

Khasho



News for NPA staff, friends and stakeholders

May 2010





Letter from the Editor

The month of May was typically busy for the NPA. It started on a high note on 3 May with the launch of the country's 21st Thuthuzela Care Centre (TCC) at Karl Bremmer Hospital in Cape Town. These centres present a beacon of hope for victims of sexual violence. The victim-centric focus of these centres is on restoring the dignity of the victims and turning them into survivors. On the other hand, the entire criminal justice system is fully integrated into the centres with the aim of reducing case cycle times and improving conviction rates for rape and related crimes.

What an honour it was to have our Minister, Mr Jeff Radebe, attend our

event in his tight schedule. Two days later, the Minister presented his Budget Vote before Parliament. He made a few pronouncements about the NPA and the contribution it is expected to make to the Justice, Crime Prevention and Security (JCPS) Cluster's overall strategy. This edition of *Khasho* brings important highlights from the Budget Vote.

The Red Card campaign against Human Trafficking was launched at Mbombela Stadium in Nelspruit on 24 May. The Minister, who is also the official patron for government's fight against human trafficking, was the honourable guest and delivered the keynote address.

The campaign is a joint venture between the NPA, the Commission on Gender Equality and the 2010 FIFA World Cup Organising Committee. In this issue of *Khasho*, we share the details of the launch, which received wide media coverage.

The event was followed by provincial task team meetings for TCCs and human trafficking respectively to discuss

capacity plans and roll-out mechanisms by the provincial structures.

This year marks the 13th annual Child Protection Week campaign. The campaign started on 26 May and continued until 2 June. *Khasho* brings to your attention an extract from government's National Action Plan that mitigates risks associated with the World Cup to ensure children's safety.

On that World Cup note, colleagues, it is here! I'm sure all of us are feeling it. Well, the NPA is feeling it too.

It's all systems go for the dedicated courts for the World Cup. Fifty-six courtrooms have been scheduled to open from 28 May. Minister Radebe will officially launch the opening of these dedicated courts at the Randburg Magistrate's Court on 3 June. *Khasho* will keep a close watch on these World Cup-related matters and keep you updated.

What a busy month May has been!

Bulelwa Makeke
Executive Manager: Communications

Cover photograph: NPA and partners' roadshows and service delivery fair in Ga-Matlala Setumong, Limpopo.

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NDPP in the media and public domain

Tebogo Seate

The NDPP was interviewed on Lesedi FM about the NPA's concern that drivers who cause serious road accidents, especially where fatalities are involved, get off with very light sentences. Below are some of the questions asked and the NDPP's responses:

What do you mean when you say drivers get away with murder?

Many accidents occur on our roads, particularly during the festive season. Some of these accidents result in fatalities, and some of them are caused by drivers blatantly disregarding traffic regulations and laws. Because of the manner in which enforcement agencies approach these cases, people are normally not charged properly. People are usually charged with culpable homicide, even where there is evidence that the level of negligence suggests that something more serious should be the basis on which people are charged. The NPA has therefore started looking at these cases so that offenders are charged with murder instead of culpable homicide.

Has the NPA established any plans to address these cases?

Yes, and where fatalities are involved, it gets in touch with its local offices to follow up on these cases to determine the exact causes of such accidents. Thereafter, the NPA assists the local Director of Public Prosecutions to formulate proper charges against offenders.

Kaya FM

The NDPP was also interviewed on the John Perlman Show on Kaya FM. Callers were invited to ask him questions. Below are some of the questions and his response:

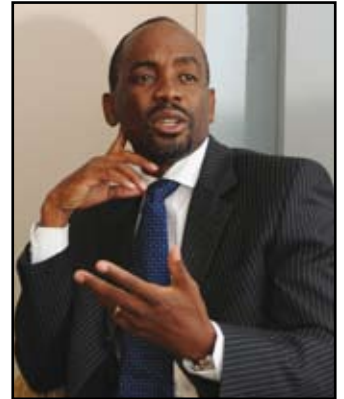
Can you briefly tell us about your management style?

It is different to what some people are accustomed to, but it is not an unusual style because one finds it in many people. I am a hands-on person and tend to be deeply involved in anything that happens to ensure that the policies of the institution are implemented. There are elements of micro-managing in my management style, but I don't manage people, I only manage processes.

Can you tell our listeners about the role and responsibilities of your office? Does it entail being involved in cases?

Briefly, the role of my office is big and quite involved. It is sometimes misunderstood because people do not always read. The NPA is a direct creation of the Constitution. The NPA Act makes provision for the creation of the Office of the NDPP and DPPs in all the provinces where there are high courts. The NPA, as a whole, is responsible for prosecutions.

The issue of whether I should be involved in cases is guided by the fact that every prosecutor in the NPA does his or her job under the control and supervision of the NDPP. I have to account for everything done by prosecutors irrespective of where they are in the country. If prosecutors make decisions that are incorrect, the NPA Act provides for the NDPP to consider representations to review those decisions.



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

The quality of some of the investigations conducted by the police leaves much to be desired, including dockets that are presented in court. Are there any plans to address this problem so that we can have quicker and more effective prosecutions?

If the police conduct investigations well, then one will have better cases, because the facts would be right. The law works with facts and not accusations. One can have a criminal case, but if the facts are not right, there will be no prosecution and someone will walk away. The better the investigations, the greater the chance of success in prosecutions. However, one cannot expect prosecutors to do miracles, but prosecutors work very closely with the police in every situation to make sure that the investigation is as good as it should be. Prosecutors, therefore, provide guidance to the police regarding the kind of information that is required.

NDPP lecture at Walter Sisulu University, Mthatha

On 12 May 2010, the NDPP was invited to give a public lecture at the Walter Sisulu University on the role of the NPA in the criminal justice system. Below is a brief extract from that lecture:

The job of a prosecutor is to ensure that justice is done. Prosecutors must not be tempted to do what interests the public, but must do what is in the interest of the public: justice. In many instances, the public becomes interested in vengeance; not justice. Hence, it is the duty of prosecution to ensure that facts are presented in court in a fair and unbiased manner, so that justice prevails. Justice may be painful but it is better for a guilty man to go free than for an innocent man to go to jail.

THE NPA HOTLINE – 0800 212 580

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

Child Protection Week

Nomilo Mpondo

This year, South Africans took part in the thirteenth Child Protection Week campaign to educate and mobilise communities to put children first. This is an annual national campaign led by the Department of Social Development.

The concept of Child Protection Week stems from the African proverb, “it takes a village to raise a child”, emphasising the role of the wider community in keeping children safe. Citizens, families and communities must ensure that we do not become silent partners of the disease of child abuse and neglect. Cases of child abuse should be promptly reported to the authorities.

We all have a responsibility to report such cases to the authorities and to show our support by wearing a green ribbon, which is the official logo of the campaign. It symbolises protection, life and growth.

This year, Child Protection Week was used to launch the National Action Plan to protect children during the 2010 FIFA World Cup and beyond. Government has embarked on a comprehensive action plan to mitigate all risks associated with the World Cup and to ensure that all children are protected from criminal activities.

Social work professionals will be deployed at public viewing areas and in all the host cities. This includes establishing joint national and provincial command centres and ensuring that child and youth care centres are able to receive emergency referrals and placements and have 24-hour services available. This also includes the deployment of foreign language interpreters and standby professionals who will provide counselling services to victims, should the need arise.

The National Child Protection Register’s online notification system serves as a central repository of exploitation cases monitored and children referred. The justice system has dedicated courts and is also responsible for prevention campaigns regarding children’s matters pertaining to the law. The South African Police Service (SAPS) ensures the

safety and protection of children in terms of the legislative framework. Personnel are also trained to ensure that the best protection is provided to the child.

Parents and caregivers must ensure that proper supervision is provided and precautionary measures are taken during the extended closure of schools for the mid-year vacation. Communities should plan together to assist one another in this regard.

Government remains committed to protect and promote children’s rights in partnership with civil society. After 1994, South Africa (then under President Nelson Mandela) ratified the United Nations Convention on the Rights of the Child. In so doing, the country committed itself to implementing the principle of “first call for children”.

Our Constitution firmly put the rights of children at the core of government’s work, and the needs of children are considered paramount in government programmes and services. The Children’s Act 2005 (Act No 38 of 2005, as amended), came into operation on 1 April 2010. The Act sets out principles relating to the care and protection of children, defines parental responsibilities and rights, and makes provision for matters such as children’s courts, adoption, child abduction and surrogate motherhood. As the main piece of legislation pertaining to the protection of children, the Act was officially launched by the President, Mr Jacob Zuma, in Atteridgeville, Pretoria, on 28 May 2010 to kick-start Child Protection Week.

A bouquet of programmes and services are required to ensure that we provide a safe and nurturing environment for our children to develop. The dedicated Ministry of Women, Children and Persons with Disabilities is mandated to conduct monitoring and evaluation activities on the implementation of children’s rights by organs of state, civil society and the private sector.

Working together we can do more to develop caring communities that protect our children.



Highlights of the Budget Vote

Nomilo Mpondo

In preparation for his Budget Vote, the Minister of Justice and Constitutional Development, Jeff Radebe, launched the 21st Thuthuzela Care Centre in Bellville, Cape Town. Two days later, on 5 May, he presented his Budget Vote to Parliament. This article focuses on the highlights of the Budget Vote.



Adv Rodney de Kock, DPP: Western Cape, Mr Jeff Radebe, Minister of Justice and Constitutional Development, and Adv Johan Smit, DPP: North-West.

- The NPA and its partners shall continue to establish Thuthuzela Care Centres and childcare facilities. Thirty-five centres will have been established by 2015.
- The units that fall under the NPA continue to be the key pillars in the fight against crime and corruption. A decision was taken to hold back on plans to restructure the NPA's units. Government will support the efforts of the NDPP to strengthen delivery in the NPA and to ensure that its plans are in line with the JCPS Cluster's plans, which will be finalised in July.
- Preparations for the 2010 FIFA World Cup have been completed. Fifty-four courts have been designated in the host cities. Courts will be adequately resourced.
- A total budget of R12,18 billion has been allocated to the Department of Justice and Constitutional Development (DoJ&CD) for the 2010/11 financial year. Of this, R2,4 billion has been allocated to the NPA.
- Minister Jeff Radebe signed a performance agreement with the President on 29 April 2010. This contract is to cascade down to all personnel in the DoJ&CD and its entities.
- The Minister will work with various heads in the DoJ&CD and, more broadly, in the Justice, Crime Prevention and Security (JCPS) Cluster in order to achieve the outcome that ensures that "all people in South Africa are and feel safe".
- The Minister emphasised to the Director-General, Ms Nonkululeko Msomi, the need to improve on organisational efficiency to address performance-related challenges that could lead to negative audit reports and non-compliance.
- The implementation of the Child Justice Act of 2008 has been celebrated. The Act will revolutionise the way the criminal justice system deals with cases involving children in conflict with the law.

Human Trafficking

receives a big RED card

Tebogo Seate

On 24 May 2010, the NPA, in conjunction with the Commission for Gender Equality (CGE) and the 2010 FIFA World Cup Local Organising Committee, launched the Red Card campaign against Human Trafficking in Nelspruit, Mpumalanga. This was a highly successful media launch. Its purpose was to highlight human trafficking as one of the emerging crimes that law enforcement agencies have to deal with. It also aimed to raise awareness among communities to encourage them to work closely with law enforcement agencies by reporting all suspected cases of human trafficking.



The launch was conducted under the auspices of the South African Government Human Trafficking Programme, Tsireledzani. This is a joint effort between the government and various stakeholders to combat this form of crime.

The campaign was officially launched by the Honourable Minister of Justice and Constitutional Development, Mr Jeff Radebe. Also attending were delegates from the Office of the Premier, Mpumalanga, the 2010 FIFA World Cup Local Organising Committee, the Commission on Gender Equality, the Department of Social Development and the Department of Police.

The launch took place at Mbombela Stadium. Nelspruit was chosen because it is the only one of the 2010 FIFA Soccer World Cup host cities in Mpumalanga, a province that shares borders with two other countries, thereby making it vulnerable to human trafficking.

In his keynote address, Minister Radebe assured South Africa that the government viewed human trafficking in a very serious light. A Bill was already before Parliament, which, once passed into law, would be used as a powerful legal instrument to wage war against human trafficking by meting out severe punishment to offenders.

The Minister said that human trafficking was a global phenomenon and South Africa was seen as a lucrative destination. He said traffickers made about US\$7 billion per annum, making it one of the most lucrative criminal activities in the world today. He added that the whole world was watching South Africa, as it is the first African country to host the FIFA Soccer World Cup, and the government was not going to allow human trafficking to taint this prestigious event. "We are not oblivious to the fact that this tournament presents an opportunity for those behind this illicit industry to take their chances by seeking to expand their enterprises so that in turn they profit even more out of this criminal activity," he said.

The Minister therefore urged all stakeholders to be on the lookout for signs of human trafficking so that any criminal activities can be reported to law enforcement agencies.

Adv Thoko Majokweni, Head of the Sexual Offences and Community Affairs (SOCA) Unit, said giving a red card to human trafficking meant that this form of crime had to be completely eradicated and perpetrators severely punished. She said that South Africa was keeping her eyes open to ensure that the 2010 World Cup would not be contaminated by allegations or realities of human trafficking.

Exposing children to courts

Natasha Ramkisson

The Pietermaritzburg Local Victim Empowerment Forum (LVEF), which consists of members of the NPA, as well as other government departments and NGOs, recently hosted a Take-a-child-to-court Day at the local magistrate's court. The aim behind the initiative was to expose both girl and boy children to the work of the courts and the judicial system.



Aletta from Bongadunga High School and Johan Senekal, regional court control prosecutor.

Learners from the neighbouring Bongadunga High School were transported by bus to the court, where they were told about the roles of the various people one would find in court. The responsibilities of the magistrate, prosecutor and interpreter were explained to them and they were informed

about the qualifications required for these careers. A moot court also formed part of the programme, where the learners were given the opportunity to role-play a court scenario.

Adv Dawn Coleman, Senior State Advocate, who was involved in the planning of the event, said that the project was successful and it met their expectations. "The school was very grateful to us for making this possible." She thanked all those who participated in this collaborated effort.

Adv Coleman relayed the following interesting story to *Khasho*:

"About two years ago, we hosted about 30 girl learners at the court as part of the Cell C Take-a-girl-child-to-work Project. One of the young ladies who played the role of the magistrate was so motivated by the experience that, despite already having three children, she ensured she went to university. She is now an undergraduate. I think it's really amazing."

Indeed, it is stories like these that reflect the importance of the work our prosecutors are doing in the community.

28th Annual General Meeting of the Society of State Advocates

Adv Kholeka Gcaleka

The Society of State Advocates of South Africa (SSASA) recently held its 28th annual general meeting (AGM) from 21 to 23 May 2010 at the Tsitsikamma National Park in the Eastern Cape. In what proved to be an emphatic clarion call for comprehensive transformation in the NPA, the society, for the first time since its inaugural AGM in 1983, elected an African chairperson – and a female one at that.

The AGM was addressed by the guest of honour, the NDPP, Adv Menzi Simelane, who gave valuable inputs on the current restructuring and transformation in the NPA. The society, under its new leadership, extended its gratitude and support to the NDPP for his courageous transformation agenda.

Senior State Advocate, Adv Kholeka Gcaleka, who is based at the office of the

Directorate of Public Prosecutions (DPP) in South Gauteng, was elected chairperson of the society. She is supported by Adv Bronwyn Hendrik (deputy chairperson), Adv Elaine Moonsammy (secretary), Adv Vuyisile Calaza (assistant secretary) and Adv Arno Rossouw (treasurer).

Adv Mahlubi Ntlakaza of the DPP: South Gauteng was awarded the prize as

Ukuqwesa Best Prosecutor of the Year. This was in recognition of her work in the case of *S v Chirwa* and five others, where the wife of the deceased contracted people to kill her husband in Muldersdrift. Adv Willem Tarantal of the DP: Western Cape received the Jutta Book Prize.

As Chairperson, Adv Gcaleka's perspective is that it is going to be business

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State vs Oupa Mosia

Senior State Advocate Millicent Chilwane

In the case of the State vs Oupa Mosia, the accused was convicted of 37 counts of rape, four counts of assault, one count of robbery and one count of theft.

The accused approached girls and young women between the ages of 13 and 24 with the promise of a job at a clothing store in the area. He asked his victims to accompany him to a supervisor who, according to him, stayed in the neighbouring Vosloorus area, in Extension 25. To get there, they passed an open piece of land.

He appeared to be a smooth talker, because in all the incidents, each of the 16 girls accompanied him voluntarily. When he got them to a piece of open land, he became violent, assaulting and raping them. He raped each girl two to five times. He kept his victims with him for a few hours before releasing them. He assaulted one of the girls with his fist and she lost her front tooth. After raping her for a third time, he forced her to have oral sex with him, even though her mouth was still bleeding. He then proceeded to rape her twice more.

Five of the girls altered certain facts about the manner in which they had accompanied the accused, which resulted in the accused being charged with kidnapping and sending the police on a wild goose chase. The investigation therefore took a bit longer. It also meant that the police and prosecution were not certain whether they were, in fact, dealing with a single rapist or not. The only way the facts could be established was through DNA evidence.

The case had to be postponed three times for the DNA results. Superintendent Micelle Thompson helped the prosecutors by taking all the dockets and handling them personally.



Adv Millicent Chilwane, Senior State Advocate, DPP: South Gauteng.

As the trial date drew closer, all five the complainants confessed that they had gone with the accused voluntarily. They said that they had lied, because they were ashamed about the fact that they had gone with a stranger voluntarily and were also scared of their parents.

The indictment had to be amended, and with the help of the DNA evidence, the prosecutors were confident that it was Oupa Mosia who had raped all the victims. Of course, they were happy with the sentence. It was a great moment to witness the emotional release and sense of joy exhibited by the complainants when they heard that the serial rapist, Oupa Mosia (29) of Vosloorus, Ekurhuleni, had been sentenced to 13 life terms for rape.

This case should serve as a warning to the public not to trust people too easily.

Farewell to Adv Elna Wait and Adv Mamabolo

Mona Moerane

The office of the Director of Public Prosecution (DPP): North Gauteng hosted a farewell function for Adv Elna Wait and Adv Sam Mamabolo on 22 April 2010 at its Pretoria office. The Director of Public Prosecutions, Adv Sibongile Mzinyathi, bid farewell to the two valuable members of his team. These individuals had each contributed immensely to the criminal justice system. Adv Wait started prosecutions in 1975 as a clerk of the court and is retiring as a Deputy Director of Public Prosecutions, while Adv Mamabolo is being transferred to the Polokwane office

to be closer to his family. The DPP emphasised that, although the departure of these two members saddens their colleagues and management, they are happy for them because it is not the end of the road for both of them, but merely the beginning of a new journey. All the speakers wished their colleagues well and promised to keep memories in their hearts of what they had learned from each of them. "May the future be what you would like it to be. We wish you all the best in your future endeavours. Our warmest thoughts will be with you wherever you may go," said the DPP.

Valuable lessons from Brazil:

Tebogo Seate

an interview with Willie Hofmeyr

Khasho interviewed Mr Willie Hofmeyr, Head of the Asset Forfeiture Unit, about his visit to Brazil, where he attended the 12th United Nations Congress on Crime Prevention and Criminal Justice, which took place in Salvador, Brazil, from 12 to 19 April 2010.



Willie Hofmeyr, Deputy NDPP and Head of the Asset Forfeiture Unit.

What was the purpose of the congress?

Its main purpose was to set the global agenda for fighting and preventing crime for the next five years. It is held every five years, and is attended by nearly 4 000 representatives from more than 100 countries.

Who participated from South Africa?

The South African delegation consisted of 12 people, led by the Minister of Correctional Services, Nosiviwe Mapisa-Nqakula, and the Deputy Minister of Justice and Constitutional Development, Andries Nel. Fiona Cloete, an SPP from Cape Town, and I represented the NPA.

Did South Africa make a meaningful input at the congress?

Yes, the Minister of Correctional Services gave a presentation in plenary, and South Africa participated in a number of working groups, particularly on children and the law, asset recovery and cyber crime. One of the challenges at the congress is that all resolutions have to be adopted by complete consensus and South Africa played an important role in finding compromises on some of the issues on which there was a deadlock. I was even asked to find a compromise on cyber crime based on our experience in South Africa, and Fiona participated in the small group that had to find a compromise on issues of child justice. We also helped to find a compromise on environmental crimes, where the eventual solution was to talk about emerging crimes that impact significantly on the environment. Our experience in the NPA in dealing with issues such as abalone and rhino horn poaching, as well as the illegal dumping of medical waste, was very useful.

How prevalent is cyber crime?

Cyber crime is a global phenomenon and a growing threat in South Africa. The problem is that it changes so fast because

the perpetrators are sophisticated experts with high levels of technical knowledge and experience. As soon as one catches up with their methods, they quickly change their modus operandi, which makes it a difficult crime to combat. In South Africa alone, probably more than R100 million a year is taken from government accounts through cyber crime.

What does the international community think of South Africa's asset recovery initiatives?

South Africa is one of the first countries that implemented asset recovery interventions very aggressively after the UK, Australia and the USA. We succeeded because we could learn a number of lessons from others. We receive numerous invitations every year to share our best practices at international conferences. Obviously, it is not possible to attend all of them, but it is an indication that we are held in fairly high esteem internationally. There has been a huge international interest in asset recovery, particularly by developing countries that want to recover assets of corrupt officials hidden in developed countries.

The United Nations and the World Bank have also started a Stolen Assets Recovery (STAR) initiative to assist these countries in this regard. All eyes are now turning to money hidden by criminals, especially in parts of the world known as tax havens. The Salvador Declaration, as it is known, emphasised the need for member states to develop and implement effective measures to prevent, prosecute and punish money-laundering activities.

States are also urged to adopt effective mechanisms for the seizure, restraint and confiscation of proceeds of crime and to strengthen international cooperation to ensure effective and prompt asset recovery.

Finally, what lessons has the South African delegation taken home from the congress?

Firstly, I want to emphasise the fact that South Africa has attained a lot of credibility in both the developing and developed countries, which means that our crime fighting and prevention interventions have not gone unnoticed. Secondly, our proposals are generally accepted. Therefore, our

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Port Elizabeth's alleged drug kingpin nabbed

Pieter Kapp

Patience certainly pays, at times! I joined the South African Narcotics Bureau (SANAB) in 1982. In 1985, I became aware that the careful loner, Livingstone Tex Mafata (now Makosholo), whom I knew had worked at Ford Motor Company in the 1980s, but has since been unemployed, was alleged to be a mandrax dealer. As a member of a law enforcement agency, I resolved to be in the team that would one day make sure that he was arrested, convicted and put away to save a lot of lives from drug addiction, drug-related violence and abuse.



Mr Pieter Kapp, head of the AFU Task Team in Port Elizabeth.

In 2002, I joined the AFU and Mafata was one of the cases I was given to investigate and assist in invoking asset forfeiture against his assets. That day initially appeared to be a dream, but recent police actions have gradually brought it closer, and so too my retirement date!

Mr Mafata had had his encounters with the law. In 1984, he was convicted and sentenced on account of theft. Late in 1987, he was convicted of drug dealing (2 000 mandrax tablets) and sentenced in 1988. In 1990, he was again convicted of theft and in 1991 he was convicted for the illegal possession of a firearm. In 1994, he got away when his co-accused took the rap, but indicated that the mandrax tablets and the vehicle belonged to Mafata. In 1996, he was again charged for mandrax possession and got off. In 1997, I arrested him, witnessed him swallowing a mandrax tablet, seized 3 800 mandrax tablets in his bedroom for which he had a key, as well as R60 000 from the boot of his vehicle. To my surprise, he was acquitted. Throughout this time, there were pockets of statutory asset forfeiture provisions in South Africa, but his vehicles and the cash had to be returned to him. Since 1997 until March 2010 (almost 13 years) he has been under police radar, but has never been arrested again. On 20 April 2010, Mafata was first caught red-handed, in his Red House storage post with about 1 000 mandrax tablets. He immediately offered to pay SAPS



Some of the 145 000 mandrax tablets seized on 20 April 2010.



A BMW M6 and Mercedes Benz 350 ML from which R805 000 was recovered for seizure.

members R2 million to “make the case go away”. The police played along and received R805 000 stashed in his 350 ML in the garage of his specially designed lavish mansion, situated at Bluewater Bay, Port Elizabeth.

The police returned to the storage post and arrested Mafata for drug dealing and corruption. I joined the team at this stage. About 94 000 mandrax tablets in steel trunks in the storage post and his Camry were seized. At his mansion, R1,6 million in cash and 51 000 mandrax tablets were seized, some from his room and others from a BMW M6 and the ML that were seized together with a Passat CC. His neighbours thought that he was a friendly, but reserved property developer who brought some style to the area, but noted that he slept during the day and worked at night. They attended some of the upmarket parties he hosted where he impressed them with his top-of-the-range furniture, fittings and crockery. When I saw his expensive cherrywood furniture, I almost thought for a moment that crime does pay!

The AFU immediately went to work subsequent to his arrest. The idea was to obtain a preservation order before he was released on bail. We achieved this on 6 May. He lodged his bail bid on 3 May, which was remanded to 6 May for argument and judgment. On 12 May, he was released and paid R100 000, with Magistrate Xolile Dzulisa drawing a comparison between his bail bid and that of Sheryl Cwele to justify Mafata's release. His entire estate (worth about R9 million) has been preserved, pending a forfeiture application to be lodged in due course. It is most likely that he will be tried in the High Court. His criminal case has been remanded to 12 August. He will have an opportunity to oppose the forfeiture application. Crime should never be allowed to pay.

Misconduct

during the World Cup event

In view of the countdown that has already started and the soccer fever that is in the air, employers are going to have to adopt fair but firm practices in dealing with employees during June and July 2010. While this is and will be an exciting time for South Africa, organisations must continue to operate during this period and employees are required to understand that, even during this time, it will be business as usual. *Khasho* would like to share the information below from Laborite with its readers.

As such, it is very important that employers ensure that employees still comply with the policies and procedures of the organisation, especially the Disciplinary Code of Conduct, and employees should avoid transgressing the rules thinking that they can use the World Cup excitement as an excuse for their conduct or behaviour.

Some of the forms of possible misconduct that employers should look out for during this period are the following:

Latecomers: Due to the state of the incomplete road construction and the congestion of the roads and the possibility of further delays caused by visitors who may be using our roads not knowing where to go, employees may take advantage of this situation, hoping that employers will be lenient or not take action at will. Should this not be dealt with as soon as it develops, employers may find it difficult to address the situation at a later stage, which would cause disharmony in the workplace and the creation of precedents. Employees may also take advantage of taking 'long' lunches and tea breaks, and employers should manage these situations as they arise.

Under the influence of intoxicating substances (alcohol and drugs, excluding prescribed medication): In the event that the employer provides employees with facilities to view games and provides or supplies food and beverages, these beverages should not include alcohol, especially for those employees whose work involves the use of machinery or their profession or occupation would pose a risk to other individuals and clients (occupational hazards).

In the event that the employer does not provide facilities, employees who may be attending games that are scheduled for the evening might over-indulge and report for duty still under the influence of alcohol. Some of the employees may have visitors that they may entertain during their lunch breaks and may indulge themselves by drinking alcohol, forgetting that they still need to go back to the office. Such scenarios should be closely monitored and addressed as soon as they arise.

Absence without leave or permission: It is important for employers to monitor and manage the attendance and the presence of their employees during this period. Leave policies should apply in terms of the necessary provisions and no deviations should be encouraged during this period. Employees should apply for leave timeously and only be on leave once approval has been granted. Sick leave should also be managed in terms of the leave policy and legislative provisions, but employers should be urged to be very careful when employees start being sick out of the blue (conveniently).

Theft and unauthorised possession of company property: Employees may want to take advantage of the 'climate' prevailing during the World Cup event and may fail to comply with security rules and regulations. This may place the company and its assets and property at risk and should also be closely monitored.

Poor performance: As the excitement grows, the general euphoric mood as the kick-off draws closer may result in performance dropping. There is likely to be greater access to the Internet to check on scores and results, more telephone calls between friends in arranging parties and lifts to matches and so on. Any poor performance should be addressed as soon as it is identified, and proper procedures should be followed. Employers should ensure that they communicate with their employees so as to make them aware that it is 'business as usual' and that their obligations to the company remain as they were before the World Cup event.

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Another TCC

launched in Cape Town

Nomilo Mpondo

As part of the build-up to the Budget Vote of the Minister of Justice and Constitutional Development, a new Thuthuzela Care Centre (TCC) was launched in Cape Town on 3 May. Also in attendance was the superintendant of the Karl Bremmer Hospital, Dr Naudee, the Deputy Minister of Justice and Constitutional Development, Mr Andries Nel, the National Director of Public Prosecutions, Adv Menzi Simelane, the Director of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), Ms C Nondo, the US Consul-General, Ms A Mayberry, and other NPA executives.

Members of the community filled the hall witnessing government in action. In his keynote address, Minister Jeff Radebe outlined the importance of the Thuthuzela Care Centres. Their establishment stems from the Criminal Law (Sexual Offences) and Related Matters Amendment Act of 2007. This legislation creates, among other things, the means to provide adequate protection for victims of sexual crimes.

The Minister praised the interdepartmental management team, which comprises director-generals of the South African Police Service (SAPS), the Department of Correctional Services, the Department of Social Development and the Department of Health, as well as the National Director of Public Prosecutions (NDPP), Adv Menzi Simelane. It is led by the Department of Justice and Constitutional Development (DoJ&CD), supported by the United States government.

The team was praised for making this victim support initiative the success it has become, confirming that strong inter-agency cooperation, together with that of non-governmental organisations and communities, is of cardinal importance in the fight against the scourge of sexual offences. In her speech, the US Consul-General mentioned that, of the 21 TCCs, this was the ninth one to be launched with American funding.

The TCCs are symbols of hope, for they have a significant impact in the lives of children and women. With the opening of the centres lies the hope that victims will have the courage to report related crimes. It also brings about the hope that there will be a rise in the conviction rate of sexual offenders.

The Minister put a huge responsibility on the shoulders of the NPA to also look strongly at cases of forced marriages. He said the NPA should send a strong message to perpetrators of this offence that it is both unacceptable and intolerable.

Adv Simelane reaffirmed the NPA's commitment to ensure that this programme of government will be properly implemented. He said that the policy that informs the establishment of TCCs is indeed a groundbreaking policy that aims at putting together a number of services under one roof to ensure that everything that the NPA needs to ensure conviction is done under the circumstances.

In closing, Adv Majokweni acknowledged all the support the SOCA Unit had received, which led to the success of the day. Of particular note, she acknowledged the Minister for including the launch in his Budget Vote preparations. She also recognised the programme director, Ms Carol Bouwer, as the new TCC ambassador. The event was concluded with the unveiling of a plaque.



In her welcoming address, Dr Naudee said the Karl Bremmer Hospital was deeply honoured to have government services delivered right at its doorstep.

Black Lawyers Association holds its Open Day

Mona Moerane

The University of Limpopo, the Black Lawyers Association (BLA) and its Student Chapter recently held their annual open day at the Turfloop Campus. The event gave students an opportunity to interact with legal experts and also receive guidance as aspiring law students.

In his welcoming address, Vice-Chancellor and Principal, Prof MN Mokgalong, expressed his excitement when he saw the line-up of legal expertise. He said students would be enlightened and should therefore consider law as a career. Representatives from government departments and law firms informed the students about job opportunities in their respective organisations.

Mr SS Maluleka of the Polokwane Chief Prosecutor's Office told participants about the NPA's aspirant prosecutor training, the six-month programme that gives LLB graduates intensive practical training on how to conduct prosecutions in court. He emphasised that the annual intake takes place in July.



The NPA's exhibition stand at the open day at the Turfloop Campus.

Prosecutors making a difference in 'Maritzburg

Natasha Ramkisson

The Pietermaritzburg Magistrate's Court recently participated in a Child Safety Day at the Protea Sports Complex in Raisthorpe. The event, which was organised by members of the JCPS Cluster, aimed to empower learners with information to ensure their safety.



A host of talks, drama enactments (depicting relevant content) and dance items were on the programme to ensure that the learners were entertained and educated at the same time. Primary and high schools in the surrounding areas were invited to attend and participate in the programme. The NPA explained the role of the court preparation officers in court and how they are mandated to assist victims. The justice system was also discussed and how all the departments work together in crime prevention.

Mrs Zubeida Khan, senior public prosecutor and project manager, labelled the project a huge success. "We had a great response from the schools, which was worth all the effort and planning put in by the various departments and NGOs."

Grade 12 learners from Eastwood Secondary School and learners from Union Park Primary School pictured with Mrs Zubeida Khan, Ms Bhavna Sewduth and Ms Monica Nyuswa.

JCPS Cluster

Mona Moerane

takes services to the communities

On 10 April 2010, the North Gauteng office of the Directorate of Public Prosecutions (DPP) held a services fair in Ga-Matlala Setumong, Limpopo. The Department of Justice and Constitutional Development, the South African Police Service, the Department of Social Development, the Department of Home Affairs, Legal Aid South Africa, the Aganang Municipality and the Government Communication and Information System joined forces with the NPA by taking part in the fair.



Thousands of community members taking part at the service fair in Limpopo.

The NPA and its partners are rolling out a service delivery campaign in all provinces. The first roll-out took place last year in November in Dududu KZN South Coast in the Vulamehlo Municipality. The purpose of the campaign is to provide remote, impoverished communities with access to government services.

The activities formed part of the NPA's Road Show campaign, which is being rolled out in all the provinces. It kicked off with all partner departments making a five-minute presentation of their role in the criminal justice value chain in the language understood by the communities in attendance. This was followed by interaction with the communities as they visited the various departments' exhibitions where they received information material, as well as on-the-spot service, ranging from the opening of maintenance cases to applying for identity documents and legal advice.

The VIPs who attended the event included the Mayor of the Aganang Municipality, Ms Manoko Masehela, representatives of the local community structures and senior officials from all

stakeholder departments. All speakers encouraged politicians, traditional leaders, students and each and every individual to embrace the platform and increase their knowledge about the Justice, Crime Prevention and Security Cluster.

The cluster representatives committed themselves to building trustworthy relationships with communities to fight the scourge of the common crimes that were identified in the area, including murder, rape, assault and domestic violence.

"As I stand here, I'm very thankful to government today, because I didn't have money to go to town and apply for a birth certificate for my two-month old baby, but today I could do everything from applying for a birth certificate to opening a maintenance case, all in one day," said the young mother of a beautiful baby boy, Tlou.

The JCPS Cluster in Limpopo is satisfied that it has made a huge difference in the lives of ordinary citizens in Setumong and hopes to draw from this experience and have many more events of this kind in Limpopo to take justice to the rural communities.

What you need to know

about the NPA's gift policy

Moroko Mabowa

In our day-to-day interaction with various stakeholders, including suppliers, we often have to decide whether to accept a gift or not. In most cases, this is a grey area, with some people maintaining that accepting a client's invitation to dinner is acceptable, while accepting an invitation for a luxury overseas holiday may amount to an act of corruption.

Exactly where to draw the line between corruption and acceptable practice is often difficult to decide. In order to avoid ambiguity and ensure common and consistent understanding in the organisation, the NPA has adopted a Gift Policy, which sets out what is acceptable and what is not, within the limits of the law.

In terms of the Prevention and Combating of Corrupt Activities Policy, employees need to obtain authorisation in writing before receiving any gift. No money can be authorised to be received as a gift. Contravention may constitute an offence in terms of section 10 of the Prevention and Combating of Corrupt Activities Act.

All gifts or hospitality given or received should be entered into a gifts register, which is usually monitored by the corporate manager or another responsible person.

Where it is believed that the giving or receiving of a gift or hospitality may lead to an expectation of preferential treatment or even amount to bribery, the employee should decline it, regardless of the value.

Unacceptable gifts include those that:

- are illegal or involve an improper, biased or dishonest act;
- would result in the violation of any law;
- are given for purposes of influencing the recipient;
- amount to loans from any company, supplier or customer, or any preferential arrangement that is not readily available to the public;
- involve conduct of a sexual nature and/or violation of mutual respect;

- constitute reciprocal agreements (requiring anything in return for the gift);
- result in a breach of mutual respect;
- violate the NPA's Ethics Policy and Code of Conduct;
- result in the abuse of a position of authority; and
- may be construed as being given or received for an improper purpose.

As public servants, we are required to comply with the Code of Conduct for Public Servants, which prescribes that public servants must not use their official positions to obtain private gifts for themselves in the execution of their official duties, nor should they accept any gifts or benefits when offered, as these may be construed as bribes.

Senior managers in the Public Service are also governed by the Senior Management Services Handbook, which clearly spells out the Code of Conduct for senior managers. Likewise, senior managers are not expected to solicit any gifts for their personal benefit. Only under exceptional circumstances can they accept gifts, for example, where there is a formal exchange of gifts, but still, this act must not in any way compromise their position.

The important thing is for people to understand all the applicable policies and strive to comply with them. All that you need to know is on the NPA intranet. If you are in doubt or seek guidance and clarity on this matter, please feel free to contact Mr Salomon Hoogenraad-Vermaak, Advanced Manager, Enforcement (Integrity Management Unit) on 012 845 6783.

continued from p 7 unusual for both the SSASA and the NPA. The SSASA will have a clear and progressive programme of action, which will see state prosecutors occupying their rightful intellectual space in the legal fraternity and playing a vocal, visible and pivotal role in the transformation of our justice system and our nation as a whole, as it is long overdue. She views gender equality as an integral part of transformation, and further avers that social cohesion and reconciliation in the NPA, the JCPS Cluster and society at large remain national imperatives. She intends engaging the Minister of Justice and Constitutional Development, the NDPP and other relevant stakeholders on the programme of action, issues that affect its members, as well as the society's vision.

continued from p 9 involvement in these fora should be taken very seriously. It also places an obligation on us to ensure that we prepare thoroughly.

We have also learnt that problems experienced in South Africa are also experienced in other countries. Therefore, we have a lot to learn from other parts of the world. The truth is that criminals are conducting their activities freely across borders, which calls for concerted global efforts to track, disturb and punish criminals. South Africa will certainly continue to play its part in this area. I believe that the NPA is well placed to assist the country to play an active and meaningful role in the global fight against crime.



Tsireledzani Programme

Raising awareness on human trafficking

Since February 2009, the Tsireledzani awareness-raising project has been working on the development, testing and dissemination of a series of pilot products, activities and tools aimed at raising awareness on human trafficking in selected pilot areas in South Africa. The Tsireledzani Programme is led by the National Prosecuting Authority on behalf of the South African government and its partners. The pilot campaign will soon be making a number of products available to partners, either in electronic and/or printed formats. Please make use of the contact details below to request copies of the products. The materials will also soon be available from the website: www.tsireledzani.gov.za.

N.B. The distribution of printed material is subject to availability of stock.



For more information: National Prosecuting Authority (NPA), Sexual Offences and Community Affairs (SOCA) unit

Tel. +27 (0) 12 845 6000 - Ask for the SOCA unit, E-mail: communication@npa.gov.za

'Tsireledzani' Awareness-Raising Project on Human Trafficking, International Labour Organization

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