing the development and implementation of its current immigration policy. This includes devising medium- and long-term plans to sustain peaceful co-existence between South Africans and foreign nationals in the country.

Security forces are on the ground to ensure that peace and stability prevail across the country. These forces are on high alert and will not tolerate any form of violent behaviour by individuals or groups of people.

Government calls upon South Africans to join hands with law enforcement authorities in maintaining peace and stability in the country. Criminals must not be allowed to tarnish the good name of South Africa.

Fundamentally, South Africans are welcoming, tolerant and peace-loving. However, as in all societies, there will be elements that will exploit any situation to destabilise communities and commit crimes. Some of these elements are currently intimidating foreign nationals in order to commit common crimes.

Government is taking measures to act against these elements, which will face the full might of the law for any anti-social or criminal behaviour. The South African government calls on people to provide the police or community-based organisations with information about threats or incidents. It also calls on all South Africans and foreign nationals living

in the country to join in the efforts that are being made to build better and more cohesive communities. It is everyone's responsibility to maintain peace and stability in the country. The majority of visitors have singled out the humanity of South Africans and their warm and hospitable welcome as key contributors to the resounding success of the World Cup.

To maintain the positive climate, South Africans, individually and as members of organisations, are asked to join hands with government, to act in the country's best interests and say "no" to xenophobia. South Africa, like most developing countries, has many socio-economic challenges, including poverty, joblessness, the spread of preventable infections and the need to improve the quality of education. These challenges can only be addressed if we work together to improve our skills and quality of life. Violence against those perceived to be perpetrators of crime or of usurping scarce resources has never worked before and the only effect it can have is a negative impact on the country's reputation.

The NPA, as an organ of state and a key partner in the JCPS Cluster, reiterates government's position of saying "no" to xenophobia. This is the message that we should all uphold and extend to both our immediate family members and the communities from which we come.



Meet the Acting DPP for Mthatha

Luxolo Tyali

Adv Silumko Ngqwala

This edition of *Khasho* brings you a glimpse into the life of Advocate Silumko Wiseman Ngqwala, Acting DPP: Mthatha, who took over from Adv Humphrey Lusu in an acting capacity from 22 June 2010 to 31 March 2011 or when a permanent DPP for Mthatha is appointed, whichever occurs first.



Adv Silumko Ngqwala

Who is Adv Ngqwala?

Born 50 years ago, Adv Ngqwala joined the Department of Justice in 1981 as a student professional. During vacations, he worked in various districts as a court interpreter and clerk of the court. On completion of his junior degree, he worked in various districts and rose to the ranks of district court prosecutor, regional court prosecutor, assistant magistrate, state advocate and senior state advocate. In 1997, he underwent training as an aspirant regional court magistrate and did his six months of practical training in the City of Cape Town Regional Court. In May 1999, he was promoted to the rank of Deputy Director of Public Prosecutions (DDPP) in Mthatha. During 2001, he acted as DPP for four months in the same office.

We know you have only taken the baton of Acting DPP recently, but so far what has your experience been as Acting DPP?

It has been very exciting, although challenging. Notwithstanding that, with the experience I have gathered over many years and due to the fact that I will be working with staff I am familiar with, I am confident that the challenges I will be faced with will be minimised. It is not like being deployed to an office where you have never worked before.

What challenges do you foresee?

- Improving the performance of the lower courts in terms of resources and administration.
- Resistance by staff to new changes like implementing the realignment process.
- Boosting the morale of staff, which somehow appears to be low.
- Increasing the capacity of the prosecutors to deal with crime, which is rising rapidly.

Are there any priority cases that are unique to Mthatha?

Yes, there are cases like 'ukuthwala' or forced marriages that involve young girls, as well as the botched circumcision cases that are reaching alarming proportions. I have personally taken it upon myself to prioritise these cases.

What do you consider to be important in leading a team of many prosecutors and support staff in the region?

Transparency in my leadership style and direct interaction with all employees, as well as maintaining an open-door policy in handling the affairs of the employees.

Do you find your job to be fulfilling?

Yes, especially the exposure to new things. The fact that it is expanding my career path will always be beneficial to my professional growth.

Do you have any message of encouragement to the rest of the staff in the region?

To all the NPA staff in the region, I wish to convey this message: "You must at all material times when you execute your duties remember that you are not serving my interests as your leader, but instead, be mindful of the fact that you are serving the interests of the NPA as an organisation, as well as the interests of our beloved country, South Africa."

Do you have any strategy for dealing with partners and stakeholders of the NPA in the region?

I attend structured meetings with partners and stakeholders such as the Justice, Crime Prevention and Security (JCPS) Cluster meetings, provincial development committee meetings and the Criminal Justice Forum meetings, which are chaired by the Judge-President in the province. I also attend stakeholders' imbizos in the region.

Justice must prevail:

State vs Adv Barbie

Mona Moerane

On 24 February 2010, the North Gauteng High Court sentenced Cezanne Visser, 32, commonly called Advocate Barbie in the South African media, to a total of seven years' imprisonment. Although she later appealed her sentence, she failed in her bid to avoid jail.

When passing the sentence, Acting Judge Chris Eksteen said that “the only fit sentence is a period of incarceration; there is no alternative that is appropriate in this case.”

In October 2009, Cezanne Visser was found guilty on 11 charges, including two of indecently assaulting two girls of 11 and 14 years and soliciting a 13-year-old to commit indecent acts.

She was also sentenced on a charge of defrauding a children's home in order to get them to allow children to spend weekends with her and her former lover, Dirk Prinsloo.

Judge Chris Eksteen found that Visser's visits to the children's home had been carefully planned and that she had taken the initiative to get the children, whose vulnerability she and Prinsloo “exploited inhumanly”.

All three children were exposed to pornographic videos and magazines. They had to watch Visser and Prinsloo having oral sex. Visser had also demonstrated the use of a vibrator to one of the girls.

“One shudders at the thought that you purposely went to fetch children, knowing that they would fall prey to a sexual sadist and that... they would be drugged for sexual deeds,” Judge Eksteen said.

The judge also linked her to the indecent assault of a 20-year-old

woman, indecently assaulting two other younger women and the possession and manufacture of child pornography.

Her co-accused and former lover, Dirk Prinsloo, fled the country during his trial, escaping to Belarus, where he was arrested after he ran out of money and was caught by police during an attempted robbery, for which he was found guilty. He is now also serving a jail sentence in Belarus.

State prosecutor Andre Fourie was satisfied that the sentence imposed on Visser would send the message that the courts would not tolerate the abuse of women and children.

Tragically, a month after the sentencing, one of Visser's victims, Jeannine du Plessis (21), hanged herself from a tree in Botswana. Her father, Pieter du Plessis, blamed everything on Visser and Prinsloo.

Du Plessis, who had a 15-month-old baby girl, was battling a heroin addiction and was in rehabilitation and suffering from severe withdrawal symptoms, said her mother, Marie.

“She herself said in court that if it were not for Visser she would never have started using drugs,” said Marie du Plessis.

Du Plessis was one of the girls from a children's home whom Visser had lured to Prinsloo's house.

Commentary by the prosecutor

One of the key challenges of this case is the fact that both the accused were advocates by profession, which meant that they knew and understood the law very well. This made me even more determined to ensure that there was no stone unturned in bringing the accused to justice.

I also wanted to send a strong message to people who abuse their power and status that they will not escape the full wrath of the law, but will be brought to book.

I am thankful for the assistance from, and evidence given by an ordinary member of the public, who once worked for the couple. Her evidence became the core of the judgment, because the defence for the accused wanted to use battered woman syndrome as their base. As much as the court acknowledged that Visser (Adv Barbie) might have been influenced by Prinsloo to a certain extent, thorough cross-examination made it clear that she was equally responsible for her actions.

The most important lesson from this case is that where the credibility of an individual is concerned, you need to do a proper investigation, because the more ammunition you have with which to conduct a thorough cross-examination, the more evidence you will draw to build a winnable case. The team must also gather information beyond what is entailed in the docket, which may include the accused's personal relationships with his/her family, colleagues etc. Finally, it is extremely important that thorough preparations are done before and during the case.

NPA at the 2010 National Arts Festival

Tsepo Ndwalaza

This year the National Arts Festival in Grahamstown had a slow start due to the 2010 FIFA World Cup that was taking place concurrently with the festival. It started on 20 June 2010 and continued until 4 July 2010.

The NPA was once again a participant in this internationally acclaimed annual event taking place in Grahamstown. The NPA exhibition stall attracted a keen interest from a wide range of visitors, ranging from theatre-goers and jazz lovers to ordinary people who came to the festival seeking information.

Members of the public showed a keen interest in maintenance matters, court interdicts, domestic violence, children's rights and the relatively new phenomenon, human trafficking. Prosecutors from the DPP office in Grahamstown were able to interact with and educate the public about the work of the NPA. Their knowledge of the law really made a difference, as people who came with specific legal queries were assisted on the spot.

One of the attendants, who hailed from Cape Town, had a query about a particular case in which her son was shot in the crossfire during a police raid on gangs in Cape Town.

The DPP Western Cape office was called immediately to enquire on her behalf. Sufficient answers relating to the case were provided and it was encouraging to see how happy she was when she left the stall. There were many other cases on which prosecutors had to shed some light.

For the young ones, the drawing competition was the main attraction. Drove of children and their parents came to the exhibition stall to enquire about the competition. On 3 July, a panel of adjudicators selected the best drawings and the winners were announced.

Other activities that took place at the festival included theatre (stage plays), young boys posing as statues next to their loyal donkeys, dance, jazz music and many other forms of art, some bordering on the weird side, but very interesting and amusing at times.



Schoolchildren visit the NPA exhibition stand at the Grahamstown Festival.

It is a fulfilling experience to be part of these social events where a platform is created to educate members of the community about the justice system of the country and other services of government.

Service Fair

comes to the Free State

Medupe Simasiku

The NPA, together with various stakeholders in the JCPS Cluster, took service delivery to Allanridge (Nyakallong) community in the Free State near Welkom. This took place in the form of a service delivery road show that took place on Saturday, 24 July 2010, at Allanridge, Nyakallong Sports Ground.



Allanridge community members queue for the NPA's services.

This was the third community outreach road show led by the NPA, after two successful road shows held in KwaZulu-Natal in 2009 and in Limpopo earlier this year. The ultimate plan is to have a roadshow in all the provinces of South Africa, where NPA staff members can educate communities about issues such as maintenance, domestic violence, child justice and other concerns that are pertinent to each target community. All stakeholders from the JCPS Cluster were present, thereby enabling people to understand the criminal justice system as a whole. Other partners that participated were the Department of Justice and Constitutional Development, the South African Police Service, Legal Aid South Africa, the South African Social Security Agency, and various departments of the Free State Provincial Government, Matjhabeng and Nala local municipalities, as well as various NGOs.

The purpose of this road show was to assist the communities of Matjhabeng and Nala (Wesselsbron and Bothaville) and surrounding communities with various services, ranging from case reporting, maintenance enquiries, pending case enquiries, ID applications and enquiries, general service delivery queries, as well as legal advice. Despite the fact that the community was laying to rest the local ward councillor, Mrs Nontombi Mankai, who had been part of the team that had planned the roadshow until her sudden death, attendance was impressive. Being a local ward councillor, Mrs Mankai understood the needs of her

community very well, and played an important role in assisting the planning team to understand the people's needs and challenges as far as the criminal justice system is concerned.

Members of the community who were interviewed by *Khasho* said they were very grateful that organisations such as the NPA had finally reached them. They had only heard about the NPA on radio and television, but never thought they would one day interact with officials from the organisation. "At least we now know what the NPA does, because we have always thought that the NPA is for high-profile people only," said one community member.

Mr Thabo Diphoko, a maintenance prosecutor from Odendaalsrus, gave a very useful lecture on maintenance issues, because this is one area that is often misunderstood by the community. He also promised the community that the NPA would always be available to assist them with any maintenance-related problems.

Colonel Cynthia Molale, Acting SAPS Cluster Head for Welkom, urged the community to work very closely with the police. She said that the police in that area were under-resourced and therefore encouraged people to provide them with relevant information that could help curb crime in that area. The youth were strongly warned to stay away from crime.

The event was very successful indeed. Although it was mainly spearheaded by the NPA, it was a joint initiative with other government players in the criminal justice system. Other players who are not necessarily members of the JCPS cluster were also invited to attend. An example was New Start, an NGO that specialises in HIV/AIDS voluntary counselling and testing. This may not be part of the criminal justice system, but shows that we are all partners in making sure that people know their HIV status and are able to take care of themselves.

Public education is a principle that is customary in all spheres of government. Participation is important to make sure that the government addresses the real needs of communities in the most appropriate way. Participation also helps to build an informed and responsible people.

Meet the new Acting DPP for South Gauteng

Charlene Labuschagne and
Adv Raymond Mathenjwa

Adv Xolisile Khanyile

Senior Advocate Xolisile Khanyile has been appointed to act as Director of Public Prosecutions (DPP): South Gauteng from 1 June 2010 to 31 March 2011 or when a permanent DPP is appointed, whichever occurs first. She is a highly skilled prosecutor with more than 12 years' experience.



Adv Xolisile Khanyile:
Acting DPP: South Gauteng

What has been your experience so far as Acting DPP?

It is quite challenging to be the Acting DPP, as it takes a lot of time to deal with the various challenges and tasks. It is extremely exciting, because I know that our efforts move the organisation forward; even if it is just bit by bit. Making a difference is what drives me. Being part of this transforming organisation is in itself very motivating.

What challenges do you typically face as Acting DPP?

The many vacancies in the lower courts are problematic. It is not easy to fill the vacant positions, since for some or other reason the NPA is struggling to attract talent from outside the organisation. Our own prosecutors are promoted, thereby creating new vacancies. We have sent many of the high court prosecutors to the lower courts to deal with trial matters to address the backlog. The effort is paying off. The many units in the NPA seem to be disconnected and it impacts on the overall functioning of the organisation. It would be valuable if this could be addressed. It would also be good if prosecutors at all levels could support and understand the need to shift their own paradigm. An example would be if lower court prosecutors could gain confidence and feel competent in legal drafting so as to be able to pursue criminal forfeiture applications, for instance.

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NPA values benchmarking exercise

Moroko Mabowa

Good ethics is the core of sound corporate governance. As proactive steps to encourage ethical behaviour and establish sound ethics management practices, the NPA has adopted its own organisational values and code of ethics since 2008. Using the services of Ethics South Africa, the NPA has conducted a survey to determine the extent to which these values of integrity, professionalism, credibility, service excellence and accountability are being practised in the NPA. A total of 521 computer-assisted telephonic interviews were conducted with personnel across all business units and ranks.

The main objectives of this project were as follows:

- To enable the NPA to make an informed decision on its ethics priority list.
- To provide a much better understanding of how big the gap is between 'what is right' and 'what is happening on the ground'.
- To indicate the challenges faced by the NPA.
- To act as a barometer of the NPA's views on ethics trends in the organisation.

Findings

The findings show that generally staff members are aware of the NPA's values and code of ethics, but are not familiar with the content. Few utilise the content to guide their actions and decisions. There is a need for more

awareness on the code of ethics and also on the service delivery hotline. The NPA does not have a strong ethics management system. A lot of effort therefore needs to be done to ensure that the ethics management system of the organisation is solid.

Recommendation

It is recommended that the NPA should conduct a leadership retreat, attended by top management and senior managers from all areas of the business, where critical introspection and open communication is required to reflect on the results of the NPA's ethics indicator of 2009.

The organisation should provide for operational implementation by developing a sustainable NPA-wide cross-departmental and cross-divisional ethics management strategy. The organisation also needs to conduct ethics training interventions at all levels, provinces and business units of the organisation to address gaps regarding awareness of the code of ethics and the NPA's values.

As a way forward, the NPA intends to develop an intensive programme to institutionalise the values and enable staff members to live and internalise them and also be inspired to align themselves with the NPA's vision of "ensuring justice in our society, so that people can live in freedom and security".

From senior corporate manager to prosecutor:

Adv Mfanafuthi Simelane

Natasha Ramkisson



Adv Mfanafuthi Simelane

When did you start at the NPA?

I started with the NPA in 2002 as a senior corporate manager and held this position until April 2010. I am currently an advocate in the Pinetown Regional Court.

Can you explain how this happened?

On completion of my master's degree in Law, I approached the NPA to afford me the opportunity to practise because I had a keen interest and the tools to pursue that interest. This came at the right time when the NDPP emphasised that senior prosecutors needed to be involved at the ground level of prosecutions. Therefore, my ambition fitted in perfectly with the objectives of the NPA.

What did you study?

I started off studying management-related courses at university and I hold the following qualifications: Diploma in Management, Diploma in Management Development, Bachelor of Arts and Master's in Public Administration. My legal qualifications are: Diploma Juris, LLB and LLM (Master's in Law). I obtained all these qualifications studying part-time.

How are you finding court work?

It is interesting, challenging and stimulating. I find it more challenging than my previous job because it enables me to

engage directly with the public. At the same time I find it stimulating and interesting because one gets to see the end product. Your contribution to justice is immediate and the end product is more tangible.

Have there been any challenges thus far?

Yes, I found my first day in court to be the most challenging. It was an intimidating experience because it was my first time having to observe the protocol in a 'real' situation. My first case was one of theft, where the accused got a three-year sentence. He had a previous history of theft.

Have you always wanted to get into the legal profession?

Not really. My interest in law was sparked when I joined the NPA. I looked at the environment and realised that I wanted to be a part of it.

Do you have any future aspirations?

Yes, to finish my doctorate in law. I have already submitted my research proposal to the University of Johannesburg.

There are lots of NPA employees who are studying part-time. Do you have any words of encouragement for them?

Studying while working entails a lot of sacrifices, because you must be able to manage your study time and still have time for other aspects of your life. I am an avid weight-lifter, so I always ensure that I have time for my work, studies, family and going to the gym. You must know how to prioritise and set goals for yourself.

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It is positive that one of the deputy directors in South Gauteng, Senior Advocate Zaais van Zyl, has for some time already been providing legal drafting training at the DPP offices.

Do you find your job fulfilling?

It is! While I was still a deputy director, I had a vision of how to improve our services as prosecutors. I had a lot in mind. It is presently very exciting to have the opportunity to make that vision a reality.

Do you have a message of encouragement to the rest of the organisation?

Move on. Move forward. Be focused. We know why we are in the NPA. We are here to serve the people. We must focus on our core function, which is to ensure justice for the victims of crime by prosecuting without fear, favour or prejudice.

House-breaking killers get 35 years each

Natasha Ramkisson

Khasho spoke to Adv Nomfundo Sipunzi about a recent matter she handled. Adv Sipunzi is a senior state advocate in the Organised Crime Component at the DPP Office in Durban.

What is the background of the case?

A prominent advertising executive, Richard Cassels, was murdered at his home in Westville, Durban. The incident occurred in the presence of his children and the killers made off with various items belonging to the family.

How long did the investigation take?

The crime was committed in mid-April last year. The accused were arrested the following day and the deceased's stolen items were recovered. There was not much evidence and we used circumstantial evidence to link the accused to the crime. A neighbour of the Cassels provided a crucial link by noting the registration plates of the vehicle used in the crime. The police traced the number and found that it had been rented by the accused. Since the vehicle was fitted with a tracking device, the people in the vehicle were arrested shortly afterwards.

How long did the trial last?

The trial started in February this year and the accused were sentenced in late June.

How is it that they were found guilty even though they had pleaded not guilty?

There was circumstantial evidence. They had hired the vehicle used in the crime, using their identity details. The stolen goods were found in their possession. One of the accused initially gave a confession that he later retracted.

Was there anything interesting about this case?

Well, there was a man to whom the accused had sold some of the goods. He lives in Johannesburg. They had phoned him about an hour after committing the crime. The police and I tried contacting him on several occasions, but he always evaded us. It eventually came to light that he buys stolen goods. I found this shocking because this man is creating a market for the goods obtained from this crime. The police haven't located him yet.

What did you learn from this case?

Criminals observe their victims. This crime was planned two weeks in advance. In his confession, the one accused said that they were planning to rob other houses in the Westville area, as well as the neighbouring suburb of Pinetown. People need to be vigilant. House-breaking is very rarely committed on the spur of the moment.

Communities at large are really terrified of house-breaking. They feel that their personal space is being invaded. It's particularly harrowing when children witness these crimes. They suffer immense trauma and become bitter.

Was there anything unique about this case?

The accused had hired the bakkie used to commit the crime for three days. They intended to commit a series of robberies during this time. They would have followed through with this plan, had they not been arrested.

What sentences were meted out to the accused?

Each of them got 20 years for murder and 15 years for house-breaking. When he was giving the sentence, Judge Ron McLaren pointed out that government should prioritise

house-breaking cases, as this is really a concern when people are threatened in their places of safety and comfort.

How did the family of the deceased respond to the sentence?

I received an SMS from the wife of the deceased, stating her appreciation. I had kept her informed about the court processes. She was very emotional throughout the case and didn't speak much.

The family was extremely emotional. Even though the deceased was divorced from his wife at the time of the murder, they shared a close relationship.



What a spectacular Soccer World Cup

Regional Communication Managers

The year 2010 will certainly be remembered by most South Africans for many years to come because of the highly successful FIFA Soccer World Cup tournament that was hosted by this country.

Most people generally agree that South Africa organised one of the most beautiful showpieces – an achievement that not only put South Africa on the map, but brought honour and glory to the African continent as well. What do NPA employees think? Are we exaggerating our achievement? What contributes to a really successful event? *Khasho* interviewed a few of our employees to get their comments:

Adv Bakedi Maoke, DPP North Gauteng

I was an acting senior for the night shift team that worked during the operation of the Soccer World Cup-dedicated courts. I could therefore relate to the slogan, “Feel it. It is here!” However, from a justice point of view, the successful operation of the dedicated courts proved to the world that South Africa’s standards were on par with global prosecution standards. Cases were finalised quickly and this sent a message to all visitors that South Africa takes justice very seriously, and that the government goes the extra mile to ensure that visitors and tourists are safe and secure while inside the country. Having successfully built this kind of confidence, I am sure we are going to see repeat visits from those tourists, which is good for the economy.

Adv Emely van Wyk, DPP Mthatha

The successful hosting of this world-class event by South Africa not only put our country on the map, but also evoked a very strong sense of patriotism in all South Africans. Even people like me, who had not been interested in soccer before, learnt something beyond the game during the Soccer World Cup, which also gave us a sense of pride that South Africa is a nation of winners, even though our soccer team did not win the tournament.

Advocate Carel van der Merwe, DPP Free State

The dedicated courts ran according to plan, and there were not any hiccups that could not be addressed as and when necessary. The statistics speak for themselves and one can only say that this was a job well done. The successful handling of all cases shows that we managed to serve the international world with pride during the soccer tournament and we can always try to do better. It was a great tournament indeed for all football lovers.

Advocate Du Toit, DPP Free State

I would like to congratulate everyone who was involved and also thank them for the team work with all JCPS Cluster members. I also think that it will be a good gesture to inculcate the spirit of speedy case handling as we did with the World Cup. It is not an easy task, I know, because we had more resources then, but we can build on the courage we displayed at that stage.

Charles Eybers, DPP South Gauteng

Sorry to burst the bubble. I hold a minority view, which says that we should never have bid for the hosting of the FIFA World Cup. My view is that the billions we spent on stadiums, which are soon to become white elephants, could have been spent on priorities like education, health and welfare. The other infrastructure spending on roads and buses is acceptable, as citizens derive a direct benefit and we don’t have to thank the hosting of the World Cup for it – it’s the same budget that we would have used as a priority project. Our children and their children will have to service the debt.

Babalwa Sijila, senior administrative assistant: DPP Western Cape

It was the most successful event South Africa has ever organised, from the opening function to the very last game of the tournament. There were no incidents that posed a security risk, meaning that the planning was good to the very last detail. I have never felt so proud to be South African as I did during the month of the World Cup. There is just no way anyone could ever say that we are exaggerating our achievements. I mean, we had a top-notch transport system, a very stable security base system, 2010 mobile courts to deal with cases and incidents happening in and around the stadiums and accommodation was available in all the cities for fans and the teams. It was a success on many levels. Because of all the hard work we put into making the tournament a success, South Africa is now respected and well recognised by the world.

Kegomoditswe Mosweu-Katane, human resources officer, DPP North West

I enjoyed the greatest moments of the World Cup, seeing Mzansi, especially on Football Fridays, looking fabulous with Bafana Bafana T-shirts. It was more interesting to be part of the euphoria with vuvuzelas and makarapa in the fan parks.

Adv Sandan, DPP Port Elizabeth

The pessimists of the past should come forward and raise the South African flag with patriotism, because we have exceeded all standards in the world.

Adv Jason Thyse, DPP Port Elizabeth

We are definitely not exaggerating our achievement. Not only will the year 2010 be remembered for the FIFA World Cup, but also because we opened our hearts and hands to the rest of the world. We received them with open arms and showed the world how united we are. We displayed *ubuntu* of the highest level. I wore my Bafana Bafana shirt with pride and will continue to do so.

Mental Illness and Awareness Month:

mental health problems in the workplace

By Phuthi Semenya

According to the national health awareness calendar of the Department of Health, July was declared Mental Illness and Awareness Month. This article seeks to raise awareness about the impact of mental illness in the workplace, and to increase employees' participation in the drive to reduce the impact of mental illness on individual employees and the organisation as a whole.

What is mental illness?

Mental illness is a medical condition that disrupts a person's thinking, feelings, mood, ability to relate to others and daily functioning.

Serious mental illnesses include major depression, schizophrenia, bipolar disorder, obsessive compulsive disorder, panic disorder, post-traumatic stress disorder, and borderline personality disorder.

The impact of mental illness in the workplace

Research has shown that the cost of mental illness in the workplace is enormous, and therefore it is essential for businesses, both public and private, to contribute to the promotion of mental health and address issues of mental illness in the workplace. Mental illness has the following effects in the workplace:

- More annual sick days.
- High rates of absenteeism.
- Lost productivity.
- Overwrought work relationships.
- High health expenditure.
- Loss of employment.

Stigma related to mental illness

The cost of mental illness in the workplace is exacerbated by the fact that the impact of mental illness is often ignored or overlooked. The illness tends to be hidden, distorted, misunderstood, stigmatised or even ridiculed in the workplace. This creates a lost opportunity for the effective management of mental illnesses for both employees and managers, thereby hindering the process of early recovery and reintegration, leading to a ripple effect of the problem situation.

Signs and symptoms of mental illness

Depending on the nature of the illness, the affected person may manifest the following signs and symptoms:

- Diminished energy.
- Loss of interest in activities that one used to enjoy.
- Loss of appetite or weight.

- Recurrent thoughts of death or suicide, oversleeping, cycling between elevated and depressed moods, highly energetic or depressed moods, restlessness and fatigue.

In some psychotic illnesses, the person may experience hallucinations, delusions and disorganised behaviour.

Please note that only a qualified doctor or health practitioner can formally diagnose mental illnesses, but it is important to know and recognise the warning signs to take appropriate steps.

Tips in dealing with mental illness in the workplace

For the affected employees

- Know the signs and symptoms of your illness and remember that you are not alone.
- Talk to the people you trust: your family, friends, colleagues or manager.
- If the problem persists, talk to your doctor or mental health professional for proper diagnosis, treatment and psycho-education. Contact the Employee Health and Wellness office for assistance.
- Treatment alone may not help. Assume your responsibility as a patient: your attitude, perception, behaviour and insight into the nature of your illness may count, especially in preventing relapses.

For supervisors and managers

- Learn about mental health and mental illnesses and ensure that your staff gets education and support.
- Self-awareness is crucial. Ask the question: "What is my attitude towards mental health illness and ill-health absenteeism, especially in a stressful and highly demanding work environment?"
- Manage absence due to ill health. Consider possible options for reasonable accommodation, talk to the Labour Relations office for advice.

Let's talk

Share your knowledge and send your ideas and advice to the Employee Health and Wellness Unit on 012 845 6906 or 012 845 6864, or send an e-mail to fsemenya@npa.gov.za.

Training for court preparation officers

Lindie Swanepoel

In order to equip Court Preparation Officers with the skills they require to perform their duties diligently, a training intervention was organised for newly appointed Court Preparation Officers to get them on board as quickly as possible.

The training was organised by Ms Karen Tewson, the national coordinator of the court preparation programme, Ke Bona Lesedi (meaning 'I see the light'). This is a five-day foundational training programme.

Although it is primarily aimed at newly appointed Court Preparation Officers, senior prosecutors and managers were also included in the programme to ensure that they too are familiar with what is needed to make the programme a success.

Court preparation is a process of familiarising a witness with the court environment, legal processes and legal terms at the appropriate level without going into the merits of the matter.

It is also aimed at empowering witnesses, especially child victims, who experience feelings of anxiety and powerlessness. It therefore improves the witnesses' ability and willingness to recall and relate the experience.

Court Preparation Officers and other officials need to be properly trained on how to prepare witnesses for their court appearances. Their daily duties entail addressing the fears and concerns of witnesses regarding the process of testifying, and empowering them to do so. This goes a long way in enabling witnesses to give more reliable and credible testimonies in court.

There is a close link between prosecution and the court preparation process. Not only does a proper and effective court preparation process enhance customer satisfaction, but it also contributes significantly to an increase in successful conviction rates and speedy trials, thereby impacting positively on the quality of services delivered by the NPA.

The Benoni court is an example of a court that has delivered the best services to victims in our communities and addressing the needs of witnesses in court. It is therefore fitting to have direct experience of such a court.



Court preparation officers at the Benoni court.



Send your news (serious and funny) and letters to khasho@npa.gov.za or fax your stories and information to 012 843 2120.

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