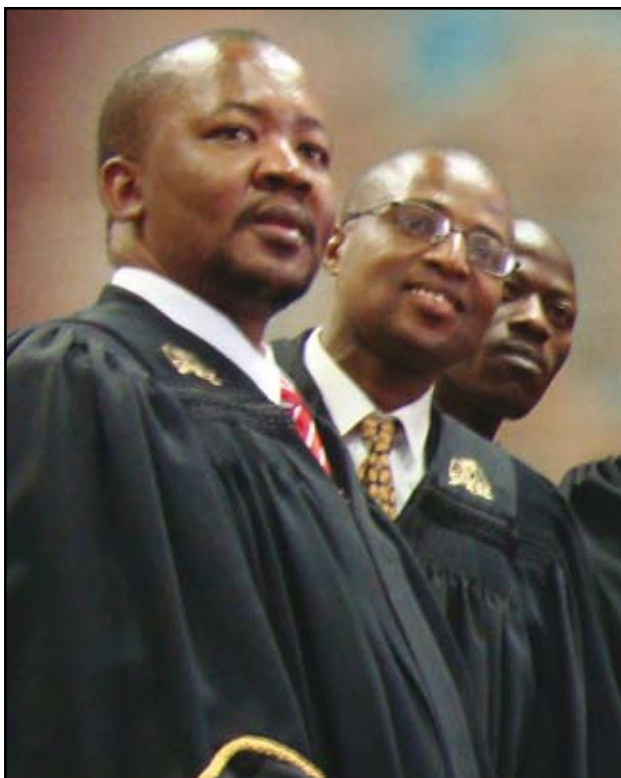


Khasho



News for NPA staff, friends and stakeholders

October 2008



Embracing **change** and making a difference in the future

I wish to thank all NPA staff for their dedication and commitment. As we approach the end of the year, we tend to reflect on happenings to date and also on our individual futures. We are not only celebrating the NPA's ten-year anniversary, but are also considering the various changes happening at the NPA, and in our lives.

A most pertinent change for the NPA is the debate on the future of the Scorpions (the Directorate of Special Operations or DSO) and the implications of this for our DSO staff members. Some people are leaving for greener pastures, others are joining the NPA, while there are those that leave us forever, never to return, leaving empty spaces in their families and in the NPA. There are also new parties, new presidents, new ministers and new prosecutors. All these things create great impact and also add strain and challenges to an already complex and specialised organisation. In the words of Advocate Sheriza Ramouthar: "Presently, the NPA is going through a difficult and challenging time. A cloud of uncertainty, disillusionment and discontent has settled on us. I want to remind you, though, that irrespective of what happens politically or to our leadership, we still have a constitutional obligation and duty to continue serving the people of South Africa, and we must do so with dignity, integrity and professionalism."

In respect of the new members, the National Prosecutions Service hosted a graduation



Advocate Mokotedi Mpshe

ceremony for more than a 100 graduates of the Aspirant Prosecutor Programme from different provinces at the VGM Auditorium in Pretoria on Friday, 10 October. These new graduates will carry the work of the NPA and justice into the future. It was a privilege for me to welcome these lovely, young, motivated graduates into the NPA family. During the ceremony, I emphasised that the NPA is indeed the organisation of choice and expressed the hope that all of them will make the right choices as they work in our courts every day. I encouraged them to make the organisation proud and expressed the hope that the seeds that the NPA has sown may bear fruit. In support, senior NPA officials and the newly appointed Minister of Justice and Constitutional Development, the Honourable Enver Surty, also welcomed and motivated our new prosecutors.

The Mamelodi Imbizo was held on 27 October. Joining me at this event were Minister Surty, Advocate Johnny de Lange, the Deputy Minister for Justice and Constitutional Development, Mr Lawrence Mushwana, Public Protector, Councillor Brenda Lehobye, the Member of the Mayoral Committee for Community Safety in the Tshwane Metropolitan Municipality, Advocate Menzi Simelane, Director-General in the Department of Justice and Constitutional Development, as well as magistrates and prosecutors. The main aspects that were covered included interaction with communities and activities around the new magistrates' court in Mamelodi.

In addition to our participation in justice cluster activities around the country, our human trafficking interventions, Thuthuzela care centres and community affairs activities, we are also celebrating our values: professionalism, integrity, service excellence, accountability and credibility: values that help define and further develop our work culture. If we learn and live by these values, we will grow stronger, more unified and more successful. We voted on them, we defined them and we symbolise them.

I encourage all NPA staff members to feel valued and appreciated. Our work makes a difference!

Advocate Mokotedi Mpshe: Acting National Director of Public Prosecutions

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New blood for the NPA

The NPA Aspirant Prosecutor Programme continues to bridge the NPA's skills shortage gap. This internship programme of the National Prosecutions Service (NPS) entails in-service training that assists unemployed law graduates to gain practical prosecutorial experience. After an intensive curriculum running for eight months, candidates are appointed to entry-level prosecutorial positions.

On Friday, 10 October, the NPS hosted a graduation ceremony for 100 aspirant prosecutors from the different provinces at the VGM Auditorium in Pretoria. The newly appointed Minister of Justice and Constitutional Development, the Honourable Enver Surty, attended the ceremony. Also present were Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions, Advocate Sibongile Mzinyathi, Acting Deputy National Director of Public Prosecutions and Head of the NPS, Dr Khotso De Wee, Acting CEO of the NPA, as well as a number of DPPs and other senior managers.

In his speech, the Minister promised to be the voice of the NPA in cabinet and committed himself to ensuring the constitutional independence of the institution. He also voiced his concern about the high number of acting positions in the NPA, which he intended to address as one of his priorities.

In jest, he mentioned that he had expected the stern, serious-looking faces of prosecutors, but to his amazement he saw friendly faces. He acknowledged the pressure that prosecutors find themselves working under in performing their duties, and the temptations that present themselves in the courts, but demanded that they stay resolute. "Show your commitment as prosecutors and I will be your prosecutor in Parliament," he said.

He stressed the fact that resources at the disposal of prosecutors and any unfair treatment they might experience are his responsibility. However, he requested prosecutors to refrain from engaging in mass action and indicated that "if prosecutors are going to strike, then it means our courts are not going to function." He advised graduates to create a conducive environment for themselves for the sake of their development. In his speech, the Minister said he was encouraged by the large number of women graduates at the ceremony and confirmed that he was glad to see women throwing their weight around in the field of law. "Access to justice for our women and children is the last thing we can compromise."

In closing, he said: "In the spirit of corporate governance, you have the right to seek evidence from other law enforcement agencies in order to make successful prosecutions. You may err from time to time, but you should not despair because we all do. Apply your minds in those tasks," he concluded.

Advocate Daphney Rangaka, Chief Prosecutor: Aspirant Prosecutor Programme, announced that 15 training centres were currently in operation and five more would be opened in February 2009 if negotiations with stakeholders were successful. She praised the

work done by tutors around the country and acknowledged their commitment during the gruelling eight-month programme.

She welcomed the new graduates into the NPA family and assured them that they were indeed people's lawyers. "We can achieve our vision if lawyers in our society serve the community. Now people can have access to justice. You are a very important role-player in this process." She further said that their responsibility went beyond the courtroom and advised the graduates never to fall victim to any form of corruption. She said: "I understand that you will be praised, vilified, scorned and lied to, but know that being a prosecutor is not a popularity contest."

On behalf of his fellow graduates, aspirant prosecutor Luvuyo Pomolo from Mthatha in the Eastern Cape thanked the tutors and the NPA for the opportunity to participate in this programme.

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The Acting NDPP of the NPA, Advocate Mokotedi Mpshe congratulates one of the graduates.



Graduates of the Aspirant Prosecutor Programme in the National Prosecutions Service

THE NPA HOTLINE – 0800 212 580

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

Welcoming the NPA's clients with a smile



In every organisation, receptionists are the people who reflect an organisation's image and activities to the public. These are the people who have to keep smiling daily. At the NPA's VGM Building in Pretoria, these receptionists are Caroline Molopyane (CM) and Rebecca Mbatsha (RM). *Khasho* interviewed these two special ladies.

Rebecca Mbatsha (left) and Caroline Molopyane are the two friendly ladies who welcome visitors to the NPA.

Q: What is the first thing that you do when you arrive at your workstation?

A: We switch on our computers and check whether there are any interviews for the day.

Q: What does your daily work entail?

A: Our job is to receive visitors, enter their details in the system, receive parcels on behalf of the entire organisation and assist members of the public who come in to complain by directing their complaints to the relevant people. From time to time, we assist the units in the NPA with conferencing.

Q: How long have you been employed by Corporate Facilities Management (CFM)?

CM: Two years.

RM: Ten months.

Q: How does it feel working in the NPA environment?

CM: It is very challenging. When we meet people we know in the street, they think we work for the NPA. They do not understand that we are employed by CFM and not the NPA.

RM: It is challenging. I have learnt to work with different characters in a hard way. At first I didn't have that patience, but now I am trained and know how to handle difficult people.

Q: Do you enjoy being a receptionist?

RM: Not really, but I need the experience so that I can improve my skills. Being a receptionist is very frustrating, because most people don't take you seriously. They think because you are behind a reception desk, you are illiterate. My wish is to grow more in both the NPA and the CFM.

Q: Name two things you have learnt in this job.

RM: That perseverance is the mother of success, and the importance of cultural diversity.

Q: What are your future goals?

RM: To study further.

CM: To work at getting a better job (by that I do not mean that this one is not a good job).

We wish that these two beautiful, hard-working ladies' dreams come true. We are thankful for their professional, polite and patient approach to visitors to the NPA. They perform an essential role in the organisation. Keep up the good work!

continued from page 3

"Being in the programme has instilled in us the *Batho Pele* (client first) philosophy, which guarantees that indeed service delivery to our people comes first," he said. He thanked all the tutors for their hard work and promised that the new graduates would not disappoint them. He said that, as graduates, they were proud to be products of this programme and even more proud to be part of the NPA.

The Acting National Director of Public Prosecutions (NDPP) also addressed the graduates and indicated that prosecutors should perform their duties with the highest integrity. "Experts around the world always say integrity is a great character of a leader," he said. "As prosecutors, we must not lose sight of what we stand for," he concluded.

Graduates were delighted to be addressed by the NDPP as he gave them some words of encouragement: "The NPA is indeed the organisation of choice. We hope all of you will make the right choices as you do your work in the courts." He encouraged the new graduates to do the organisation proud and expressed the hope that the seeds that the NPA had sown would bear fruit.

He challenged graduates to keep themselves on the edge of what is going on; not only on the continent, but around the world. "Let us stand the test of time so that future generations can reap the benefits."

Determined to succeed

If you are determined enough to succeed, nothing can stand in your way.

Kennedy Gihana is a living example of the power of determination. Born of Tutsi parents (one of the ethnic groups of Rwanda) and a genocide survivor, Kennedy was admitted as an attorney in the Pretoria High Court in August this year. This is no easy feat when you listen to the remarkable story of this man who refused to give up.

After losing his mother and sister in the Rwandan genocide that claimed 850 000 lives over a period of 100 days in 1994, Kennedy sought refuge in South Africa. He arrived in this country after three months of walking through Africa, eagerly accepting a ride when it was offered. He realised that the only way he could be a 'voice for the voiceless' and fight injustice in his country, where basic human rights are abused, was to pursue a career in law. This brought him to the University of Pretoria.

Kennedy got a job at the University Library, where all the money he earned went towards his tuition. He secretly slept in the library in order to save more money and continued with his studies. He then appealed to the former dean of the Faculty of Law, Prof Duard Kleyn, whom Kennedy affectionately calls his 'father'. Prof Kleyn was deeply touched by this determined individual and created a job in the faculty for him as a student assistant to the dean. "I would eat with the staff of the faculty during the week and each Friday the Dean's secretary would give me R20 to buy food for Saturday and Sunday. As I could not afford the R30 for a student card, I could not borrow books from the library, but I had an agreement with a library patron who would borrow the books for me and I would make photocopies of the court cases using the photocopy machine in the Dean's office."



Kennedy Gihana, who was admitted as an attorney in the Pretoria High Court in August this year.

Kennedy passed his degree, never having to repeat a single subject, as he would have had trouble re-registering, considering that he owed the University R50 000 in tuition fees.

When asking him how he could go through a genocide, and continuous struggle, and still be determined to achieve success, he humbly answers: "To be alive and to achieve what I have ... it is not me, it is God!"

With his law qualification, and his determination to do a master's degree in International Law, Kennedy will fight for the human rights of others, the importance of which he knows by heart.

Durban students learn about careers with the NPA

Cell C recently held its annual national career expo. The Durban branch of the NPA's Specialised Commercial Crimes Unit, together with various government departments and private companies, participated in the event. The expo was held at KwaMaphumulo in Northern KwaZulu-Natal. It exposed learners from Grade 8 to Grade 11 to career opportunities and prospective career paths that are available in the participating organisations. Approximately 800 learners from surrounding schools were transported by bus to attend the expo.

Senior State Advocate, Abbey Letsholo (left), addresses learners from a school in Durban.



A brief history of policing in South Africa

- from *gewildegers* to the Scorpions

The structures and content of policing in South Africa have been changing since Jan van Riebeeck appointed the first police officials in 1658.

On arrival in the Cape of Good Hope in 1652, the governor was apparently faced with dissention and other minor crimes such as drunkenness that were committed by the settlers. Van Riebeeck mobilised a group of volunteer burghers and freemen and organised them into a corps – known as the *gewildegers* – to respond to these crimes. These officers were mandated to arrest soldiers or passengers who deserted passing ships. The settlers were soon faced with a new challenge: sporadic attacks from and vandalism by the Khoisan.

The first murder case

In 1658, the *gewildegers* had to investigate the first officially reported murder case: that of Dirck Vreem, who had apparently been stabbed by his carpenter friend, Pieter Cliej. The culprit was never brought to book because he hid in the mountains, jumped onto one of the passing ships and sailed back to Europe as a stowaway.

The governor soon appointed the fiscal to replace the *gewildegers*. The fiscal comprised a group of former soldiers and sailors who were armed with swords to ward off insurgents. The fiscal was awarded more policing powers than its predecessor. However, the fiscal began to act in ways that did not befit a police agency and was disbanded. In 1686, a new police force, known as the Ratelwag, was established. The Ratelwag's duty was to prevent crime in the Cape Colony.

It was also responsible for arresting and detaining sailors who deserted passing ships. In 1792, the Ratelwag was reconstituted into separate forces, the *dienaars*, who had patrolling and other policing duties in the colony during the day, and the *nachtwagters*, who performed policing duties at night.

Policing in the British colonies

Following the annexation of the Cape Colony to Britain in 1806, the two policing agencies were replaced in 1835 by the Cape Constabulary to police the urban settlement. This new agency was modelled on the London Metropolitan Police, which was only six years old. The outskirts of the urban settlements were policed by various rural units that were then amalgamated into the Frontier Armed and Mounted Police (FAMP). The main duty of the FAMP was to protect farmers from attacks by the indigenous people of the Cape. However, they were also used in frontier wars.

In Natal, the Durban City Police (DCP) was established in 1854. It was also modelled on the London Metropolitan Police. The DCP policed the white urban areas, and the Natal Mounted Police, which was established in 1884, policed the rural and black areas. A police historian, Hattersley, writes that the duty of the Natal Mounted Police was to “control a population of tribesmen scattered over a mountainous territory in possession of almost inaccessible locations”. A police agency comprising Zulu men was later formed and referred to as the Zululand Mounted Police. Typical of colonial forces, this regiment was headed by a former British soldier. Both these agencies participated on the side of the British soldiers during the Battle of Isandlwana. In the British colonies, the forces operating in the rural areas were largely modelled on the Royal

Irish Constabulary. They maintained military discipline, used military ranks and insignia, and led the frontier wars together with armed commandoes. They were ready to quash any form of resistance.

Policing in the Boer republics

In the Boer Republic of the Oranje Vrystaat, a policing unit called the Oranje Vrystaat Republiekeinsche Politie (OVRP) was established in 1862. In the Transvaal, a unit called the Zuid Afrikaansche Republiek Politie (ZARP) was formed in 1881. When the Anglo-Boer War (the South African War) broke out in 1899, these two forces participated in the war effort. Cawthra, a police researcher, argues that these two forces were extensions of the commandoes and were regularly engaged in skirmishes with black tribes in those areas.

The first unification of the police agencies

In 1910, with the formation of the Union of South Africa, all the forces were amalgamated into the South African Police (SAP), which was formally established in 1913 amid resistance from various forces. The Durban City Police, for instance, resisted incorporation into the new SAP and was left to operate as a municipal agency until today. Interestingly, the South African Mounted Riflemen (SAMR) was formed at the same time as the SAP, with a mandate to police the rural areas and farmlands during peace times and to operate as soldiers during times of war. The SAMR participated in the First World War and was dissolved in the 1920s. The members were given the choice of joining the SAP or the Union Defence Force. The South African Railway and Harbour Police (SARHP) was established in 1934 to police the areas and properties owned by the South African Railways and Harbours.



The SAPS badge has also changed over the years.

Bantustandisation of policing

In the 1960s, the SAP formed specialised units, which included the Special Branch, the Counter-insurgency Unit (COIN), the Firearms Unit and various units that operated at district level, such as the Murder and Robbery Unit. In the 1970s, with the implementation of the bantustandisation, the various homelands established their own police agencies, most of which were headed by former SAP-commissioned officers. In the 1980s, the SARHP was absorbed into the SAP.

In the 1960s, the SAP became increasingly militarised as the police participated in the so-called bush wars in the neighbouring countries. Members of the police were expected to do three-month tours of duty in these areas to fight against the growing liberation wars in the region. The municipalities were also encouraged to establish police agencies, widely known as the Black Jacks, to prevent crime and protect municipal properties. These units were also responsible for policing the pass laws.

At the height of the political unrest in the 1980s, the SAP withdrew its members and redeployed them to the 'problem areas'. Some of the decorated policemen who fought in the bush wars, such as

Eugene de Kock, were to lead the fight against internal instability. The SAP also established units that were constituted by the *Kitskonstabels* to assist the SAP to curb violence.

Democratisation and second uni-fication of police agencies

In 1994, with the ushering in of democracy in the country, the SAP, ten police agencies from the homelands and a handful of members of the liberation movements were amalgamated into the new South African Police Service (SAPS). In 1998, the Directorate of Special Operations (Scorpions) was formed to deal with organised crime in the country. Other agencies, such as the Special Investigating Unit, were also established to focus specifically on corruption in the public sector. In the late 1990s, various municipalities established their own police agencies to perform crime prevention duties.

Policing approaches and challenges

Throughout history, there were basically two policing approaches: one that was applied in the white urban areas and another in white rural areas and farmlands, as well as black areas. The former approach is referred to as the metropolitan approach, which is characterised by engagements

between the police and the community that they serve. The latter is referred to as the colonial approach, which is characterised by a lack of consent between the police and the communities that are being served. During the colonial times, these approaches were practised by the different agencies, but with the amalgamation of the SAP and the SAMR in the 1920s, the SAP used both approaches, and has been unable to shed this dual personality.

The major crime prevention initiatives of the SAPS are no different from the mounted riflemen of the eighteenth century who would move into an area, cordon it off and conduct house-to-house searches and man roadblocks to dig out ('koevoet') the criminals. This approach, which is now dominant in the SAPS, is still being used in the black townships with resounding failure and at a huge cost to the country and huge inconvenience to the residents of those areas. It is the failure of this colonial type of policing that gives impetus to the rationale for the creation of specialised agencies such as the Scorpions. The greatest challenge for policing in this country is not whether there should be one or two separate forces. The challenge is really to change the policing approach that has hindered crime-fighting in this country.

Prince Mokotedi



Baby Michael and the prosecutor

Carina Coetzee is a seasoned senior prosecutor in the Johannesburg Magistrate's Court, and all cases of crimes against babies and young children in Johannesburg pass across her desk. For baby Michael Connor – blind, brain-dead and a paraplegic after horrific repeated parental beatings – she was prepared to sell her home to bring his abuser to justice.

Last month, a High Court judge rejected an application by Michael's father, 23-year-old Bradley Connor, that he should not be prosecuted for attempted murder, assault with intent to commit grievous bodily harm or ill treatment of a child. The judgment was a triumph for Coetzee, who stepped in personally to oppose Connor's application after the state had initially declined to do so. Had she not intervened, all pending criminal charges against Michael's parents would have been withdrawn.

Appalled by the fate of baby Michael (as he was referred to in court papers), top criminal advocate Laurence Hodes and Sandton attorney Ian Levitt offered their services to Coetzee *pro amico* – free of charge. Despite this, had Connor's application succeeded, Coetzee would have had to pay his costs. She assured Hodes that, in the event of this happening, she was prepared to sell her home in Kensington, Johannesburg, with its rambling garden and wetland pool.

It's been a near five-year battle to get justice for baby Michael, who is now condemned to life in a mental institution, confined to a wheelchair and unable to speak, see or move.

Michael was nearly three months old when the beatings first came to the attention of the authorities. On 4 October 2003, he was admitted to Johannesburg General Hospital with a bruised and swollen left eye. Doctors suspected child abuse and called the police. The baby's mother, Malinda Marshall, then aged 18, told them that Michael had fallen off a futon bed and knocked his head against a music system. A social worker from the Department of Health and Welfare, Godwin Williams, interviewed the parents and decided to return Michael to their custody.

For baby Michael, the social worker's decision resulted in the end of his life as a functioning human being. A month later, Michael was again admitted to

Johannesburg General. This time he was in a coma. His father told the examining doctor that he had been playing with Michael, throwing him up in the air, but had failed to catch him. Now Michael was blind, with fresh bruises on his face and permanent and irreversible brain damage.

The following day, his mother told police under oath: "There have been a few times when Bradley hit him. The first time Bradley got angry because Michael cried and hit him in the face with his open hand. This happened about five times. He gets very upset when Michael cries and then hits him in the face.

"On 10 November, I was with Bradley and Michael in our room. Michael cried and



Prosecutor Carina Coetzee

Bradley hit him a few times on the head. After this the seizures started. At times this happened after Bradley hit him and then the seizure would stop."

It was only the following morning, after Connor's mother was contacted, that baby Michael was taken to hospital. Bradley Connor was arrested. In his warning statement, he said: "I want the judge to place me in a cell/prison for the mentally ill."

Connor was charged with attempted murder, assault with intent to commit grievous bodily harm and – under section 50(1) of the Child Care Act – for ill-treating the baby by not feeding him and not taking him to a hospital for medical treatment. He remained in prison for almost two months before being granted bail. With the baby's mother prepared to testify against him, it looked like an open and shut case.

On 7 June 2004, Detective-Sergeant Petrus van Niekerk called at the couple's flat to serve Marshall a subpoena to attend court to testify against Connor. Van Niekerk was staggered when she told him she was not prepared to testify. It was around the time of Marshall's surprising confession that Advocate Norman Leibowitz was retained to represent Connor's mother.

A week after Detective-Sergeant Van Niekerk's visit, Marshall told senior prosecutor Suren Naidoo that she was responsible for the injuries inflicted on her baby and that Bradley Connor, the accused, had no role in the infliction of the injuries. "She then requested that I withdraw the charge against the accused," stated Naidoo.

As a state witness, Marshall was not allowed to have contact with Connor. When Detective-Sergeant Van Niekerk called again to arrest her, she told him that she and Connor had broken up, but he was found in the flat, hiding in a cupboard. Advocate Leibowitz told prosecutor Carina Coetzee that Marshall was prepared to plead guilty to assault with intent to do grievous bodily harm. The minimum sentence for such assault on a child is 10 years' imprisonment.

"I continuously questioned Ms Marshall's acknowledgement of guilt and acceptance of responsibilities for the injuries to baby Michael," Coetzee stated in her founding affidavit to the high court matter. "I perceived Ms Marshall's acknowledgement of guilt

as a devious plot to get the applicant [Connor] off the hook.”

Malinda Marshall wrote a statement pleading guilty to assault of her child on 4 October 2003. She also admitted causing the devastating injuries to Michael that November. “I assaulted my child over a period of time by slapping him over the head and fontanelle [the membranous space in an infant’s skull] and violently shaking him.”

“Horried, Carina Coetzee decided to intervene and oppose Connor’s application in her personal capacity.”

On 12 July 2005, she was convicted and remanded for sentence. Over the next three months, her legal representatives had the hearing postponed on numerous occasions, with the excuse that Marshall had relocated to Port Elizabeth and her parents couldn’t afford her travel costs to Johannesburg.

Meanwhile, Connor made his move, pleading guilty in terms of a plea and sentence agreement to ill-treating Michael by not feeding him and not taking him to hospital for medical treatment. Prosecutor Coetzee made it plain to Advocate Leibowitz, Connor and the police that the only reason the state was not proceeding with the attempted murder or assault charge against baby Michael’s father was because Malinda Marshall was now accepting full responsibility for the infant’s injuries.

In October 2005, Connor received a slap-on-the-wrist sentence: two years’ imprisonment, suspended for five years on condition that he paid R20 000 (at a rate of R800 per month) towards the child’s care and treatment to the state’s Ikhaya Tini Vorster home, where Michael had been admitted.

Five months later, when Malinda Marshall was about to be sentenced, Advocate Leibowitz played his trump card. Marshall changed her plea to not guilty. After the plea change, Leibowitz announced that he was withdrawing from the case. Presiding Magistrate Van Wyk recused himself and Marshall’s conviction was set aside so the trial against her could begin anew. Connor was arrested again and joined as the second accused.

Connor has not yet pleaded, as he had launched a high court application for a

permanent stay of prosecution against him on the grounds that he had made a plea bargain agreement and he would not be charged with any crimes against Michael if he pleaded guilty to failing to feed the baby and take him to hospital.

Prosecutor Coetzee stated in her affidavit that the plea bargain related purely to the ill-treatment of Michael by not feeding him or taking him to hospital, not to the assault of the baby. The state, in the form of Johannesburg’s Deputy Director of Public Prosecutions, Rasigie Bhika, studied the court papers and decided not to oppose Connor’s application. This meant a permanent stay of prosecution against him.

Horried, Carina Coetzee decided to intervene and oppose Connor’s application in her personal capacity. For two months, she battled alone and it was only after she had made an impassioned appeal to Johannesburg Director of Public Prosecutions Charin de Beer, that the state changed its mind and filed a belated notice of intention to oppose.

The matter was argued and Acting Judge Makume dismissed Connor’s application with costs. The judge paid special tribute to prosecutor Carina Coetzee. “If Carina Coetzee had not intervened, the baby would have been forgotten,” he said.

Carina Coetzee, the mother of a four-year-old daughter, has been a prosecutor at the Johannesburg Magistrate’s Court for more than 21 years. “If Connor’s application had succeeded, we wouldn’t have been able to charge him. The only person we could have charged (Malinda Marshall) was the person we thought was not responsible.

“It’s very sad. This little boy was perfectly normal, a beautiful child, and he’s been reduced to a person who will never have a normal life. I believed Connor’s application wouldn’t be successful, to the point where I was prepared to put my possessions on the line, though it was a real concern.”

Bradley Connor and Malinda Marshall, both now 23, will return to the dock



Baby Michael receiving treatment

at the Johannesburg regional court, where each will face double charges of attempted murder, alternatively assault with intent to commit grievous bodily harm, alternatively a new charge under the Child Care Act – causing Michael to sustain bruises to the body and/or severe brain injury and/or retinal haemorrhages.

Baby Michael is now five. He spent four years at Ikhaya Tini Vorster home, much of the time with a shunt in his head to drain fluid off his brain. He was fed by a tube inserted into his stomach. Staff recall that his mother visited him “very occasionally”.

Last November, he was moved to the Avril Elizabeth Home, a private residential home for the intellectually disabled (mentally handicapped) in Germiston. The home accepted him on condition that his parents never visit the child. Chief Executive of the home, Sylvia Haywood, says they will probably care for Michael for the rest of his life.

“Prosecutors and public servants of the caliber of Carina Coetzee are what make our fight against crime worthwhile. Carina, you have made us proud by carrying the NPA flag so high. Thank you for your dedication and commitment to not only ensuring that justice is served, but to the life of a child. Your actions are exemplary of a prosecutor with good values.”

**- Advocate Sibongile Mzinyathi,
Acting Head of the National
Prosecutions Service**

Chasing a dream

Staff of the NPA participated in the 21st annual train race of the Rotary Club in Middelburg, Mpumalanga, on 23 August 2008. The aim of the race was to raise funds for various organisations in the province.

The Rotary Club is a well-established charity organisation and has over a million members around the world. It is considered to be one of the biggest charity organisations in the world and managed to raise over R700 000 with this race. The Rotary Club utilises a four-way test principle as a guideline when embarking on a project or initiative. Is the project truthful? Is it fair to all concerned? Is it going to build better goodwill and better friendship? Is it going to be beneficial to all concerned? These points form a strong foundation to the charitable work that the organisation performs.

Staff of the Middelburg Cluster, including senior prosecutor Eugene Ontong, represented the NPA in the race. Although this was the first time that Ontong had participated in the race, he discovered that the event succeeded in creating an environment of caring in the community.

Government is formally considered a stakeholder in this event. The Rotary Club

has also partnered with the Sexual Offences Office in the Middelburg Cluster. The relationship has proven to be successful and the Department of Justice and Constitutional Development (DoJ & CD) has joined in. A one-way mirror for witnesses to testify in secret is now in place at the court because of the Rotary Club.

The Rotary train race was started in 1987 with a mere 48 teams that participated, generating an income of R1 000. This year, 4 700 teams took part in the race and a whopping R700 000 was raised. A number of organisations (mainly from Mpumalanga) benefited from this race. R90 000 was distributed to each of the three Rotary Clubs in Middelburg and Witbank, R140 000 went to the Children Care Village in Middelburg, R70 000 was utilised for skills development (schools, garden projects and illiterate persons) and R200 000 was donated to a disaster fund.

The NPA's participation was aimed at enhancing the visibility of the organisation

in the community and showing that its members are there to lend a helping hand as the 'people's lawyer', confirming what the organisation stands for and the services it offers.

In the view of Mr Ontong, the NPA needs to consider becoming more involved in this event in the future. "We need to organise ourselves in time with things like exhibition stands and public education material," he said. Teams that participate in this race represent corporate companies from the private and public sector.

Mr Ontong was delighted by the presence of the NPA's Communication Unit at the race. "There is more exposure and the public stands the chance of being educated by the material they obtain from the stalls," he said.

Such events provide a great opportunity to keep the public informed, because the mood is relaxed and the environment sociable.



Participants in the 21st annual train race



NPA communications staff attending to the public at the 21st annual train race.

Human trafficking

poses a real threat to South Africa

"Human trafficking is real". That is the message that the International Organisation for Migration (IOM) and Metro FM, in partnership with the South African government, sent out to South Africans during this year's Human Trafficking Awareness Week that took place from 5 to 11 October.



The week was aimed at raising awareness of the growing threat of human trafficking and encouraging members of the public to seek additional information or report suspected cases through the IOM's national toll-free helpline number: 0800 555 999. Awareness activities this year included a film festival at the University of Pretoria, public service announcements produced and aired by Metro FM, and an open-air music concert in Newtown on 11 October featuring stars such as MXO, Wax, Peggy, Sliq Angel, Ras and Moonga.

The NPA and the United Nations Office on Drugs and Crime (UNODC) also presented a human trafficking exhibition and held a joint press briefing at the UN House in Pretoria on 11 October. The UN defines human trafficking as the recruitment (through deception, coercion or force) and transportation of an individual for the purpose of exploitation (usually forced labour or prostitution). Worldwide, a million people are trafficked across national borders each year. Many more are trafficked within their own countries.

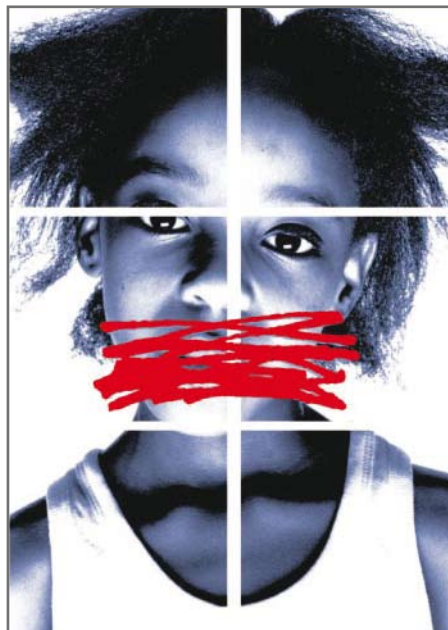
According to Ms Malebo Kotu Rammopo, National Coordinator: Human Trafficking of the NPA's Sexual Offences and Community Affairs (SOCA) Unit, "this crime leads to practices such as prostitution, forced labour and domestic servitude. The public must be educated about these harsh conditions that are brought about by human trafficking and measures must be put in place to combat it."

In South Africa, the IOM's research indicates that the trade in human beings for the purposes of sexual exploitation is real, with women being trafficked to South Africa from South East Asia and Eastern Europe, as well as other African countries like Mozambique, Zimbabwe and the DRC. South African men, women and children are also trafficked abroad to places like Macau, the USA and Ireland for sexual exploitation and forced labour. Of great concern is the trafficking of South African women and children within South Africa's borders for forced labour and commercial sexual exploitation.

In response, the South African government and its National Task Team have initiated a two-year anti-trafficking strategy funded by the European Union.

The awareness week demonstrated what can be achieved when government, civil society, international organisations and the commercial sector work together towards the achievement of a common goal. "Human Trafficking Awareness Week aimed to galvanise the ongoing efforts by government and civil society to minimise the scourge of human trafficking in South Africa. It is hoped that other sectors of the South African

community will come forward to lend their support," says information and awareness-raising specialist for IOM's Southern African Counter-trafficking Assistance Programme, Karen Blackman.



HUMAN TRAFFICKING IS REAL

0800-555-999 toll free

Mamelodi

Imbizo Week

During the annual Imbizo Week, residents of Mamelodi had the opportunity to speak to the new Minister of Justice and Constitutional Development, Mr Enver Surty.

The event was held near Eerste Fabrieke train station, where the new magistrate's court will be erected. The minister came to Mamelodi to visit the court site and to talk to members of the Mamelodi community. The event was attended by Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions, Advocate Johnny de Lange, Deputy Minister for Justice and Constitutional Development, Mr Lawrence Mushwana, Public Protector, Councillor Brenda Lehobye, Member of the Mayoral Committee for Community Safety in the Tshwane Metropolitan Municipality, Advocate Menzi Simelane, Director General in the Department of Justice and Constitutional Development, as well as magistrates and prosecutors.

The minister said the construction of the new court will start as soon as possible and will be one of 24 branch courts countrywide to be declared as new magisterial districts. He estimated the cost of the court to be between R150 and R180 million. The court will provide civil and family services to the community, in addition to the criminal services offered by the existing magistrate's court in Mamelodi West. Surty stated that people have lost confidence in the criminal justice system. He hopes that the new court will restore their faith in the system.

These courts will help communities gain access to criminal justice in close proximity to their homes and will bring about change for the safety of the children, women and the community at large. Minister Surty said his visit was also a way of celebrating the heroes and heroines of the struggle, many of which come from Mamelodi.

Members of the community were afforded a chance to speak to the minister about justice-related matter that bothered them. Among their grievances were the high rate of drug dealings in Mamelodi. Among the allegations made, were that the police are not helping the community because they own the business. "Police officers in high positions have shares in those drug dealings in Mamelodi," said a community member,



Minister of Justice and Constitutional Development, Mr Enver Surty.

who – when asked by Surty – declared his willingness to meet with the Minister of Safety and Security.

Deputy Minister of Justice and Constitutional Development, Advocate Johnny de Lange, and the Regional Head: Gauteng in the Department of Justice and Constitutional Development, Ms Emily Dhlamini, presented three women with maintenance benefits.

Advocate De Lange stressed the fact that the law will not protect any man who fails to take responsibility for his offspring. Advocate Simelane announced that the department has an agreement with the Law Clinic at the University of Pretoria's Mamelodi Campus, which offers free legal aid to any member of the community.

Spotlight on the **GEPF**

Have you always wanted to know more about the Government Employees Pension Fund (GEPF)? Do you understand how your pension is taken care of in preparation for your future and that of your dependants?

What is the GEPF?

The GEPF was established according to the Pension Fund Act, 1956 (Act No 24 of 1956) to make provision for the payment of pensions and certain other benefits to government employees and those working in certain state bodies and institutions, and to the spouses, dependants or nominees of such employees in the event of their death.

What type of pension fund is the GEPF?

The GEPF is a defined benefit pension fund, where payable benefits are defined according to the formulae set out in the rules. Benefits are thus guaranteed and are not dependent on the investment returns of the fund, nor on the level of employer contributions. The fund is governed by the Government Employees Pension Law of 1996.

Who qualifies as a contributor?

All government employees are required to become members of the GEPF, provided that they are not required by law to belong to another pension fund or are excluded from membership of the fund. The fund membership will only cease on retirement, resignation, discharge or death.

How much does a member contribute?

A member contributes an amount equal to 7.5% of his/her monthly pensionable salary to the fund every month.

Does the employer also contribute?

The employer's contribution rate is set at 13% for members not wearing uniforms, and 16% for those wearing uniforms.

Can a member nominate beneficiaries?

A member is allowed to nominate beneficiaries to receive gratuity payments (if applicable) on the death of a pensioner. Please note that the board of trustees reserves the discretion whether to make the payment in accordance with the wish of the contributor/member.

Can a member take a loan from the GEPF?

Unfortunately, the GEPF may not lend money to any member. There are no provisions in the rules for loans. One cannot withdraw or borrow money from the fund while remaining in the service of the employer.

For more information on the services and offerings of the GEPF, please visit www.gepf.gov.za or call 0800 117 669 to speak to one of the friendly operators who are always ready to provide assistance. Alternatively, send an email to enquire@gepf.gov.za.

Managing **case flow**

About 300 delegates attended the Case Flow Management Forum held in Mmabatho in September 2008. The focus was the implementation of best practices and tools.



It was hosted by the provincial Department of Justice and Constitutional Development of the North West Province. Special guests included Mogoeng wa Mogoeng, North West High Court Judge-President, and Councillor Themba Gwabeni, Executive Mayor of Ngaka Modiri-Molema District Municipality, together with judges, magistrates, the Dikgosi, members of the Justice, Crime Prevention and Security (JCPS) Cluster, as well as the extended executive committee of the North West Province.

Councillor Gwabeni welcomed the delegates, saying that government is 100% in support of the JCPS Cluster. He concluded that "Our love for justice is a love for peace". The purpose of the conference was to discuss and share with colleagues in the cluster the best methods to fast-track case flow management in the province. Judge-President Mogoeng wa Mogoeng, who delivered the keynote address, told the delegates about society's view of the operation of the criminal justice system.

He articulated some of the underlying court management features that provide the foundation for effective case flow management programmes. These include leadership, involvement and commitment to a shared vision, and communication and the provision of a learning environment that reinforces an understanding of the reasons for case flow management and of its fundamentals.

The Director of Public Prosecutions in Mmabatho, Advocate JJ Smith SC, encouraged the JCPS Cluster to work together to deal with crime. He said that mutual respect, trust, cooperation and equal accountability must be robustly encouraged, as they are the pillars of successful relationships.

Chief Magistrate Thamsanqa Mabaso of KwaZulu-Natal presented a paper on enhancing the efficiency of the lower courts. He said the constitutional imperatives relevant to enhancing the efficiency of the courts are directly linked to a constitutionally predetermined performance standard, which must be balanced against core values inherent in the functioning of the courts. He attributed delays and loss of court time to poor planning and management and/or a shortage of human resources, and the utilisation of court time for consultations by prosecutors and legal representatives. Courts that are not performing according to the norm are being identified and the reasons for their non-performance are being documented. These courts are then monitored and best practices implemented through benchmarking.

Other topics that were discussed at the conference ranged from prosecutions, the South African Police Service, the administration of justice, the modernisation of the courts through the use of IT systems in case flow management and concerns of the public about the performance of the justice cluster.

KZN celebrates 10 years of service delivery

The Director of Public Prosecutions (DPP) in KwaZulu-Natal recently celebrated the NPA's 10-year anniversary at the Pietermaritzburg Golf Club. The luncheon, attended by representatives from each business unit in the NPA, was a relaxed affair with an address by Deputy Director of Public Prosecutions in KwaZulu-Natal, Advocate Sheriza Ramouthar, and the launch of the NPA's values by Mr Eric Sibeko, Chief Public Prosecutor, while the DPP's administrative staff in Pietermaritzburg participated in an enactment of the NPA's newly adopted values.

Advocate Ramouthar summarised the NPA's growth as follows: "Ten years later, here we are," she said. "Like any other large organisation we have had great successes, great failures, interesting and somewhat turbulent times, and changes in leadership. We have – over the past ten years – transformed ourselves from an ordinary administrative department to an organisation focused on and committed to service delivery, fully accountable to the people of this country. We have transformed from being reactive to crime to being proactive. We have transformed from being a department largely isolated from civil society to an organisation with a social conscience."

Mr Sibeko explained the origin and interpretation of each of the values (professionalism, integrity, service excellence, accountability, credibility) to the guests. This was followed by a sketch demonstrating these values. Even though the atmosphere was light, the message that came through from the various speakers was very clear: the NPA has come a long way and still has plenty to do.

This was evident in Advocate Ramouthar's concluding remarks, when she said: "Presently, the NPA is going through a difficult and challenging time. A cloud of uncertainty, disillusionment and discontent has settled on us. I want to remind you, though, that – irrespective of what happens politically or to our leadership – we still have a constitutional obligation and duty to continue serving the people of South Africa and we must do so with dignity, integrity and professionalism."



NPA members listen intently as the speeches are delivered.

Tribute to the NPA

NPA, NPA

How long has it been

Already 10 years

And still going strong

Always in the limelight

People looking for loopholes

To bring us down

What about another 10 years

Or even a little longer

Lets try twenty, no thirty,

What about making it eternity

If it is eternity

Let's just stay and do the right thing

And stick to our values

That is:

Accountability

What about credibility

Not forgetting, integrity

Not just, but professionalism,

And last and not least, service excellence.

Now if we do these things

Who can stop the NPA from becoming stronger

*Amanda Pillay
Principal Administrative Assistant
DPP, Pietermaritzburg*

Kimberley has team spirit

More than 70 employees of the NPA in the Northern Cape attended the organisation's 10-year anniversary that was held recently at the rugby grounds of President Swart Primary School in Kimberley.

The event was also attended by prosecutors and advocates based at the DPP Office and the Kimberley Magistrate's Office, as well as staff of Corporate Service and those based at the Thuthuzela Care Centre. Some of these employees came from as far as Upington and Kuruman, 400 kilometres from Kimberley.

The event was characterised by fanfare to mark the organisation's contribution to the quality of service to the society over the past 10 years. During his speech, the chief prosecutor, Mr Mpfunzeni Ligaraba, said: "As we celebrate our 10 years of existence, we must do so in memory of all our strides to ensure a better and secure society. The NPA has won many battles over the past 10 years and I urge each one of you not to be embattled by what is facing the organisation. We must celebrate this day in memory of our efforts and contribution, as well as those who have gone before us in making this country and the NPA what it is today."



Instructors from Virgin Active took employees through a physical fitness exercise.

The NPA's new values – professionalism, integrity, service excellence, accountability and credibility – were also launched during the event.

Western Cape values launch a great success

Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions, quite rightly states in the values dictionary: "If we learn and live by the NPA's values, we will grow stronger, more unified and more successful. We voted on them, we defined them and we symbolise them. These values are professionalism, integrity, service excellence, accountability and credibility."

The first floor of the NPA's Western Cape office was turned into a health centre on 19 September 2008 when health and massage specialists, *Men's Health*, the Cancer Association of South Africa (CANSAs), Virgin Active and Nussight optometrists displayed their products in front of the auditorium. This event was primarily aimed at launching the NPA's values in the Western Cape. The values launch was coupled with a wellness programme to promote healthy lifestyles and celebrating the NPA's 10 years in the criminal justice system.

Staff were welcomed by the soothing sounds of a popular Cape Town marimba band. Employee wellness consultant, Nsovo Shirilele, launched the programme by encouraging staff to take advantage of the services at their disposal. "When employees are struggling with problems in their work or personal lives, these problems often have a negative impact in the workplace and yield

undesirable effects on the productivity of the whole organisation. There are free counselling services for employees of the NPA and their families."

Staff received fruit baskets and rooibos hampers as lucky giveaways. Advocate Mopp, Head of the Directorate of Special Operations in the Western Cape, officially presented the values to staff. Learners from Zonnebloem High School kept the audience in stitches with their humorous yet educational drama related to the NPA's values. After the presentation from Sanlam on savings and wills, staff were pampered with free massages and had the opportunity to be screened for a variety of conditions, including high blood pressure, cholesterol, blood sugar and vision.

These values will help to define and develop the NPA's work culture and must be seen as more than just a paper exercise. After the launch, there will be a continuing strategy to keep the values prominent, with clear links to business planning and performance management. Without such values, individuals will pursue behaviours that are in line with their own individual value systems, and which may lead to behaviours that the organisation doesn't wish to encourage.

In memoriam



Patricia Maphanga

Patricia Nomsa Maphanga was born in Barberton on 10 February 1960, where she grew up and started her schooling. She matriculated at the Khumbula High School, and completed her BProc degree at the University of the North (Turfloop) in 1983.

She started her career as a prosecutor at the Kabokweni magistrate's office in 1984. She was promoted to senior public prosecutor and transferred from Elukwatini to Benoni in 1996, where she served until she passed away on 30 July 2008. During this time she completed her LLB studies through Unisa. During the past 12 years, she grew into a manager who could stand her ground in every possible situation.

She was strict with the staff in an attempt to obtain the best possible results. Nomsa was a no-nonsense woman and will be remembered by her colleagues and family for being approachable, fair, loyal and kind, with a love for children. She was not only a career woman, but also mother to three children, Siboniso, Buhle and Thabang, whom she loved dearly.

Nomsa Maphanga, we salute you! You will be missed by all your colleagues, who loved and respected you.



Estelle Tommy

Estelle Antoinette Tommy was born on 8 October 1971 and passed away on 4 October 2008. She joined the Department of Justice as an attorney in 1999 and began her career at the Howick Magistrate's Court, transferring to Pietermaritzburg a year later. She obtained her BProc degree from the University of

Witwatersrand and an LLB degree from the University of Natal (Pietermaritzburg). She completed her articles with the Legal Aid Board in Pietermaritzburg.

Estelle's career was marked by her dedication and commitment to being a good prosecutor. She often approached her work undaunted and fearless. Her involvement in community outreach projects and her willingness to assist those less fortunate has left a void. She lost the battle against pancreatic cancer and leaves behind two-year old Danika, as well as her three brothers and four sisters.

Estelle, you shall forever be missed and never forgotten.

New appointments

Chief Public Prosecutor

- J Matlala (East Rand), MS Sibanda (Empangeni), N Tuswa (Butterworth): Court Preparation Officer
- M Monyai (Pretoria), MC Muthivhithivhi (Thohoyandou): Regional Court Prosecutor
- C Klaasen, X Philisane and LM Williams (Cape Town), D Andrews (Bellville), KR Uys and V Gontsana (Mitchell's Plain): District Court Prosecutor
- FJ Munyai (Mmabatho), NW Nekhavhambe (Thohoyandou), E Lekgetho and E Seymore (Vaal Triangle), MZ Mncwago (Ladysmith): Advanced District Court Prosecutor

IMSC

- AB Matiwane: Assistant Manager: Documents
- FL Moduka: Network Administrator

Infrastructure

- MF Ravhutsi: IT Service Manager

Asset Forfeiture Unit

- T Looock: Assistant Manager: Finance (Pretoria)

Director of Public Prosecutions

- Grace Moseletha (Bloemfontein), Amos Moos (Bloemfontein) and Sandile Mthethwa (Bloemfontein): State Advocates
- Adv Marlin Cairncross (Bloemfontein): Regional Court Control Prosecutor
- Petrus Ditaba Rantsane (Bloemfontein) and Pule Moepeng (Bloemfontein): Regional Court Prosecutors
- T Subrayen (Pinetown): Advanced District Court Prosecutor

Promotions

Chief Public Prosecutor

- CG Louw (Bethlehem), P Vuma (Wynberg): District Court Control Prosecutor
- KS Letsholo (Pretoria), NF Mlotshwa (Ladysmith), LT Mngomezulu (Nelspruit), FC Engelbreg and CL Marawa (Bethlehem), NT Makhuele (Nylstroom): Regional Court Prosecutor
- HC van Rooyen (Welkom): Head Control Prosecutor I
- TS Ngcobo (Klerksdorp), WP George (East London), CR Pule (Mmabatho), TK Mukhuwana and HA Makondo (Thohoyandou), ZC Khoury (Welkom), LG Nchabeleng and TS Nkgodi (Vaal Triangle), I Sewnarain (Mthatha): Advanced District Court Prosecutor
- P Ntsele and NG Chonco (Empangeni), Z Qunta and MJ Magazi (Umthatha): Court Preparation Officer
- A Calitz (Pinetown): Advanced Regional Court Prosecutor

Director of Public Prosecutions

- AP Wilsenach and SD Ngobeni (Pretoria), JS Jacobs (Durban), ME Mthembu (Pietermaritzburg): Senior State Advocate
- SH Sighn (Johannesburg): Junior State Advocate

Specialised Commercial Crimes Unit

- TM Belelie (Cape Town): Advanced District Court Prosecutor
- S Parak (Durban): Advanced Regional Court Prosecutor



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