



Life
Sentences
For Rapists

NPA Budget
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LETTER FROM THE EDITOR

The first quarter has been very busy for us. We had quite an involved calendar of events, continuing with our public education and awareness raising efforts that bring relevant information and knowledge to the masses of our country, especially in rural and semi-rural areas. Our community outreach roadshows covering all nine provinces across the country, focussed on educating members of the targeted communities about the work of the NPA and its role in the justice system. The NPA events page of this edition of Khasho brings you more on these roadshows.



Bulelwa Makeke
Executive Manager: Communications

In all those roadshows, hundreds of people came in big numbers, braving the winter season's chilly weather. Without our partners in the JCPS Cluster and Non-Governmental Organisations, we could not have done it as effectively as we did. We really treasure the partnerships. To all NPA members from various DPP offices that participated in these campaigns, well done.

As we all know, the month of June in South Africa has been set aside to pay homage to the heroes and heroines of the distinguished youth of 1976. To celebrate the Youth Month, the NPA held a number of awareness sessions in the country, targeting mainly the youth to empower them with our priceless wealth of information that enables them better access to justice. This edition of Khasho focuses on celebrating and recognising the youth of our country.

The NPA SABC Radio Campaign is well underway. It kicked off on 2 May and it will end in October 2011. To those that continue to support us in these endeavours, please continue to do that – your contribution is not going unnoticed. We rely on your feedback to strengthen our topics and content that we share with the multitudes of listeners. We will continue to send internal information bulletins that detail the interview schedules for all participating radio stations.

The Corporate Services component of the NPA, represented by Executive, Senior and Corporate Managers held an innovative workshop that took place on 22 and 23 June. The aim of the workshop was to explore cutting edge, innovative techniques that can be employed to enhance excellence in the customer service sphere. The objective was to share knowledge with the view to address audit findings.

On 7 June, the Minister of Justice and Constitutional Development, Mr Jeff Radebe, appeared before the National Assembly in Parliament to table his Budget Vote. In his address he announced plans to introduce in Parliament the NPA Amendment Bill that intends to establish the NPA as an independent institution. The information bulletin that detailed the entire Budget Vote was sent to you electronically.

We also encourage you to visit the NPA intranet, under the events link and check out the events planner to update yourself of all NPA events.

You will notice that this edition does not have the message from the NDPP, because we wanted to dedicate a full page to the NPA budget allocation for 2011/12. The message will commence again in the next edition.

Bulelwa Makeke
Executive Manager: Communications

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NPA BUDGET ALLOCATION FOR THE 2011/12 FINANCIAL YEAR

The NPA's budget allocation is provided by the National Treasury as part of Programme 4 of the Department of Justice and Constitutional Development.

The NPA's overall budget allocation for the 2011/12 financial year increased with an average of 5% from R2, 524 billion in 2010/11 to R2, 640 billion in 2011/12.

The table below provides the NPA's detailed budget allocation per Economic Classification:

ENE* Budget (Estimate of National Expenditure)	2010/11	2011/12	% Increase
Compensation Of Employees	1,938,501,000	2,030,829,000	5%
Fin Trans In Assets & Liabilities	460,000	482,000	5%
Goods And Services	514,592,000	534,434,000	4%
Interest & Rent On Land	4,447,000	4,661,000	5%
Households	8,134,000	8,894,000	9%
Machinery & Equipment	41,614,000	43,611,000	5%
Departmental Agencies And Accounts	1,465,000	1,553,000	6%
Buildings And Other Fixed Structures	15,070,000	15,793,000	5%
Grand Total ENE Budget	2,524,283,000	2,640,257,000	5%

The NPA received an additional amount of R198m during the 2010/11 financial year for the implementation of Phase II of the Occupational Specific Dispensation (OSD). Of this amount, R140m related to the previous year's salary expenditure.

The NPA did not receive any additional budget allocation during the Medium Term Expenditure Framework (MTEF) process. The budget allocation for the 2011/12 financial year was only increased in line with inflation.

The NPA as a programme constitutes four sub-programmes. The details per sub-programme are tabulated below:

Sub-programme 4: Support Services was allocated 54% of the overall Goods and Services budget due to certain centralised items. It should be noted that these budget allocations are subject to a limited availability of funds and that not all expenses can be covered if they are not included in the annual planning process.

The centralised budget items include:

- security services;
- audit costs;
- bursaries;
- computer services;
- library publications;
- lease payments such as certain accommodation, IT equipment and fleet services;
- property payments;
- training; and
- advertising of vacancies and tenders.

The allocated budget per DPP Office (Sub-programme 1) is as follows:

DPP Office	Allocated Budget
DPP North West	76,489,346
DPP Grahamstown & Port Elizabeth -Grahamstown -Bisho	123,051,662 49,464,308
DPP Free State	128,959,319
DPP Western Cape	248,417,163
DPP South Gauteng	226,038,605
DPP Northern Cape	62,268,277
DPP KwaZulu Natal	267,560,621
DPP North Gauteng -Pretoria -Thohoyandou	391,109,857 36,887,365
DPP Mthatha	81,311,653
Public Prosecutions - Head Office	55,348,103
Office of the NDPP	166,455,221
Grand Total	1,913,361,500

Economic Classification	Public Prosecutions (Sub-Prog 1)	Office for Witness Protection (Sub-Prog 2)	Asset Forfeiture Unit (Sub-Prog 3)	Support Services (Sub-Prog 4)	Grand Total (Programme 4)
Compensation of Employees	1,753,823,000	60,507,000	99,330,000	117,169,000	2,030,829,000
Departmental Agencies & Accounts	-	-	-	1,553,000	1,553,000
Goods and Services	150,109,500	74,402,000	22,698,000	287,224,500	534,434,000
Households	5,810,000	97,000	236,000	2,751,000	8,894,000
Interest and Rent On Land	416,000	34,000	19,000	4,192,000	4,661,000
Machinery and Equipment	2,868,000	13,190,000	262,000	27,291,000	43,611,000
Payments for Financial Asset	262,000	-	10,000	210,000	482,000
Buildings & Other Fix Structure	73,000	-	-	15,720,000	15,793,000
Grand Total	1,913,361,500	148,230,000	122,555,000	456,110,500	2,640,257,000

For more information on the detailed budget, please visit the NPA intranet.

CELEBRATING YOUTH MONTH

Nomilo Mpondo

South Africa commemorated Youth Day on 16 June 2011. This marked the 35th Anniversary of the Soweto Uprising in 1976. This commemoration took place within the context of the second anniversary of the establishment of the National Youth Development Agency (NYDA). The NYDA is aimed at creating and promoting coordination in youth development matters.

The annual Youth Month celebrations are always themed. This year's theme is, **"Youth Action for Economic Freedom in our Lifetime"**. This theme is consistent with government's commitment to meaningful economic transformation and inclusive growth towards the total eradication of poverty and the declaration of 2011 as the year of job creation. The NYDA is one of the vehicles employed by government to militate against the scourge of poverty, unemployment and joblessness afflicting the youth of South Africa.

During the 2011 Budget Speech the Finance Minister indicated that 42% of young people between the ages of 18 and 29 are unemployed and Statistics South Africa (Stats SA) recently announced that the unemployment rate has increased to 25%. Unemployment is a major challenge that faces our country and young people are the largest unemployed population group.

Unemployment and poverty are just a tip of the iceberg though; there are other prevalent social ills that face the youth of today. Utter despondency will however not solve their problems. They must be encouraged to emulate the exemplary role of the class of 1976 by taking responsibility to intensify the struggle against the challenges they face, such as HIV/Aids, abuse of alcohol and drugs, teenage pregnancy, rape and ukuthwala (abduction of young girls to forcefully make them wives).



National Youth Day Commemoration

It is the youth's responsibility to seize all the available opportunities to obtain education and skills that will enable them to take forward the struggle for true economic and social emancipation.

Despite all the critical challenges that are looming large for the South African youth, a powerful, values-based, ethical and authentic message of encouragement to inspire the youth is required not simply to model positive behaviour but to shape the very foundations of the South African public sphere.

It is against this backdrop that the NPA together with its partners and Non-Governmental Organisations like Mighty Wings, took to the streets across the country during the Youth Month to empower them with powerful messages that are designed to leave a long lasting impact.

All the messages sought to encourage the youth to abstain from criminal activities and to report crime to relevant authorities when they become aware of it. Our commitment as a prosecuting authority is to defend all the rights of young people by prosecuting without fear or favour all those that violate those rights. We will achieve this by effective application of all the laws that are at our disposal.

Despite the advent of moral degeneration and polarisation, it is still the role of society in its entirety to inculcate good values, respect, selflessness, patriotism and commitment to making this country a better place.

With proper guidance from all, the youth can achieve excellence and progress. Consequently, they will become rightful beneficiaries of the legacy left by the class of 1976.

WESTERN CAPE ESTABLISHES A HUMAN TRAFFICKING RAPID RESPONSE TEAM

Eric Ntabazalila

The NPA's DPP: WC office has established its first ever Human Trafficking Rapid Response Team, whose aim is to investigate and prosecute all cases related to human trafficking in the province.

The team is led by the Deputy Director of Public Prosecutions in the Western Cape, Adv Bonnie Currie-Gamwo. It is made up of representatives from the South African Police Service, the Organised Crime Unit of the DPP Western Cape, the Asset Forfeiture Unit and the Department of Home Affairs.

Other members of the team from the DPP Western Cape are Adv Shareen Riley, Adv Maria Marshall, Adv Klaas van Zyl, Mr Livingstone Sakata and Ms Robertha Ruiters.

Adv Currie-Gamwo was approached last year to establish this team. The efforts made thus far indicate that the province will wage a successful war against human trafficking. She said: "Our efforts have resulted in five human trafficking matters being ready for trial, and the first ever human trafficking prosecution in the province is currently underway at the Mitchells Plain Magistrate's Court".

Adv Currie-Gamwo said the team was on a learning curve, because there were not many people in the NPA who were well-versed with the concept of human trafficking, and those who did normally had to bear the brunt. However, she said the team was enthusiastic and worked together very well.

Early this year a prosecutor from each cluster, with the exception of the Southern Cape, was trained on human trafficking, together with five prosecutors from the DPP office. Plans are already in place to train more prosecutors this year. Currently, the DPP office is being used as the nodal point for all new matters. These are then studied immediately and proper guidance is given to the SAPS. Once ready, the cases would then be presented in court with the aim of securing successful prosecution and conviction of offenders.

Adv Currie-Gamwo said: "Domestic and sexual exploitation is very rife in the Western Cape. Our communities are becoming more aware of human trafficking and hence we see more cases being reported. We are happy with what we have achieved so far and we are convinced that this initiative will play a huge role in making a dent in human trafficking in the province".

What is Human Trafficking?

Human trafficking takes place when a person is recruited and transported to another destination for the purposes of exploitation. The victim can be recruited by force or with a promise of a better life or a chance of employment. Sometimes parents or family members may be convinced that their children will have better opportunities - then they are taken away, sometimes to another country, where they are exploited and used.

How are victims exploited?

Victims of human trafficking find themselves caught in a web of lies. They may be told that they owe a debt that must be repaid before they are allowed to leave. For example, they are told that they must pay back the money the trafficker spent on their travelling costs. Their travel documents may be taken away or withheld by traffickers.

Who is targeted?

Victims of human trafficking are normally children, young people (i.e. girls and boys), women and the unemployed. However, anyone can also become a victim.

What does the South African law say?

- It is a crime to traffic people in order to sexually exploit them or use them for prostitution, pornography or cheap labour.
- A victim's agreement or consent does not mean exploitation is allowed.
- Victims of exploitation will not be charged or prosecuted for any crime they commit as a direct result of being trafficked e.g. for using false travel documents.
- Victims of forced labour are protected by the country's Labour Law e.g. in terms of working hours and conditions.
- It is illegal for a child under the age of 15 to be out of school and employed.
- Children are protected under the Children's Act, from any form of trafficking.

Eric Ntabazalila is the Regional Communication Manager for DPP: Western Cape

METRO POLICE OFFICERS CLAIM THEY WERE TAUGHT THAT SHOT GUNS DON'T KILL

Eric Ntabazalila

Two former Cape Town Metro Police Officers are appealing their sentences of eight and nine years respectively, in the Western Cape High Court after being found guilty for covering up a murder of a Cape Flats young man. Kelvin Pillay and Tyrone Stewart were found guilty of being accessories to the murder of Ebrahim Adams. Stewart was also found guilty of common assault. Pillay was sentenced to eight and his co-accused to nine years. A person is an accessory to the commission of a crime if after the completion of a crime, he unlawfully and intentionally engages in conduct intended to enable the perpetrator of, or the accomplice in the crime, to evade liability for his crime, or facilitate such a person's evasion of liability.

During their hearing the two told the court that they acted out of necessity or compulsion as they were threatened by their co-accused, Jason February, who the court found to be the one who fired the fatal shot. February committed suicide a day after the murder of Adams. Pillay and Stewart claimed that they feared for their lives and the safety of their families. They also told the court that they were taught that shotguns do not kill.

The court heard that the police officers were patrolling Grassy Park and Lavender Hill when they came across a group of young men who started running when they saw a police van. February and Stewart got off the police van and chased Adams. Pillay followed them as a backup. They caught up with Adams who was hiding between a wall and a parked car next to a block of flats. In the course of trying to get Adams out of his hiding place, shots were fired and his bleeding body was dragged out and placed in the van. They collected cartridges leaving no trace of evidence behind. They then dumped his body in Baden Powell, a well known spot where bodies are usually found in the Cape Flats. They cleaned the vehicle of blood stains and changed their bloodied uniforms. They denied knowing about a shooting when they were asked by their superior after they reached their headquarters. They handed in their firearms and went home without reporting the incident.

The next morning Pillay confessed to the

incident and they were all arrested. On the day of the arrest, February was found dead in the bushes in Grassy Park. He had committed suicide. One of the police officers who was also in the van turned state witness.

Dismissing their defence of fear for their lives and the safety of their families, acting Judge Nomqondiso Jakuja said February's death complicated the case as he could not answer for himself therefore it became easy to shift responsibility onto him for everything. She said the evidence before the court failed to show that there was any threat of violence, whether already commenced or imminent directed at the accused at any material time. Even if it did show that such threat existed, there was more than one way in which the accused could have averted it. They did not want to report the incident, she said.

Arguing for a tough sentence Advocate Tebogo Kelaotswe said both accused were in a position of trust, however they abused their powers. He said it was actions like theirs which made communities lose hope in the criminal justice system and take the law into their own hands.

"The society expects protection from metro police members. It is expected from metro police officers to uphold the laws as per section 205(3) of the Constitution, Act 108/1996 and South African Police Act, Act 68 of 1995. Instead it was not the case with both accused before the court. Their conduct also tarnishes the image of the whole metro police department which includes dedicated and loyal members".

COMMENTARY BY ADV LENRO BADENHORST AND ADV TEBOGO KELAOTSWE

We live in a society where it is the duty of the members of the SA Police Service to serve and protect the community. This duty is described in section 205(3) of the Constitution and in the South African Police Act, Act 68 of 1995. It was a difficult task to prosecute law enforcement officers who had no previous convictions for assisting a colleague to dispose of a body.

Because the deceased was killed using



Adv Lenro Badenhorst and Adv Tebogo Kelaotswe

a rubber round, and the fact that the spent cartridges were removed from the scene, it was impossible to determine with which firearm the fatal wound was inflicted. We first had to prove that the circumstances under which the deceased was killed were unlawful and committed with the necessary element of intent, before we could prove that the accused were accessories to murder. This was achieved with the evidence of an eye witness and circumstantial evidence as to what happened on the crime scene.

We tried to reach a plea agreement with the accused as there were strong similarities between the facts of our case and the reported matter of *S v Pakane* 2008(1) SACR 518 SCA. After lengthy discussions, the accused did not accept the plea offer and took their chances at the trial.

During the trial the accused raised the defence of compulsion as part of necessity. They alleged that they helped to dispose of the body and failed to report the crime because of the aggressive behaviour of their deceased colleague who specifically told them not to report the incident. The Court found that cross examination showed that the accused were evasive and failed to impress as witnesses. The Court also found that the evidence did not support the defence of necessity.

The successful prosecution restored confidence in the justice system and showed that nobody is above the law.

Eric Ntabazalila is the Regional Communication Manager for DPP: Western Cape

THE GRAHAMSTOWN HIGH COURT SETS PRECEDENCE

Tsepo Ndwalaza

The Grahamstown High Court set precedence in a case of culpable homicide in which the accused, Mr Sonwabo Qeqe and his two friends stole a vehicle in Adelaide and drove off to Bedford, a neighbouring town. When they entered Bedford, it is alleged that a police van spotted the stolen vehicle and attempted to stop it.

The accused, who was the driver of the stolen vehicle, sped off with the police van in pursuit. This occurred around the time where schools in Bedford had closed for the day. It is alleged that the streets were full of pupils on foot heading home.

At some stage during the pursuit, the accused intended to execute a 90 degree turn to the left into a side street, trying to evade the pursuing police van. In his effort to perform this manoeuvre and without substantially reducing his speed, the accused mounted a gravel sidewalk next to the road, in order to cut a corner. It is during this manoeuvre that he drove over a nine year old girl who had been on the sidewalk, killing her instantly.

The court also heard that the car careered across the side street and mounted the opposite side walk, where it hit two more children; a seven year old boy and a two year toddler, killing both of them instantly. The vehicle finally came to a standstill after ploughing through a fence. The accused and his two passengers got out of the vehicle and tried to escape, but the accused and one of the passengers were arrested close to the scene.

It became obvious from police evidence that the accused had driven the vehicle in a reckless fashion in his attempt to evade arrest. In view of further evidence pointing to the large numbers of school children on the streets and sidewalks at the time, it was felt that there was enough evidence on which to base a case of murder with *dolus eventualis*.

The accused and his passengers were consequently indicted for the theft of the vehicle. The accused was also indicted for three counts of murder. Before the trial commenced, it was however, decided to withdraw the charge of theft against one of the passengers who appeared to be least involved and to use him as a prosecution witness in terms of section

204 of the Criminal Procedure Act. The rationale for this decision was that, as a passenger in the fleeing car, he could provide evidence of the way in which the accused had been driving and of the fact that the school children had been evident to the occupants of the stolen car during the chase.

The state argued that the only reasonable inference to be drawn regarding the accused's subjective state of mind at the time of the incident, was that he had actually foreseen the risk or the probability that a child or children may cross the road and be killed, and that he had reconciled himself with the risk and persisted in his reckless attempt to evade arrest. It was also submitted that the accused took a deliberate decision to drive at high speed onto the sidewalk, thereby exacerbating the risk of hitting pedestrians with the vehicle. These submissions were accepted by the Court when it was held in judgement that the state had proven beyond reasonable doubt that the accused had the necessary subjective foresight at the time when he drove into three children. The Court further found that the three deceased would have been clearly visible to the accused on the sidewalk at the time when he took the deliberate decision to drive onto the sidewalk.

The accused was consequently convicted on all three counts of murder. The accused was sentenced to six years imprisonment for motor theft and 15 years imprisonment on each of the three counts of murder. The Court, however, ordered that the three counts of murder were to run concurrently. It was further ordered that three of the six years for theft should run concurrently with the murder sentences, resulting in an effective sentence of 18 years imprisonment.

Imposing the sentence, the Court referred to the ongoing carnage on South African roads as a result of reckless driving, and emphasized that the community's disapproval of this had to be reflected in appropriate sentences.



Adv Nico Henning

COMMENTARY BY ADV NICO HENNING

I can say that the facts in this case were not particularly complicated. We did however feel that they presented a unique opportunity to attempt to secure a conviction for murder in a case involving the reckless use of a motor vehicle, but to do so in the High Court so that, whatever the outcome, the judgement of the Court would hopefully provide useful guidelines to Lower Courts on the applicable legal principles.

One could probably say that we felt this was a case, not of (as the old saying goes) "weak cases make bad law", but the opposite. In the end, with a conviction on three counts of murder and robust sentencing, we felt vindicated in our decision.

We wish to commend prosecutor Mr Siebert Baartman of the Adelaide Magistrate's Court, for identifying the case when it first appeared in his court, as a potential High Court matter, and bringing it to our attention. His action enabled us to take the decision that we took.

We also applaud the decision taken by the Court as this will send a strong message that reckless and negligent driving that results in the deaths of innocent people will not be tolerated in this country.

Tsepo Ndwalaza is the Regional Communication Manager for DPP: Grahamstown

LIFE SENTENCE FOR RAPING OWN GRANDMOTHER

Phaladi Shuping

A grandson who repeatedly raped his 64-year-old grandmother was on 11 May 2011 sentenced to life imprisonment in the Kimberley Magistrate's Court.

Magistrate Phumelele Hole sentenced 29-year-old Daniel Phindo for raping his grandmother repeatedly on the night of 21 July until the early hours of the following morning. Phindo is currently serving a 15-year sentence for murder committed in 2009. He was out on bail when he raped his grandmother. It was stated during the court proceedings that on the night of the incident the accused went to his grandmother to look for his friend. She welcomed him into her house and gave him blankets to sleep. During the night Phindo went to his granny's bedroom and raped her until the morning and threatened to kill her if she reported the incident.

Magistrate Hole said that the accused destroyed the relationship of trust and love when he knocked on his grandmother's door on the night of the incident. He said the grandmother did not know she was opening the door to somebody who would ravage and humiliate her.

"He kept his grandmother like a prisoner in her own home. He followed her whenever she went to fetch a drink of water and threatened to kill her. He stifled her scream by covering his hand over her mouth. She was virtually kept captive as a sex slave in the hands of her own grandson", said Hole. State Prosecutor, Keageletse Ilanga, stated that even though the accused had a difficult upbringing this did not justify him behaving like a monster to his own grandmother. The accused never met his father and was brought up by his own grandmother from the age of two until he was sent to a place of safety.

"He throttled his own grandmother many times during this sad ordeal and followed her whenever she went to the bathroom in fear that she may scream for help", said Ilanga.

Magistrate Hole pointed out that although the injuries of the assault were not inflicted with great force, not much strength was needed to overpower a 64-year-old woman. He further stated that the accused showed propensity of violence and displayed no insight into the harm he had caused his family.

He, however, pointed out that the 'tsunami' of rapes had not abated and it was the responsibility of the justice system to impose harsh sentences on ugly crimes.

"There is a chilly atmosphere of fear in our societies where people no longer feel safe and are living in fear", he concluded.



Adv Keageletse Ilanga

COMMENTARY BY ADV KEAGELETSE ILANGA

The State case was based on the identity of the accused and this was a challenge because the victim had an eyesight problem. She was partially blind in one of her eyes. She was also asthmatic. I had to prove beyond reasonable doubt that accused was the rapist but what helped the most was that the grandmother was absolutely certain that her grandson was the attacker.

The highlight of the case was seeing the grandmother testifying against her grandson and not contradicting herself. I thought she was going to give contradictory statements and this was going to make our case difficult. I even expected her to break down and cry throughout her testimony but the confidence she showed gave me strength and courage to go ahead. I must also admit that the counselling she got from the Thuthuzela Care Centre staff played a role in preparing her for this daunting task of testifying against her grandson. It can't be easy for a grandmother to testify with confidence that she was violated by her grandson.

I learned from this case that even though you have a single witness, you do not give up on your case because if the witness is reliable in her testimony it's easy to prove your case beyond reasonable doubt. You just have to believe in your case.

Phaladi Shuping is the Regional Communication Manager for DPP: Northern Cape

A YOUNG WOMAN SUFFERS A RAPE ORDEAL AND ATTEMPTED MURDER

Eric Ntabazalila

A goodhearted Riversdale 18 year old young woman ended up being raped repeatedly, strangled and having a 50kg rock thrown on her head. Her cellular phone and earrings stolen after she gave a lift to two men who were hitchhiking in the same direction she was going. She survived the gruesome ordeal and is now receiving counselling to overcome it.

In May 2011, the Riversdale Magistrate's Court sentenced Jacob September to two life terms for the rape, eight years for attempted murder, three years for robbery and two years for theft. The court asked that the sentences run concurrently. September admitted to raping the young woman twice, robbed her of her cellular phone and earrings and attempted to kill her by strangling her and throwing a 50kg rock on her head. The court agreed with the State that there was overwhelming evidence against the accused and that he did not show any remorse for his crimes.

His accomplice, Jason Pietersen, was sentenced to ten years for each rape count of which five years of the second count would run concurrently with the first count. He was effectively sentenced to fifteen years in prison.

The family of the young woman, who testified in the sentencing stage for the state, praised the state for the way it ran the prosecution and were happy with the sentence. The young woman is attending university and continuing with her studies. Meanwhile the arrogant and remorseless September showed gangster signs to the crowd outside court.

COMMENTARY BY PROSECUTOR CLIFTON KAYSTER

We do not normally receive cases like this one on a daily basis. It was therefore shocking to see what the complainant had encountered on that fateful day. Due to the good investigation done by the investigating officer, Warrant Officer Swanepoel, it was a clear cut case. The accused had no choice but to plead guilty. My goal was to achieve the maximum sentence, namely life imprisonment as stipulated by the Minimum Sentences Act. This required proper preparation on sentence as our courts are often reluctant to impose life sentences on accused, despite that being the minimum sentence required by law.

I relied heavily on a decision held in *State v Matyityi* 2010 ZASCA 127 relating to life imprisonment sentences and other relevant case law to support our submission for life sentences for the accused. Due to the fact that the complainant was at University and she could not travel, the state called her guardian to testify in aggravation of sentence. We handed in photographs of the scene, the J88 reflecting the injuries sustained by the complainant including the 50kg rock thrown onto her skull.

The family were devastated by this incident. They never expected that such a gruesome incident could happen to their lovely, friendly young child. The guardian felt that he could take the law into his own hands but accepted that the law should take its own course. The complainant is still receiving counselling while at University.



Prosecutor - Clifton Kayster

The family of the complainant was present at the sentencing proceedings and listened to the arguments presented by the parties and the judgment of the court. They were pleased with the state's argument for maximum sentences to be imposed. They expressed their gratitude and satisfaction with the sentences imposed by the court and the work done by the state. They regard this as a chapter they can close and focus on the healing process of their daughter.

The main accused showed no remorse for his actions. This was the state's argument also and the court agreed with the state on this aspect. After he had been sentenced by the court, he posed for the photographers to show them various prison gang signs with his hands.

This was one of the worst rape cases I have ever dealt with, and I felt that the accused deserved maximum punishment. We also had to assure members of the public that dangerous criminals would be removed from society. I believe this case has caught the attention of the public to a large extent, and that would-be rapists would have to think twice before they contemplate on committing such a gruesome crime.

Eric Ntabazalila is the Regional Communication Manager for DPP: Western Cape

TRUST OF AN ADULT LEADS TO YOUNG GIRL'S GRUESOME RAPE AND DEATH

Eric Ntabazalila

She was only 11 years old and trusted that the man who promised to accompany her to her aunt's house would honour his promise to protect and help her reach her destination. She did not realise that the "Good Samaritan" was a wolf in sheep's clothing, thirsty for blood. She didn't know he was released from prison in the morning of that fateful night after charges of assault were withdrawn against him. Two days later, her lifeless tiny young body was found lying in a dry river bed, decomposed.

On 15 April 2011, Jan Adams confessed to raping and strangling to death the 11 year old girl. Western Cape Judge President John Hlophe sentenced him to life imprisonment. The case would have been a long and expensive affair as it was held in Beaufort West, a District 400 km away from the sitting of the Western Cape High Court, but the quick thinking of a veteran of 33 years in prosecution, ensured speedy delivery of justice.

Adams confessed that on the morning of 9 February 2010, he drank two litres of wine at a tavern in Hillside 2 in Beaufort West. He then went to the township where he spent the day with two other people drinking 10 litres of homemade beer and smoked a zol of dagga. In the evening he was on his way home in KwaMandlenkosi when he met the young girl on her way to visit her aunt. He lied to her promising to take to her to her aunt. He then told her that he needed to fetch something from his house. She believed him.

At his house he pinned her to his bed, undressed her and raped her. She screamed and tried to fight for her freedom by biting him on his forearm but he was too strong for her. To muffle the scream, he closed her mouth and strangled her. After raping her, he fell asleep. The next day he noticed her body next to his bed and realised that she was dead. He put her body in two striped bags and dumped it under a bush in a dry river bed not far from his house. Her body was found the next day and he was picked up by the police.

The 11 year old young girl never reached her aunt's house.



Adv Jan Theron

COMMENTARY BY ADV JAN THERON

When a criminal case is enrolled for trial, a date for a pre-trial conference in the high court is simultaneously fixed. It usually takes place four to six weeks before the start of a trial in order to establish what the issues are and whether all the parties would be ready to proceed with the case on the trial date. In the case of the State versus Adams, the matter was enrolled for trial in the Beaufort West Circuit Court from 9 to 27 May 2011 with a pre-trial conference on 15 April.

The accused pleaded guilty and was sentenced to life imprisonment on the day that the pre-trial conference was held. The circuit was obviously cancelled, with a large saving to the taxpayer. As you are aware, litigation is expensive. A single day in court could amount to more than R20 000 in costs.

Eric Ntabazalila is the Regional Communication Manager for DPP: Western Cape

SENT TO JAIL FOR DEALING IN EXPLOSIVES USED BY ATM BOMBERS

Mona Moerane

The NPA's Limpopo Organised Crime Unit, Senior Public Prosecutor, Adv Deon Lamminga, has made a mark in the fight against ATM bombings in the province.

He successfully prosecuted two men who were accused of dealing in explosives

used by criminals to bomb ATMs. Mr TC Ramaano and Mr O Rabothata were arrested during an under-cover operation authorised under section 252A of the Criminal Procedure Act, 1977(Act 51 of 1977). They were both convicted in September 2010 for dealing in

explosives and sentenced to eight years imprisonment.

The SAPS in Limpopo has embarked on a Project called "Rodeo" aimed at fighting ATM bombings in the province – part of a SAPS initiative called "Project

CONFLICT OF INTEREST

–WHAT YOU NEED TO KNOW

Salomon SCJ. Hoogenraad-Vermaak

What is a conflict of interest?

There are basically two types of conflict of interest - personal and professional. Personal conflict of interest happens when your personal interests are in conflict with the interests of the organisation you work for. Professional conflict, on the other hand, occurs when you perform duties for two clients who have competing interests.

What are the values at stake?

When any of the above conflicts happen, objectivity and fairness are more likely to be compromised. Under normal circumstances you will act in the best interest of the organisation you work for, and deal fairly with everyone.

However, when there are conflicts of interest you are more likely to be influenced by your personal interests and cannot objectively apply your mind in the best interest of your organisation.

Scenarios

Take the following three scenarios as examples:

- Your marriage partner is in the security business, and you sit on the NPA Bid

Adjudication Panel which needs to decide which security company to use for a specific region, and your partner's company is on the list.

- Your best friends' child is applying for a position in your department and you are on the interviewing panel.
- You are an investigator for AFU, but you own a significant amount of shares in a company which you need to investigate.

How do we manage conflict of interest?

If you are faced with any of the above scenarios, which clearly indicate conflict of interest, how are you supposed to respond? The most important thing to do is to declare your interests!

The responsibility remains with the individual to identify any situation where they have a conflict of interest and to take appropriate action.

What to do when a conflict emerges?

- Recognise that there is a conflict. Critically think whether the situation poses a conflict of interest.
- Disclose. Tell the relevant people about the conflict.
- Take appropriate action. Remove the

conflict (e.g. by selling shares). Excuse yourself from the process (e.g. tell the relevant people that you cannot be part of the panel as your partner's company is tendering).

- Be transparent at all times and never try to hide anything.

What is the test then?

The two questions that you need to ask and answer are:

- Will I be 100% objective in my decision-making?
- Is it possible that someone from outside the organisation will look at the situation and reasonably suspect that there has been a conflict of interest?

Remember, a perceived conflict of interest is as bad as an actual conflict of interest.

If you are in doubt and need further clarification, never hesitate to contact the Integrity Management Unit (IMU). The Unit is here to assist you to make the right decisions.

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Anaconda", to ensure that ATM bombers as well as those who provide them with assistance are brought to justice.

As part of Project Rodeo, the Limpopo SAPS team had to identify possible suspects who were involved in the theft of commercial explosives from various mines in the province and who then sold them to ATM bombers.

Adv Lamminga said he learnt the importance of providing the court with good and reliable statistics to show the prevalence of ATM bombings not only

in the Limpopo province, but nationally. He said those statistics, which he received from the SAPS, assisted him in convincing the court about the extent and damage caused by ATM bombings and the amount of cash stolen during the commission of such crimes.

He said in sentencing the accused, the link between the dealers of explosives and persons committing the crime was also taken into consideration. Therefore, even though the accused were not charged with acts associated with the bombings, they played an integral part in

the eventual bombings – hence they both received jail sentences of eight years.

Mona Moerane is the Regional Communication Manager for DPP: North Gauteng



PROSECUTING ENVIRONMENTAL CRIMES

Successful prosecution of environmental crimes is an item which is high on the NPA's agenda. Society can no longer afford to fold arms and watch as ruthless criminals loot the natural resources of this country – without due consideration to the great harm caused to the environment.

In this issue of Khasho, we briefly highlight two cases that our prosecutors have successfully prosecuted – one in the DPP: Mthatha region and one in DPP: North Gauteng.

NPA APPLAUDED FOR ITS EFFORTS AGAINST ENVIRONMENTAL CRIMES IN THE TRANSKEI

Luxolo Tyali

In the former Transkei Wild Coast, four men were convicted and sentenced in June 2011, by the Willowvale Regional Court, for fishing in the Dwesa-Cwebe Marine Protected Area without permission. The Wild Coast is one of the epicentres of eco-tourism in South Africa, where there is a high number of protected wildlife and species.

The four accused: Xolani Matshona, Ayanda Mali, Sithembiso Mkonwana and Nkosana Toto, who are from the villages around the Dwesa-Cwebe Nature Reserve, were found guilty of entering the reserve without authorisation and killing or injuring close to 150 mud prawns. They were therefore sentenced to R5000 or six months imprisonment, wholly suspended.

The Department of Environmental Affairs (DEA) has been struggling for years

to keep local people out of the reserve and to stop them from poaching the wildlife and marine life in the Dwesa-Cwebe estuary. In the past, those caught would only be charged with trespassing and receive light fines or pay an admission of guilt fine, something that made the stakeholders despondent with the legal system.

The DEA Regional Manager, Mr Briant Noncembu, commended the NPA for its determination to fight this form of crime. He said, "This is an effort worth commending because once the message is sent through the sentences given by magistrates, the seriousness of our conservation message will soon spread like wild fire into the communities".

Another commendation came from the interim CEO of the Eastern Cape Parks and Tourism, Mr Sybert Liebenberg, who said: "I think we are moving in the right

direction, and as we start making these victories; we should prepare for some tough ones ahead."

Advocate Mark Smidt, who handled the case, said the magistrate gave the accused suspended sentences to enable them to go back to their community and inform people that courts would no longer give light sentences to people convicted of environmental crimes.



Adv. Mark Smidt

Luxolo Tyali is the Regional Communication Manager for DPP: Mthatha

FOUND GUILTY FOR COMPILING A MISLEADING ENVIRONMENTAL ASSESSMENT REPORT

Mona Moerane

In another case in Gauteng, Mr Stefan Frylinck, an Environmental Assessment Practitioner working for Mpofu Consulting, was found guilty of contravening the National Environmental Management Act when compiling the basic environmental assessment report on which the decision to allow the building of the Pan African Parliament in Midrand was based.

The Pretoria Regional Court heard that Mr Frylinck submitted false and misleading information to the Department of Public Works and the Department of Environmental Affairs by claiming that the area in Midrand where the Pan African Parliament was to be built did not have wetlands. As a result of that mis-

leading report, the aforementioned Departments gave developers approvals to commence with construction.

However, a report compiled by the Johannesburg Environmental Oversight Committee confirmed that wetlands were being destroyed by property developers. Because wetlands can provide semi-arid countries like South Africa with additional sources of water: it is a crime to destroy them.

On 6 April 2011, the Pretoria Regional Court sentenced the accused to two years imprisonment or a fine of R80 000, of which one year or R40 000 was suspended for five years on condition that the accused was not found guilty of a similar

offence.

His company was also fined R80 000, of which R40 000 was suspended for five years on condition that the company was not found guilty of a similar offence.

The prosecutor who handled the matter, Mr Vernom Nemaorani, said the case would send a strong message to developers and Environmental Practitioners to be cautious and very strict when dealing with sensitive issues of the environment. He said the idea by the NDPP to create divisions within DPP offices that were dedicated to prosecuting environmental crimes was a good one.

Mona Moerane is the Regional Communication Manager for DPP: North Gauteng

NPA MEMBERS IN THE 2011 COMRADES MARATHON

Nomilo Mpondo and Natasha Ramkisson

Considered to be the world's oldest race, the Comrades Marathon has been run since 1921, with the exception of the period between 1941 and 1945, during World War II. This year the Comrades Marathon celebrated its 86th anniversary. The course of the race is approximately 90kms and is run between Durban and Pietermaritzburg, with the direction alternating each year. This year's race was an uphill run - from Durban to Pietermaritzburg.

Some of the runners from the NPA who participated in this year's event were KwaZulu-Natal Acting Director of Public Prosecutions, Adv Simphiwe Mlotshwa, Adv Allen Simpson, Adv Engela Van Der Merwe and Mr Tshinyadzo Mudau. Khasho talked to them about their participation.

Adv Simphiwe Mlotshwa - Acting Director of Public Prosecutions: KwaZulu-Natal

This was my second Comrades. I ran my first Comrades last year. This year's marathon was an uphill run, therefore I can describe it as a tough run. I found the first 37kms psychologically and physically challenging and demanding. Running Comrades is a challenge. Determination, discipline, commitment, success-driven, deadline-driven and goal-orientated are the main attributes that one requires in order to run Comrades. In a nutshell, I ran in order to put myself to the test with a view to determine the degree, extent and length to which these attributes can take me. In preparation for the marathon, I ran a 16km race in January, three 42.2 km races in February and March and a 52km race in April. I am already itching for next year's Comrades.



Allen Simpson - Senior Tax Advocate DPP: South Gauteng office

I finished with a better time this year, 8h53.17, compared to my record finish of 9h15.41 last year. It was my 14th Comrades. I prefer the "up run". The

Comrades grows on you. One becomes part of a big family. It feels great to be fit and strong when you prepare for the race. The benefits of running should not be underestimated. The Comrades will inspire you, your children and grandchildren.

Give the Comrades a GO!!!



Engela Van Der Merwe - Senior Public Prosecutor: Krugersdorp Magistrate's Court

This year my preparation for the Comrades marathon went well, as I ran almost 1100 kilometers since January 2011. I was looking forward to my 11th Comrades and to run with my green number for the first time. A last minute injury that had bothered me shortly before the race responded well to physiotherapy and cortisone injections. I ran without pain. I had to work extremely hard during the last 20km to get my bronze medal. I finished with a little more than ten minutes left before the bronze cut off.



Tshinyadzo Mudau - Advanced Manager: Planning and Support - Security and Risk Management

This year's Comrades was tougher than last year's because it was an up run. The good thing is that I managed to complete the race in 10 hours 22 minutes, an improvement of 30 minutes from last year. I also ran the Two Oceans (56KM) in Cape Town on 23 April 2011 and there is not enough space between the two marathons to rest. I had good preparations compared to last year which included healthy eating and maintaining a healthy mind at all times.

We intend to establish our own NPA team so that next year we can run under the banner of the NPA.

I advise all NPA staff to participate in at least one sporting code, and this will make a difference in their lives, both at work and at home.



Natasha Ramkisson is the Regional Communication Manager for DPP: KZN

'BEAST OF THE KAROO' GETS 36 YEARS IMPRISONMENT

Phaladi Shuping

A 38 year-old man from Kimberley will serve an effective 36 years in prison after he was sentenced for kidnapping, rape, assault, theft, arson and attempted murder.

The Northern Cape High Court Judge President, Frans Kgomo, sentenced Frans Oliphant to 15 years for rape, six years for attempted murder, five years for arson, and 30 months for assaulting his former 15-year old girlfriend.

State Advocate Catharina Jansen indicated that acts of violence against the accused's ex-girlfriend could in no way be justified and the accused posed a danger to society and young women in the community.

Jansen said that the accused's former girlfriend was unwilling to tell anyone that she had been raped due to lack of support and threats to her life and the accused had pursued and lured her while he was married.

"Acts of violence and threats were regular occurrences during their relationship and even after it ended, the accused resorted to acts of aggression. The court has a duty to ensure that even if women have made the wrong choices, the abusive partner should not be allowed to do as he pleases without being subjected to the full might of the law", said Jansen.

Oliphant also received another 15-year sentence for the kidnapping of his former girlfriend who was a learner at Kimberley Girls High School. She disappeared on 21 February 2010, after leaving home to meet with Oliphant in town. She has never been seen since then, and the accused never said a word about her disappearance.



Adv Catharina Jansen

COMMENTARY BY ADVOCATE CATHARINA JANSEN

It was a high profile matter, with a lot of community and media interest. I did not indict the matter, nor take part in the investigation or discussions on what charges the accused should be prosecuted on. I had to step in after the indictment, to prosecute on 10 charges including kidnapping and rape.

We were faced with several challenges, including the fact that the kidnapped victim was still missing a year after the incident and that no eyewitnesses were available. The other challenge was that the rape charges were made more than two years after the alleged incident.

The family of the kidnapped victim was divided on whether she was dead or still alive. The mother of the victim insisted that the State should not continue with the murder charge of the kidnapped victim as she firmly believed that she was still alive.

I was instructed to withdraw the murder charge at the beginning of the trial. What was set down for two and a half weeks trial continued for more than two months as the Judge President insisted that the matter run continuously until all the oral testimony was heard.

It was a logistical nightmare to organize more than 40 witnesses including experts that had to be flown in. It was also emotionally draining to see her support group, family and church members coming in large numbers to court every day.

The highlight of the case was when the accused was convicted on most charges and sentenced to 36 years imprisonment. The family of the victim is also considering establishing an NGO in her name, with the aim of tracing her and other missing persons. A sour note is that her family is still in the dark about her whereabouts, even after an emotional plea made by her father to the accused during his testimony before the sentencing.

Phaladi Shuping is the Regional Communication Manager for DPP: Northern Cape

RUSTENBURG GANG FACES THE FULL MIGHT OF THE LAW



Frank Lesenyego

Rustenburg Magistrate's Court imposed stiff sentences ranging from ten years to life imprisonment to 11 Mozambicans for their involvement in numerous crimes such as murder, attempted murder and robbery with aggravating circumstances committed between 15 March and 28 May 2008.

The case was handled by Senior State Advocate Mpho Johny of the Organised Crime Section, DPP North West, and Junior State Advocate Moipone Moroka. The crimes were committed in Rustenburg and surrounding areas.

The 11 accused appeared before Judge Hendricks who said "the fact that members of the gang operated in a crime syndicate served as aggravating circumstances, as it proved cumbersome for the authorities to arrest and successfully prosecute offenders". He sentenced accused no 1, Isais Bartemeo Delito Chauke, who was described as the mastermind of the gang, to life imprisonment for murder, 17 years for three counts of attempted murder, 12 years for one count of rape and a further 15 years for each of the six counts of housebreaking and armed robbery.

Accused no 2, 3 and 4, being Mbokweni Enoch Justino Moyane, Mario Estelleio Rogers Come and Victor Phineas Nkuna were each sentenced to an effective 20 years imprisonment for their role in two counts - housebreaking with intent to rob and robbery with aggravating circumstances. Accused no 5, 6, 8, 10 and 11, being Silver Jaima Maluleke, Constantino Raphael Zimba, Solly Obisi, Isaac Mathebula and Felix Alberto Machava were each sentenced to an effective 10 years imprisonment for their involvement in the syndicate.

Accused no 7, Emmanuel Nkuna, a hair salon owner from Pretoria, was sentenced to an effective 15 years in prison for his role in the crimes and for having been found in possession of one of the stolen vehicles that was subsequently recovered by the police.

During the testimony and summary of facts, the gang was found to have been involved in the theft of motor vehicles, laptop computers, cell phones and other valuable items in at least seven separate incidents of armed robbery that were smuggled to Mozambique through the Limpopo boarder post.

The 11 convicted accused persons used firearms to rob their victims and tied both arms and legs before disappearing with their valuable assets, and in some instances there were unfortunate fatalities during the attacks.



Senior State Adv Mpho Johny
and Adv Moipone Moroka

COMMENTARY BY SENIOR STATE ADVOCATE MPHO JOHNY AND ADVOCATE MOIPONE MOROKA

We are so happy that we finally finalised this matter. It took us about 10 frustrating months. It really hanged on our shoulders as we were wondering each day what new surprising tactics would be brought to court by the defence counsels. We had many sleepless nights working on this matter and also made extensive research and, wow, it finally paid off. This was really groundbreaking. Most importantly, we are happy that the community of Rustenburg finally got justice and can now continue with their lives in peace.

Emotions ran very high during the trial, as the matter involved 11 accused persons. The trial was very long and somehow confusing. We worked together, taking turns in presenting our case.

From this case we have learnt that team work is vital. This applies to complicated and long trials. We could not have done it so perfectly and achieved these results if we did not work together. The other important lesson is that we must keep abreast of recent reported cases, study and research, because every case is unique so that you are able to prepare thoroughly.

Frank Lesenyego is the Regional Communication Manager for DPP: North West

NON-CUSTODIAL SENTENCING AND THE NPA

Tebogo Seate

The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), has been steadily rolling out non-custodial sentencing (NCS) services since 2006. Currently, 44 NCS sites have already been established around the country.

Khasho spoke to Regan Jules-Macquet, NCS Project Manager at NICRO, to tell us more about non-custodial sentencing and the role played by our prosecutors in this arrangement:

What is non-custodial sentencing?

NCS is referred to by both the Child Justice Act and the Criminal Procedures Act. The NICRO NCS comes in during sentencing deliberations in the form of an assessment and a report that sets out the offender's suitability for a community-based sentence. Should the offender be sentenced to a NICRO NCS, NICRO provides the service as well as 12 months of aftercare and tracking. Depending on the offender's needs, NICRO could provide an intervention that includes family work, community service, individual counselling and behaviour change programmes.

What are the benefits of using non-custodial sentencing?

The benefits of NCS for offenders, families and communities are significant. Lower risk offenders are kept away from higher risk offenders when they are kept out of prison. They can remain with their families and continue to receive social support, an important factor in preventing re-offending. They also receive mandatory rehabilitative services, something that may not happen in prison.

We hope to see more prosecutors come on board and support NCS as a viable alternative to incarceration for lower risk offenders.

What is the typical profile of NCS offenders?

The most common offences committed by NCS offenders are theft, assault with the intent to commit grievous bodily harm and shoplifting. 77% are male while 23% are female. 14% are under the age of 18 and 48% are under the age of 25. 55% are school dropouts, and 49% are unemployed. 76% are first time offenders. 73% receive a suspended sentence, followed by Correctional Supervision (14%).

What is the role of prosecutors in non-custodial sentencing?

The choice to use NCS as part of an offender's sentence obviously rests with the magistrate or judge. Yet prosecutors play a significant role in driving NCS in their courts by supporting requests that offenders be sent to NICRO for assessment, or sometimes making the assessment referral themselves. 39% of our referrals actually come from prosecutors themselves.

Prosecutors also play an important role in helping us to promote a better understanding of NCS among local communities. By appearing and speaking at our community events, they help us to build public confidence in both the courts and in the NCS service when the public believe that the court takes time to come out and address their concerns.

Assessing an offender's risk

The most important aspect of NCS that prosecutors should understand is that only lower risk offenders are suitable for NCS, and this lower risk is determined, not by the nature of the offence, but by the offender's risk profile as assessed by the social worker. Non-violent offenders are not necessarily lower risk, and a person can commit a violent offence without



Regan Jules-Macquet

necessarily having a high risk profile. The accurate assessment of offender risk is a complex and skilled process that forms the basis of a successful NCS service. If unsuitable offenders are given a NCS, the whole service can be brought into disrepute through high rates of non-compliance.

Through the use of vigorous actuarial and clinical assessment tools and methods, NICRO has produced a national NCS compliance rate of 87%. Our independent impact assessment, due in 2013, will hopefully produce similar results when specifically analyzing re-offending.

NCS materials and support

NICRO has developed a detailed NCS Toolkit for court stakeholders which is available from our Head Office. We have also developed an online knowledge forum to share research and materials relating to sentencing. We have also created a Facebook group which contains all our success stories. The links are on our website. We also release a monthly e-newsletter.

We strongly encourage those prosecutors who would like to know more about NCS to contact their nearest NICRO office and arrange for a meeting. www.nicro.org.za

NPA EVENTS

PATRICK MAHLANGU FINALLY EXHUMED

Basetsana Motlhamme

On the eve of Youth Day (15 June 2011) Patrick Mahlangu's remains were exhumed at Soshanguve cemetery.

The mood during the event was a mixture of happiness and sadness. It was happiness for the family of Patrick to finally find the remains of their beloved husband, father, brother and fellow comrade; and it was sadness considering the gruesome manner in which their loved one was killed.

Patrick Mahlangu was an MK cadre who operated in underground structures in Mamelodi. He disappeared from his home in Mamelodi on the night of 18 March 1986 when men pretending to be MK cadres (askaris) took him away.

During the Truth and Reconciliation Commission (TRC) amnesty hearing by members of the Security police and askaris, it was revealed that he was taken to a private farm, Soutpan, near Warmbaths (now Bela-Bela) where he

was interrogated about his MK activities and assaulted.

A decision was taken that he should be killed as it was believed that the identity of certain informers or askaris had been exposed. He was then taken in a kombi to the railway line near Northam where he was strangled.

When they realised that Patrick was still alive, one of the askaris killed him by stepping on his throat. His body was then blown up next to the railway line to give the impression that he had accidentally blown himself up while trying to plant explosives on the railway line.

Speaking on behalf of his family, his brother Sipho Mahlangu thanked the government and the NPA for their work, as well as the government of Argentina for their contribution. He said that ever since their brother disappeared, his family always had hope that they would eventually know what happened to him on that fateful night. 'Today we are

experiencing happiness in something bitter, we chose not to be bitter because that would have blinded the vision of finding the truth about our brother" he said.

All speakers made a commitment to continue supporting the NPA and all other stakeholders involved in this worthy cause by assisting in healing the wounds of the past, thereby contributing to the strengthening of democracy.



Patrick Mahlangu finally exhumed

NPA ROADSHOW FOR LADY FRERE – QQQODALA

Luxolo Tyali

The NPA education and awareness road show for Mthatha in the Eastern Cape was hosted at Qoqodala Community Hall on 28 May 2011.

About 200 people from the villages under Qoqodala Administrative Area braved the snow and cold weather to attend the road show, which was addressed by all the departments in the JCPS cluster, Legal Aid South Africa as well as traditional leaders.

The Senior Public Prosecutor for Lady

Frere, Mr Mfundo Jubase, addressed the community members on different aspects of the operations of the NPA and provided feedback on the progress of more than 12 rape cases that emanated from that area, which is plagued by sexual assault and domestic violence cases.

At the end the road show a committee was also established, which was tasked with ensuring that there would be continuous communication between the community, the police and the NPA, so that the community could be made aware of progress made relating to their cases.



Chief prosecutor holds workshop on screening

Luxolo Tyali is the Regional Communication Manager for DPP: Mthatha



CHIEF PROSECUTOR HOLDS WORKSHOP ON SCREENING

Kas Sami-Kistnan

On 2 June 2011, the Chief Prosecutor of the North Gauteng Cluster, Advocate Matric Luphondo, hosted a workshop in Midrand on Screening Protocol for senior officials of the South African Police Service.

From time to time, the NPA is sued by people who believe that they were wrongfully or unlawfully prosecuted – and most of the time as a result of members of the SAPS not conducting proper investigations.

The purpose of that workshop, therefore, was to highlight the important role that the SAPS plays in assisting prosecutors to ensure successful prosecution of cases. Attendants were made to understand the rationale behind the Screening Protocol, the necessity for proper and efficient screening of case dockets – by both the SAPS and the NPA – and finally, the

identification of stumbling blocks and the prompt alleviation thereof.

Advocate Luphondo did several presentations, which extensively detailed various topics relevant to the investigative process and aimed at assisting the SAPS in the initial screening and processing of case dockets, thereby securing the best evidence, necessary for any future

prosecution.

Coming out of this workshop, it was also decided that a task team comprising representatives from both the NPA and the SAPS will be formed to share lessons learnt and best practices on a regular basis, as well as to discuss and solve challenges related to screening.



Some of the attendants of the workshop

Kas Sami-Kistnan is the Senior Public Prosecutor for Pretoria Regional Court

NORTH GAUTENG YOUTH INVITED TO JOIN THE FIGHT AGAINST DRUG ABUSE AND CRIME

Mona Moerane

As part of youth month events which occurred throughout the country during the month of June, the NPA also held a number of awareness sessions for young people to empower them with a wealth of information relating to the work of the NPA and the criminal justice system in general.

One such event was held at Halala Community Hall in Soshanguve, North of Pretoria on 22 June 2011. The theme for the event was '2011 youth against drugs and substance abuse for a drug free society'. This came about after statistics provided by the Senior Public Prosecutor in Soshanguve Magistrate's Court, Mr Aaron Mthimunya, showed that most of the cases prosecuted in that area were as a result of substance and drug abuse.

Chief Prosecutor of the North Gauteng Cluster, Adv Matric Luphondo, gave a keynote address in which he encouraged the youth to be focused and make the right choices. He emphasised that the choices they made would help reduce or even stop the crime drastically in the area because drug pushers would no longer have a business to run.

A former substance addict, who is now a peer educator at the Tshwane University of Technology shared his experiences with the youth and warned them to stay away from drugs, because once a person started using drugs it was very difficult to stop the life-destroying habit. He encouraged them to instead invest their energies in activities that would uplift them and help in creating a crime-free South Africa.

A member of the local community safety forum said the community had started a few projects for the youth in the area, run by the youth, to take a lead in fighting crime in Soshanguve. The young people who attended the event were very appreciative of the information provided to them and urged the government to host more of such events in order to reach out to the youth who were already affected by drug abuse.



Some of the youth who attended the event

Mona Moerane is the Regional Communication Manager for DPP: North Gauteng

NPA PUBLIC EDUCATION EVENTS - EASTERN CAPE

Tsepo Ndwalaza

Burgersdorp, Eastern Cape

The NPA held Youth Day Celebrations on the 8 June 2011 at the Burgersdorp Town Hall in the Eastern Cape. The NPA and its stakeholders in the JCPS cluster worked together in an effort to bring services to the people. The NPA got an opportunity to educate the youth about its mandate and its work. Addressing the audience, Mr Armando Damarah informed them about the various units within the NPA including the work done by those units. He went on to educate them about the role of prosecutors and court processes.



Burgersdorp Youth Day

Zweledinga, Eastern Cape

On 10 June 2011, the NPA team also held another Road Show at Whittlesea in a village known as Zweledinga. The NPA partnered with the Departments of Correctional Services, Social Development, Justice and Constitutional Development and South African Police Service as well as the local Community Police Forum (CPF).

People from this community braved very harsh weather conditions and came out in big numbers. At Zweledinga the

DPP, Advocate Lungi Mahlati, addressed the audience and had an opportunity to interact with the local community and cleared some of their concerns relating to prosecution issues. He also encouraged the community to work together with the authorities so that when crime is committed those involved are prosecuted successfully.

He went on to mention the importance of reliable witnesses in a court case and informed the public that if people are not willing to come forward to testify as witnesses, it becomes difficult to prosecute successfully - as a result some of the accused people come back to the community.

Messages of support also came from local chiefs, who pleaded with the community to work closely with authorities to ensure that criminal activities in their communities are dealt with successfully.

Tsepo Ndwalaza is the Regional Communication Manager for DPP: Grahamstown

SERVICE DELIVERY ROADSHOW GOES TO KWA-MHLANGA

Mona Moerane

The JCPS service delivery road show for the North Gauteng region was held on 28 May 2011 at Vaalbank community hall in Kwa-Mhlanga. The NPA, as the lead department in that initiative, invited stakeholders such as Legal Aid South Africa, Department of Home Affairs, the South African Social Security Agency, the South African Police Service and the Vaalbank Municipality to share vital information with the community.

The day began with presentations by stakeholders educating the community about the criminal justice system and how each stakeholder could contribute

to reducing the levels of crime in society. After the presentations, attendees visited different stalls where they were provided with services such as applying for identity documents and social grants.

The main focus for the NPA was to provide information about the indigenous court based in Siyabuswa, where all proceedings are held in isiNdebele. The community was highly appreciative of the existence of such a court, which they believed was easily accessible and user-friendly due to the fact that proceedings were conducted in the language which they best understood. Furthermore, the community was confident that the court

was contributing to speedy delivery of justice in their area.



NPA team-ready to serve

Mona Moerane is the Regional Communication Manager for DPP: North Gauteng



REACHING OUT TO THE COMMUNITY OF KURUMAN

Phaladi Shuping

On 28 May 2011, the NPA, together with various stakeholders, took service delivery to the remote community of Bankara-Bodulong in Kuruman. The roadshow was in the form of a service fair, whose main objective was to provide government services to this remote and impoverished community. It was also an opportunity for the NPA to increase its visibility and educate members of the public about its role in the Criminal Justice System.

Other stakeholders who participated in

the roadshow were the Department of Justice and Constitutional Development, Department of Labour, Department of Home Affairs, Public Protector, South African Social Security Agency, South African Police Service, Disabled People of South Africa, as well as Gamagara and Ga-Segonyana municipalities.

The event started with all participating stakeholders making presentations on the services they were offering. This was followed by interaction with the community members as they visited

stakeholders' exhibitions where they were provided with information material as well as services ranging from applications for social grants, child support grants, old age grants, identity documents and registrations of birth.

The South African Police Service recruitment office even handed out application forms to community members who were interested in joining the SAPS.

Phaladi Shuping is the Regional Communications Manager for DPP: Northern Cape

COURT PREPARATION TRAINING FOR KZN

Natasha Ramkisson

The Court Preparation section recently hosted the Ke Bona Lesedi Foundational Court Preparation Training in Pietermaritzburg. The training was coordinated by Karen Tewson, the National Coordinator for Court Preparation. This training occurs annually and it was the first time that it was hosted by Kwa Zulu-Natal.

The purpose of the training was to equip newly appointed Court Preparation Officers with the necessary skills to prepare and empower witnesses to testify effectively in court. It also served to inform and enlighten the prosecutorial staff about the value that Court Preparation Officers can add to a positive outcome of a case.

The training content included: the norms and standards for court preparation, the model of implementation (PEACE model), trauma and abuse, communication, how to implement an age and developmentally appropriate programme, court preparation ethics and protocol, theory of court procedures and the roles and responsibilities of all the members of the criminal justice system.

'Kwa Zulu-Natal has a compliment of 18 Court Preparation Officers and they are distributed in each cluster in the province,' said Roelien Wiesner, Court Preparation Manager for KZN. 'We are fortunate to have a dedicated, compassionate and capable team of Court Preparation Officers. They are

often recognised for the value they add to specific requests by advocates in High Court matters.' Ms Wiesner stressed the importance of rolling out the services of Court Preparation Officers to outlying areas.



KZN Court Preparation Officers

Natasha Ramkisson is the Regional Communication Manager for DPP: KZN

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Send your news and letters to
Khasho@npa.gov.za

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