

Khasho



News for NPA staff, friends and stakeholders

October/November 2009





*Advocate Mokotedi Mpshe
Acting NDPP*

Early in October, the National Prosecutions Service (NPS) hosted what now seems to be a tradition at the VGM Auditorium, a graduation ceremony for 140 aspirant prosecutors whom I was very pleased to welcome into the NPA family. In my address at the ceremony, I urged them to perform their jobs with care and diligence, and emphasised integrity as an absolute necessity in the prosecution profession. Judge Baratang Mocumie, who was the main speaker on the day, also emphasised integrity and credibility. She further asked the newly graduated prosecutors to be angels of truth in the various courts in the country. I hope that we will all guide them in the right direction and provide a working environment that will

Upholding excellence

be conducive for them to effectively discharge their duties.

It is again that time of year when everyone tends to suffer from fatigue. Thus, I appeal to everybody to hang in there and continue to do the good work that you have been doing throughout the year. It is an unfortunate truth that as we move towards December, criminals also up their game in their quest to maximise their gains. We can therefore not afford to let our guard down. If you work in an office where recreational facilities are provided, be sure to utilise them. This will enable us to improve our depreciating energy levels.

I am aware that National Treasury processed the salary adjustments and implemented them on the Persal system. This occurred even before the Minister could officially make public the decision by way of publishing it in the Government Gazette, as normally happens for those of us employed under the NPA Act. Unfortunately, some categories of NPA Act employees were excluded by National Treasury.

This resulted in them not receiving their salary adjustments. I request those employees to please exercise extra

patience as we await the the Minister's consideration and the Government Gazette announcement.

I would also like to express my sincere gratitude to all prosecutors and advocates in the employ of the NPA for their patience during the implementation of the Occupation Specific Dispensation (OSD). I have received all sorts of complaints, varying from aggressive to somewhat diplomatic tones, and I have listened to everyone I met in the passages and in various offices. Notwithstanding that, I did not receive a single go-slow threat. Your professionalism during this long and drawn-out process did not go unnoticed. I urge you to further refer to circular 80 of 2009, which provides details on all the outstanding financial benefits due to you.

In support of the 2010 FIFA World Cup, the NPA is joining the country in the Football Friday Campaign that was recently launched by Deputy President Kgalema Montlana. Let us put on our Bafana Bafana jerseys on Fridays and be counted!

*Advocate Mokotedi Mpshe
Acting National Director of Public
Prosecutions*

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NPA in top 10

The NPA has emerged as one of the top 10 finalists in the first ever citizen-judged survey of public sector excellence.

A citizen-inspired, independent research survey was conducted across all the provinces to determine what citizens deem to be excellent service from the public service. The survey assessed citizens' perceptions of service excellence in all the spheres of government and in public utilities. In this survey, service excellence related to the actual services provided by the various departments, as well as the communication and marketing aspects of the departments.

That the NPA made it into the top 10 is absolutely awesome and good recognition. It's not all doom and gloom out there. There are pockets of excellent service delivery. Let us celebrate so that we can continue to be encouraged.

The initiative is that of the Brand Leadership Academy in association with TNS Research Surveys and Wits Business School. Media partners are *Sunday Times*, *Sowetan*, *SAFM* and *Bizcommunity*.

First Aid Training for OHS Team



NPA staff receiving training in first aid.

The NPA considered it necessary to give its Occupational Health and Safety (OHS) team members first aid training so that they are able to give their staff first aid when the need arises. This confirms that the NPA's OHS team is not only a team of fire marshalls, but first aiders as well. The training took place at the VGM Building and was led by Sister Beverley Tewson. With such a well-equipped OHS team, the NPA's staff members can rest assured that they are in safe hands and that the VGM building is a safe place to work in.

Editorial



The year 2010 is almost around the corner. It will be both challenging and exciting for all of us. Above all, we need to assure local citizens, as well as all our visitors, that they will be safe and secure during the much anticipated World Cup. Government has assured the many fans who will be coming to watch the event that they will be safe. South Africa will have dedicated 2010 police stations within close proximity of each of the stadiums, as well as dedicated crime investigation teams and special courts to investigate and deal with all event-related crimes.

Prosecutors may have to manage different kinds of cases and work with people of different cultures who speak different languages. Even though a lot has been done to prepare people for this event, we need to be more diligent than ever before. We must ensure that all crimes, including sexual offences, human trafficking and abuse, are addressed on all societal levels. People must also be made aware of their rights and responsibilities.

The 16 Days of Activism campaign against gender violence will be held during November and December. To symbolically link violence against women and human rights, International Day Against Violence Against Women (25 November) and International Human Rights Day (10 December) will be honoured. This 16-day period also includes International Women Human Rights Defenders Day (29 November), World Aids Day (1 December) and the anniversary of the Montreal Massacre (6 December). Please join the NPA in the various events around the country that are related to the 16 Days of Activism campaign by showing your support of the elimination of all forms of violence against women.

During this time of the year, many of you will be taking an early break to travel to your various holiday destinations for the festive season. Our message to you is: Please be vigilant on the roads and drive safely. We hope that you will come back fully energised to face the challenges of the new year.

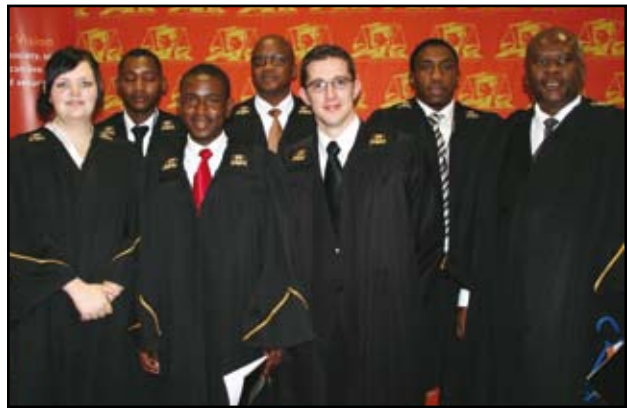
Bulelwa Makeke
Executive Manager: Communications

THE NPA HOTLINE – 0800 212 580

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

Aspirant prosecutors' graduation ceremony

The Aspirant Prosecutor Programme is an internship programme of the National Prosecutions Service (NPS) that entails in-service training to assist unemployed law graduates to gain practical prosecutorial experience. The programme continues for eight months. After completion, competent candidates are appointed in entry level prosecutorial positions to perform core functions at the NPA.



The graduating class of 2009 look forward to starting work as prosecutors with the NPA.

The graduation ceremony for 140 aspirant prosecutors was held in the VGM Auditorium at the NPA's Pretoria head office on 9 October 2009. Attending the graduation ceremony were Judge Baratang Mocumie, Advocate Mokotedi Mpshe, Acting National Director of Public Prosecutions (NDPP), Dr Khotso De Wee, Acting CEO of the NPA, as well as representatives of the senior leadership of the NPA.

In her welcoming address, Advocate Daphney Rangaka, Chief Prosecutor, told graduates to always uphold the ethics and values of the NPA as they step into their new role. She asked them to honour the agreement to relocate to various courts with enthusiasm.

On behalf of fellow graduates, aspirant prosecutor Ashley Wilson from the Protea Magistrate's Court expressed his gratitude, saying, "we officially enter into this profession,

which is more than just a job – something that was not possible eight months ago." He asked that they should all count on one another for the community to count on them.

Addressing the graduates, Advocate Mpshe acknowledged the presence of Judge Mocumie. To the graduates he said: "Don't make the dockets disappear if you want to be my colleagues." Welcoming them to the NPA family, he said that they have indeed chosen their employer of



The graduating class of 2009 look forward to starting work as prosecutors with the NPA.



Jubilant NPA aspirant graduates.

choice. He encouraged the graduates to familiarise themselves with the prosecution policies of the country.

He emphatically asked them to be individuals of integrity, sincerity and morals. He added that the Code of Conduct emphasises the essential need for all prosecutors to respect human dignity and the supremacy of the law. He reminded them of the significant role they must play in combating crime to ensure a better quality of life for all citizens. In parting, he said they must always strive to be at the cutting edge of what is going on globally. He left them a commitment to build a national prosecuting authority.

As guest speaker, Judge Mocumie drew from her experience as she went through the ranks of the prosecution services. She advocated sisterhood and brotherhood as a means for survival. She emphasised that they must read and understand the Victim's Charter with heart and soul. She also stressed integrity and credibility. She reminded them of the old wisdom to seek guidance when not certain. She also gave them the name of a book that is an interesting read for motivation: *The Mocking Bird*. In closing, she said they must all be proud and not arrogant in their profession.

In his vote of thanks, Advocate Johan Smit, Director of Public Prosecutions for Mmabatho said: "You are one of the links in the chain that will result in our society being safer".

Soaring to new heights

Advocate Shamila Batohi, Director of Public Prosecutions (DPP) in KwaZulu-Natal, has been appointed senior legal advisor to the Head of Prosecution at the International Criminal Court (ICC) in The Hague. According to Advocate Batohi, the job will entail both strategic and governance issues. It is a one-year contract that is effective from 1 November 2009.



As a graduate from the University of Natal (now the University of KwaZulu-Natal), she was admitted as an attorney in 1985. She joined the Department of Justice and Constitutional Development in 1986 as a prosecutor at

the Chatsworth Magistrate's Court and went on to spend time as a senior public prosecutor from 1990 to 1992. She was then appointed as a junior state advocate to the Office of the Attorney-General in Durban. In 1995, she was promoted to senior state advocate and was seconded to the Ministry of Safety and Security, attached to the Investigation Task Team. In 1998, she was appointed Deputy Attorney-General (Deputy Director of Public Prosecutions) in KwaZulu-Natal. She was the first black person to be appointed to this post in the province and, at the time, the only woman.

She is excited and proud to be, in a sense, representing the NPA and South Africa. However, she will miss her home, her simple lifestyle, her family and friends, and the sunshine! Most of all, she will miss having one of the most exciting

and challenging jobs imaginable, that of DPP. "I am passionate about the work of the NPA and know that we are on the right track," she said before leaving for The Netherlands.

She recalls her most memorable moment while working for the NPA to be her participation in the Investigation Task Unit to investigate third-force activities in the KwaZulu-Natal police force. "It opened my eyes to the pre-1994 atrocities and the impact of government-sponsored violence," she says.

"I certainly hope that my appointment will allow me to explore opportunities for other South African prosecutors at the ICC," she concludes. Advocate Sheriza Ramouthar and Advocate Gert Engelbrecht will both act in her position for a period of six months each.

Red Light 2010

The Southern African Network Against Trafficking and Abuse of Children (SANTAC) was launched with the goal of protecting southern African children from all types of abuse and trafficking for exploitation (child labour, commercial sexual exploitation, pornography, forced and early marriages, debt bondage, the extraction of body organs, illegal activities such as mendacity and drug peddling). In its commitment to these goals, SANTAC is aware and concerned with the consequences of all the events that involve a huge number of people and resources.



The Women and Law in Southern Africa Research Trust (WLSA) is an action-oriented research organisation that works in seven countries in southern Africa: Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe. The objective of the WLSA is to improve the legal status of women in southern Africa.

SANTAC and the WLSA assist governments and other partners to understand the problem, to develop the necessary legal

framework and commitment, and then to take direct action on the ground to prevent human trafficking and to find and rehabilitate the victims.

Red Light 2010 is an umbrella campaign network to connect organisations already working on the rights of women and children and preventing the violation of those rights as a result of trafficking activities. It aims to bring women's and children's rights groups together with a common purpose to stop human trafficking and the associated gender-based violence.

A Memorandum of Understanding (MoU) has been signed for the cooperation between WLSA and SANTAC on the Red Light campaign. This references the strengthening of the partnerships in the campaign and maps out ways of working together. This is further outlined in the segmentation approach to campaign delivery set out in the Red Light Campaign Regional Operational Plan. There will sometimes be joint activities between both agencies at the regional and national levels, but WLSA and SANTAC will also operate individually under the campaign name, embracing the broad range of objectives in this strategy. WLSA will coordinate the Red Light Campaign in Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe, while SANTAC will coordinate the campaign in South Africa and at the regional level.

Crime Victims Rights Week

The Crime Victims Rights Week is celebrated annually. The aim of this event is to acknowledge Victims Rights Week by sensitising and empowering the community on the Victim's Charter.



This year it took place from 15 to 19 September 2009. The NPA was the host of the event, which took place at the Community City Hall in Thohoyandou, Limpopo on 18 September 2009. During the event, several speakers were given the opportunity to say a few words.

The guest speaker, Advocate Manyuha, gave a very touching and inspiring speech. He stressed that the NPA was committed to ensuring that the rights of victims were addressed and respected, hence the establishment of the Thuthuzela care centres. He concluded by saying: "Best practices can only be initiated if the Justice Crime Prevention and Security (JCPS) departments are committed to working together."

Stakeholders celebrate

Human Trafficking Awareness Week

Thousands of young girls and boys are trafficked all around the world, and are then forced into labour and prostitution. Syndicates operate under many disguises and promise a better life to any youngster who shows interest. One of the obstacles in the fight against this brutal act is the proper development of a relevant act that will allow perpetrators to stand trial for their crimes.



Youngsters from the New Life Centre in Yeoville attending the awareness event.

Human Trafficking Awareness Week took place from 4 to 10 October 2009 and is a joint initiative of the NPA, the European Commission, and the International Labour Organisation (ILO).

The stakeholders involved in combating trafficking took the show on the road to educate the public on human trafficking. On Saturday, 10 October 2009, the Yeoville Community School hall in Johannesburg was filled with a message of hope for young girls who have had bad experiences. The theme of the event, *Human Trafficking is Real*, blended in well with the mood. Everybody listened attentively as tips and advice were passed on by guest speakers.

Children from the New Life Centre in Yeoville, aged between 15 and 17, took part in a programme to test an awareness-raising learning toolkit developed by the ILO as part of the Tsireledzani awareness-raising project.

Tsireledzani is a Venda word meaning 'let us protect'. It is a joint programme of the South African government to combat human trafficking.

The toolkit, which was designed and developed by Tsireledzani, is used at school level in life orientation programmes or by youth clubs, church groups and other non-governmental organisations. The New Life Centre is one of the civil society partners of the project. It is based in Hillbrow, which is considered to be one of the disadvantaged areas in Gauteng. Young girls and women who previously found themselves trafficked for sex and drugs can find refuge at this centre.

The guest speaker for the day was the head of the Sexual Offences and Community Affairs (SOCA) Unit, Advocate Thoko Majokweni. She gave a brief description of the functions of the NPA and said, "to work together we must first understand the things that trouble young people." She noted that the youth knows about new technologies that will enable the older generation to help them. She also highlighted the dangers of using the Internet social sites like Facebook, MXit and Twitter, where young teenagers leave their most vulnerable information, which can put them and their families at risk.

She reiterated that children grow up in an era where too much pressure is exerted on them. "We have to acknowledge that there are new challenges, such as human trafficking. Kids need to make sure that their parents guide them in the choice of the friends they make and in facing everyday life challenges," she said.

According to the website of the International Organisation for Migration (IOM), migration is one of the defining issues of the 21st century. It is an essential, inevitable and potentially beneficial component of the economic and social life of every country and region. The question is no longer whether to have migration, but rather how to manage it effectively so as to enhance its positive and reduce its negative impacts. Well-informed choices by migrants, governments, home and host communities, civil society, and the private sector can help realise the positive potential of migration in social, economic and political terms. In essence, this leaves one with the following question: Are we ever going to realise the positive side of human migration? Even if it is conducted voluntarily, it is still a lonely journey for an individual. Being in a foreign country all by yourself leaves you in a vulnerable state and bound to be exploited by the natives of that land.

Wars and other inhumane conditions lead to human migration. It boils down to one fact: exploitation and other despicable forms of human behaviour are basic human traits. They are embedded in the human genetic code. People massacred each other during past centuries and enslaved others, took their belongings by force and had more than they needed to satisfy their greed. History bares witness to this.

Thuthuzela Care Centre

public awareness programme

On 22 September 2009, staff members of the Cecilia Makhiwane Thuthuzela Care Centre (TCC) participated in a public awareness programme that included the South African Police Service (SAPS), as well as the departments of Correctional Services, Social Development and Education in Bhisho. The well-attended event was held at the Indoor Sport Centre in Mdantsane.



The event was sparked by an incident that was reported to the police in which a school teacher was alleged to have molested a number of his pupils and actually infected them with the Aids virus. The teacher has since been arrested and appeared in court.

The police involved TCC staff members to ensure that the victims in this particular case were assisted with immediate effect. It was also discovered that incidents of child abuse in schools were rife in Mdantsane. A lot of cases are not reported, therefore making it difficult to offer assistance to victims.

Approximately 700 learners attended the event, as well as community members and teachers from ten schools that were part of the campaign. Representing the NPA, Advocate Gugu Mampofu addressed the crowd and gave more information about the role of the NPA, and Advocate Nosisi Nangu and Ms Zodwa Ntethe gave the crowd more information on the processes that are followed when assisting victims of crime at TCCs.

The Department of Education also pledged its availability in assisting in cases of abuse. Nomakhaya Barnes, who deals with victims at the Cecilia Mkhawane TCC, was also present at the event, while Senior State Advocate Thuli Phiti came from the Bhisho office to attend the event. The police appealed to the community and teachers to report cases of abuse, so that the perpetrators can be dealt with accordingly.

Public Participation Week a great success

in Nelson Mandela Bay

On 9 November 2009, the Eastern Cape Provincial Government, together with the Government Communication and Information System (GCIS), kicked off Public Participation Week in Port Elizabeth.

Political heads from the departments of Education, Transport, Safety and Liaison, and Housing, as well as the executive mayor and her team, were part of this effort. Many government departments were invited to take part in this exercise and the NPA also had the opportunity to exhibit at this event. The political principals visited areas such as Helenvale, Uitenhage and New Brighton.

Public Participation Week is a communication approach that underpins participatory democracy. It is central to government as it brings government closer to the people. It is a uniquely South African platform for communities to raise issues, share views, and build strategic partnerships between government and its citizens.

As part of the heightened communication during this period, a need was identified for exhibitions and services on wheels to create a proactive response to community needs.

A lot of community members showed interest in the NPA. They asked questions about court processes, and received information on maintenance issues, domestic violence, information on the Thuthuzela care centres, children's rights and court interdicts. The NPA also had an opportunity to inform the community about its business units and their mandates. The NPA is very pleased to have been part of this programme, as it afforded staff members an opportunity to interact directly with the community and to get a sense of their needs.

NPA celebrates Secretary's Day

Sixty years ago, the role of a secretary was quite different to what it is today. These 'administrative assistants', who are mostly women, are often greatly involved in the day-to-day operation of the businesses they work for. Secretaries are an integral part of any business.



Secretaries and management (front row) in the North West office of the Directorate of Public Prosecutions.

The goal of Harry Klemfuss was to encourage young people to consider careers in the secretarial or administrative support fields. Recognising how important the secretaries in his office were, Klemfuss believed that honouring their work would not only attract more people to the position, but would be a perfect way to show support and solidarity with secretaries and office assistants. With a background in public relations, Klemfuss easily promoted the importance of the job of an administrative assistant and their value to an office environment. In promoting the work of secretaries, he created the day we now know as Administrative Professional's Day, in recognition of the importance of administrative assistants and secretaries.

The official period of appreciation or celebration was first proclaimed by the then United States Secretary of Commerce, Charles Sawyer, as National Secretaries Week, which was held from 1 to 7 June 1952, with Wednesday, 4 June 1952 designated as National Secretary's Day.

The first Secretary's Day was held in that year by the National Secretaries Association, with the support of a variety of other corporate groups.

On to the present, the NPA in North West held a team-building exercise to celebrate Secretary's Day in Christiana on 22 and 23 September 2009. It was a beautiful event with the secretaries enjoying themselves on the volleyball pitch and in the swimming pool, much to the delight of Advocate Hosea Rapula Molefe and Ms Rachel Nengovhela, chief prosecutor for the Mmabatho Cluster.

On the next day, during the round-table discussion, Advocate Molefe told secretaries that their work has been an integral part of the NPA's success. He further said that the North West office was lucky to honour its secretaries in this manner.

Ms Nengovhela delivered a very interesting motivational speech with the topic *In pursuit of happiness*.

She challenged secretaries not to be negative, inferior and naïve about their work, but to rise from the ashes. She said people were employed with the aim of making money in pursuit of happiness. However, it was not always the case that material possessions made one the happiest person in life. She said there were many ways that people employed in pursuit of happiness. She said happiness could be attained through our inner selves and by striving every day to be emotionally independent. People must learn to love and appreciate their colleagues.

Ms Nengovhela said it was important to move on and not to camp in one's own misery and negativity. She said it was important to believe in God and have spiritual upliftment. She further said that in pursuit of happiness, God will never disappoint you. One must always distance oneself from people who gossip 24 hours a day, because they are a nuisance to society. Ultimately, a happy person makes an excellent employee. Mr Moss Rantao informed delegates that they were now officially secretaries as per circular 25 of 2009, which amended the grading of the positions of secretary and personal assistant after a thorough job evaluation.

Some of the training needs for secretaries were identified. These included events management, training in Microsoft PowerPoint, business writing skills, Excel control statistics, the basics of project management, secretarial and administration skills, conflict management and customer management.

In the spirit of pursuing happiness, delegates were treated to a delicious lunch as they celebrated Secretary's Day.

Celebrating Heritage Day

The Pretoria Magistrate's Office celebrated Heritage Day by showcasing different cultural regalia and food. The Acting National Director of Public Prosecutions, Advocate Mokotedi Mpshe, encouraged staff to strive to remain unified in their diversity. This will make them one big family. The best cultural dish was that of the Pedis.



NPA's staff showed their appreciation of the different cultures that make up the country's rainbow nation on Heritage Day.



Heritage Day is celebrated annually on 24 September. On this day, South Africans across the spectrum celebrate their cultural heritage and the diversity of their beliefs and traditions in the wider context of a nation that belongs to all its people.

Two life sentences a great relief

Pumela Mlungwana, the sister of the deceased 17-year-old girl who was kidnapped, raped and murdered by two young men, could not hide her joy when the sentence was handed down by Judge Sipho Maqhubela on 6 October 2009.



Adv Joel Sesar, prosecutor on the case.

The case attracted a lot of public interest and the courtroom was filled to capacity by the victim's family members, the community and the media. Talking to *Khasho* about the sentence, Pumela said, "we are relieved as the

family that the court has sentenced them to two life sentences each, as we believe that this will send a strong signal that crime does not pay".

Twenty-year-olds Sinethemba Kolosa of Silvertown in Kwazakhele and Siyabulela Rubuxa of Wells Estate were charged with kidnapping, raping and murdering Thamela Nobili Booi, 17, on 23 June 2007. They had both pleaded not guilty to the charges. On 6 October 2009, they were each given two life sentences for murder and rape, and eight years' imprisonment for kidnapping.

Pumela also said she was very pleased with the sentences, because: "They finally got what they deserved, because they do not realise the pain they have caused. Today I don't have a sister and

I don't have a mother because of their actions." Her mother committed suicide after Booi's death.

Judge Sipho Maqhubela said the court did not find any compelling circumstances for it to depart from imposing a life sentence for rape and murder. Both men did not show any regard for Booi's life, he said. "One can only imagine the horror she must have suffered in this terrible ordeal before she died. They acted as brutal young thugs. They are dangerous," Maqhubela said.

Regional Communications Manager, Tsepo Ndwalaza, said: "The family of the deceased will get closure knowing justice has been served. This will restore public confidence in the criminal justice system."

Career Day

The court prosecutors of the Pretoria Magistrate's Court and the Communications Division were invited to participate in a career day that took place at the Pretoria Catholic Cathedral on Sunday, 13 September 2009. It proved to be more than just an opportunity to put up gazebos, exhibit banners and distribute brochures.

The event started with a mass service from 09:00 to 11:00. It was an excellent service, which was made special by the powerful Zimbabwean choir that visited the church on the day.

After the church service, delegates were led to the Loreto Convent schoolgrounds, where stands were put up in a marquee for the invited organisations to exhibit. Again, the programme started with a prayer and several speakers were invited to address the youth who attended.

This event was held at the same place last year. It was initiated by Mr Ngwako Motuku and his wife. This

year, Father Victor Phalane took the initiative.

NPA prosecutors at the stand included Lida van Schalkwyk, Tumi Phongola and Ishmael Motaung, who were there to assist and answer all prosecutorial questions.

It is amazing how many students are keen to be prosecutors when they finish their studies.

Mr Motuku was given a chance to say a word or two and to explain the day to those who were first-timers in attending such a religious career day.

He thanked everyone, including all the professionals, for making themselves available, and he thanked his wife, Violet, who organised everything. He explained that the day was about sharing information and getting the right information.

Mr Motuku further said that in his experience he has learnt that there are those people who are stuck in the wrong job and who have the wrong careers, hence this initiative. In conclusion, he also said these inspiring words: "The greatest tragedy is not death, it's life without a reason; life without a goal and a life in which you need to get help."

NPA continues to protect children through the Child Justice Act

For decades there has been no legal framework for children who are in conflict with the law in South Africa that is responsive and appropriate to their age and vulnerability, while also being sensitive to their developmental stage. With this realisation, government has resolved to engage stakeholders to look into innovative and proactive mechanisms to address the challenge of revising the Child Justice Act.



Advocate Kombisa Mbakaza, Chairperson of the NPA's Child Justice Task Team.

This resolution gave birth to the Intersectoral Committee on Child Justice (ISCCJ). It comprises representatives from the Department of Justice and Constitutional Development (as chair), the Sexual Offences and Community Affairs (SOCA) Unit of the NPA, Legal Aid South Africa (LASA), the South African Police Service (SAPS), the departments of Social Development, Correctional Services and Education, the Office of the Presidency, the judiciary, the Office of the Inspecting Judge of Prisons, and civil society.

The ISCCJ gathered and analysed data of all children who come into contact with the criminal justice system – those in conflict with the law and those in need of care and protection. Informed by the data at hand, the ISCCJ developed an Interim National Protocol for the Management of Children Awaiting Trial.

The NPA continues to commit itself to protect the children of South Africa, and is working, in partnership with the other Justice, Crime Prevention and Security (JCPS) Cluster departments, on a system to protect children in conflict with the law.

This system is known as the Child Justice Act, 2008 (Act 75 of 2008). It was signed into law on 7 May 2009 and will be implemented on 1 April 2010.

The Child Justice Act has the following purposes:

- Establish a criminal justice system for children who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic.
- Provide a mechanism for dealing with children who lack criminal capacity outside the criminal justice system.
- Make special provision for securing attendance at court and the release or detention and placement of children.
- Make provision for the assessment of children.
- Provide for the holding of a preliminary inquiry and incorporate, as a central feature, the possibility of diverting matters away from the formal criminal justice system in appropriate circumstances.
- Make provision for child justice courts to hear all trials of children whose matters are not diverted.



The NPA's Child Justice Task Team.

Members of the NPA's Task Team

Eastern Cape

Advocates Johannes Bezuidenhout, Silumko Ngqwala, Maggie Tserere (convener) and Mkhuseleli Jokani

Free State

Advocate Adam Mohlala

Gauteng

Advocates Retha Meintjes and Matshidiso Tshidzumba

Head Office

Advocates Karen Vorster, Patricia Makroli and Vuyo Mhlanga (Secretariat)

KwaZulu-Natal

Advocates Kombisa Mbakaza and Johan Du Toit

Northern Cape

Advocate Joyleen Louw-Mabaso

North West

Advocate Annah Mogoeng

Western Cape

Advocate Bonnie Currie-Gamwo

- Extend the sentencing options available in respect of children who have been convicted.
- Entrench the notion of restorative justice in the criminal justice system in respect of children who are in conflict with the law.
- Provide matters incidental to the act.

The NPA's Child Justice Task Team

The NPA's Child Justice Task Team was established to ensure that the Child Justice Act becomes a reality. It comprises members of all divisions, and is chaired by Advocate Kombisa Mbakaza of the SOCA Unit. During one of the task team's process mapping sessions *Khasho* had an opportunity to learn more about the role of the team.

In accordance with the mandate of the NDPP in terms of the act, the task team is tasked with developing the NPA's policy directives, developing a training manual for prosecutors, training prosecutors on the Child Justice Act, so that they know how to deal with child justice matters in an appropriate, efficient and sensitive manner, tabling the NPA's policy directives in Parliament, aligning the NPA's policy directives with the SAPS's National Instructions and Probation Services Guidelines on the implementation of the act, submitting the contribution to the National Policy Framework, and submitting all inputs for the Child Justice Regulations for the implementation of the act.

The day-to-day administration of child cases is handled as follows:

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Crime doesn't pay!

Prosecutors from the Durban Magistrate's Court, as well as members of the Recording Industry of South Africa (RISA), the Film and Publications Board (FPB) and Bowman Gilfillan Attorneys joined the learners from Sastri College at the Counterfeit Awareness Day event.

The Grade 8 learners learnt about the dangers of copying music, as well as the risks associated with the buying and selling of pirated DVDs.

Chanel van Rooyen of Bowman Gilfillan, who deal with brand and trademark protection, discussed how people can differentiate between fraudulent and real items.

For example, authentic Harley-Davidson merchandise will always have a hyphen between the words 'Harley' and 'Davidson'. The products will also always have Harley-Davidson labelling and will never have inappropriate content such as profanity and nudity.

She also explained how owners of brands and trademarks suffer losses through the perpetuation of buying counterfeit items. Her main argument was that even though



Grade 8 learners at the Counterfeit Awareness Day event in Durban

counterfeit items cost less than authentic items, they are very poorly made and end up being a waste of money.

The audience then enjoyed a play entitled *Crime doesn't pay*. It was scripted and

performed by the prosecutors from the Durban Magistrate's Court and illustrated the dangers and repercussions of buying and selling counterfeit DVDs. The penalty is a fine of R5 000 per item and a maximum three-year jail sentence.



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13 – 16 September 2009

GovTech is the annual Information and Communication Technology (ICT) conference of the South African public service. It is hosted by the State Information Technology Agency (SITA). This national initiative underscores SITA's commitment to provide an ICT thought-leadership platform that not only showcases the latest technologies, solutions and trends, but also brings together diverse stakeholders across the public and private sectors.



Acting Executive Manager: Information Management Service Centre (IMSC), Sandra Reddy (left) accompanying the Acting CEO, Dr Khotso De Wee (right) during his visit to the NPA stand in the Integrated Justice System Cluster area at GovTech 2009.

Designed by government for government, GovTech is a substantive, value-packed learning opportunity that is strategically developed to meet the current needs of ICT professionals and decision-makers from all spheres of government.

For this year's conference, the theme of GovTech 2009 was *Doing IT (ICT) for the citizens*. It explored the worldwide trend towards greater integration between government agencies at all levels, enabled by ICT and driven by the new, citizen-centric paradigm of governance and the constant search for greater efficiency and cost-effectiveness of the public sector.

GovTech 2009 also examined the main challenges of citizen-centric service delivery facing government and how ICT can and should be applied in response. Attention was drawn to the latest trends and experiences from leading countries in this cutting edge area of the public sector transformation agenda in its quest for citizen-centric service delivery. The best and emerging practices in the global and

local public sector IT community were explored.

The NPA actively participated in GovTech 2009. Advocate Marnus Steyn presented the NPA's contribution to the Integrated Justice System (IJS) Programme, while two delegates attended the conference and headed up a stand as part of the IJS Cluster display area. At the stand, the NPA's representatives received visits from members of other state departments, the ICT industry and even representatives from foreign countries.

The focus of the stand was to communicate the NPA's Strategic Information Systems Planning (SISP) approach for ICT, specifically focusing on the ICT capabilities that the NPA is developing as a participant in the IJS Programme and demonstrating the Electronic Case Management System (ECMS) as the NPA's core ICT capability.

Dr Khotso De Wee, Acting Chief Executive Officer of the NPA, also attended GovTech 2009 as a VIP guest

of SITA. One of the highlights of the conference was when he visited the stand to meet the staff attending to it. They informed him of what was presented by the NPA as part of the IJS.

GovTech 2009 was considered to be a highly successful event. Comments recorded in the IJS guestbook by the diverse audience that visited the respective stands indicated that the awareness regarding the IJS Programme was successful.

Some of the comments included the following: "I never knew about the IJS initiative. This was an eye-opener. Widespread publication can be a significant achievement." Another delegate commented as follows: "This brilliantly portrays the picture of South African crime and you will notice that the IJS Cluster will have everything in place to deal with the issues in a seamless process: from catching the suspect up to conviction and rehabilitation."



IMSC staff representing the NPA at GovTech 2009 (from left): Nico Louw, Elouise Beukes, Mandla Khambule, Sandra Reddy and Kevin Long.

Baitse Lekoma flying high in Zürich

Frank Lesenyego, Regional Manager, took a moment to interview one of our world-aspiring and dedicated prosecutors who obtained a scholarship to study in Zürich, Switzerland.



Who is Baitse Lekoma?

I was born 25 years ago in Mafikeng, in a rural village called Tlhabologo in North West. I am a down-to-earth woman, passionate and energetic about what life has to offer. I hold an LLB from the North West University.

What is your current job and what is its value to the NPA?

I am currently an advanced district court prosecutor in the Lichtenburg Magistrate's Court. My current job adds great value to the NPA because of my current experience. I am able to handle complex and difficult cases that involve thorough preparation and confidentiality not only by me, but also by the NPA. I firmly believe that these aspects distinguish a great prosecutor from an ordinary prosecutor.

You are currently studying overseas. What is your immediate impression of the culture and way of running things in Zürich? If you were lucky enough to conduct small-scale research, what are the major and minor differences between South Africa's Constitution and that of Switzerland?

Zürich is a wonderful place and most people know much about South Africa, including Bonginkosi Dlamini, who is known as Zola in the popular television show *Zola 7*.

In the few days I was in Zürich, I realised that the world has a lot of respect for South Africa and its Constitution. It is interesting to know that a lot of influential people in the world are from South Africa, such as Richard Goldstein (judge of the European Court of Human Rights), who was born in Louis Trichardt in Limpopo, even though he is now staying in Europe. In the economic sector, South Africa is called the 'Giant of African economy'. This was said by a professor who also worked at the World Trade Organisation.

Who is financing your studies and what are the conditions of your scholarship?

I am studying on a scholarship offered to me by the University of Zürich. The only condition is that I complete my degree.

What criteria applied for you to qualify for this scholarship?

I applied to the University of Zürich and was admitted. Afterwards I was informed that if I required a scholarship, I would have to write a motivational report to the university's board of directors. I wrote the motivational report to justify why I deserved the scholarship and a week later I was granted a scholarship for studies and living costs. I will be studying at the University of Zürich for a period of 12 months.

continued from p 13

When a child is allegedly in conflict with the law, the police have to ensure that the child is referred to the probation officer for assessment. Both the police and probation officers should trace the child's parent or guardian to notify him/her about the alleged offence and determine an appropriate placement.

A preliminary inquiry is arranged and an age determination is made. When a child is under 10 years, he/she is referred to the probation officer to be dealt with outside the criminal justice system.

When a child is 10 years and older, but under 18 years, the matter is dealt with in terms of the provisions of the act. If the state fails to prove criminal capacity, the child is referred to the Children's Court to be treated as a child in need of care and protection. A child cannot waive legal representation. Diversion and restorative justice is promoted. If a place does not have a child and youth care centre (CYCC), the Constitution stipulates that the child has to be detained as a last resort. In such instances, a child who is 10 years and older, but under 14 years, can be placed separately in a

police cell while his parent or guardian is being traced. A child of 14 years and older, but under 16 years, can be placed in a correction centre. In both instances, he/she has to appear before court within 24 hours for further consideration. On further consideration, a child can be placed in a far-lying CYCC, or with a suitable appropriate adult from his/her community.

The definition of an appropriate adult includes a 16-year-old family member. This provision caters for child-headed households.

Who's new?

Permanent appointments

Chief Public Prosecutor

- District Court Prosecutors:
NB Maseti (East London),
MA Shude (Umtata),
TH Sekhonyana, BJ Sediti (Bethlehem),
SM Ramothaga,
JM Molekoa, RS Seabela (Welkom),
ML Ntombela (Durban), JA Gumbi,
FV Shongwe (Middleburg),
AR Sithada, NJ Sali (Mmabatho),
LD Mohono, SF Corner (Kimberley),
NC Manxiwa (Bellville)
- Advanced District Court Prosecutors:
NC Mazibuko (Pietermaritzburg),
ME Makhubela (Polokwane),
S Salie (Wynburg), S Mathobela,
S Letsoalo (Pretoria)
- Regional Court Prosecutor:
AC Mthombeni (Klerksdorp)
- Advanced Regional Court Prosecutor:
DJ Rabie (Bellville)
- Junior State Advocate: MA Smidt
(Umtata)
- Head Control Prosecutor: II Mtroos
(Bloemfontein), L Gwentshe
(East London)

Research and Policy Unit

- Legal Researcher: Z Swart

Asset Forfeiture Unit

- Senior State Advocates: FL Nkombi,
JA Eastwood (Cape Town)
- Assistant Manager: Finance: L Klaas
(Johannesburg)

Integrity Management Unit

- Advanced Manager: Education and
Awareness: M Mabowa

Directorate of Public Prosecutions

- Manager: Court Preparation:
R Wiesner (Pietermaritzburg)

Promotions

Chief Public Prosecutor

- Regional Court Prosecutors:
CZ Ferris (Bethlehem), EJ Motsupi,
T Tshikata (Odi), G Mhlanga, MT Motala
(Pretoria), MP Kekana (Klerksdorp),
VM Thetele, SE Tsoete, KF Ilanga
(Kimberley)
- Senior Public Prosecutor: TJ Lusenga
(Middelburg)
- Advanced Regional Court Prosecutors:
KL Sibi (Witbank),
- Advanced District Court Prosecutor:
MF Tshwane (Witbank), AR Nekhambele
(Odi), ER Sebasa (Polokwane),
BS Zondi, SP Chiliza, RS Mkhize
(Pietermaritzburg), PN Phakoago
(Nylstroom), MF Tafane (Bloemfontein)
- Senior Public Prosecutor: MB Lerumo
(Pretoria)
- Head Control Prosecutors: J Seboniyane
(Upington), IM Leola (Nylstroom),
ME Makhafola (Pretoria),
DC de Carvalho (Kimberley)
- Relief Prosecutor: VL Ketye (Bellville)
- Senior Administrative Assistant: General:
DL Malebana, (Modimolle)

Directorate of Public Prosecutions

- Junior State Advocate: I Cerfontein
(Grahamstown), EZM Nxumalo,
L Mtengwana (Umtata), R du Preez,
MQI Magwanyana (Pietermaritzburg)
- Senior Public Prosecutor: NPS:
BS Timothy (Kimberley)
- Manager: Court Preparation:
R Wiesner (Pietermaritzburg)
- Principal Administrative Assistant:
Finance: NA Thukani (Bloemfontein)
- Deputy Director of Public
Prosecutions (SOCA): KK Mbakaza
(Pietermaritzburg)

Finance and Procurement

- Chief Administrative Assistant:
Procurement: CM Makgwale,
BS Mudau (Head Office)

- Executive Manager: Finance and
Procurement: GO Hollamby

Transfers

Asset Forfeiture Unit

- Junior State Advocate: J Tagane (Jhb)

Chief Public Prosecutor

- Regional Court Prosecutor:
CV Mkhulise (Polokwane)

Contract appointments

Chief Public Prosecutor

- Advanced District Court Prosecutor:
BA Hugh (Bellville), C Olivier,
DM Diwu, BS Noxaka (Wynburg)
- Regional Court Prosecutor:
E Van Niekerk (Welkom), P Fick
(Wynburg), ML Ludick (Vaal Triangle)
- Principal Administrative Assistant:
J Taylor (Port Elizabeth)

Priority Crimes Litigation Unit

- Special Investigator: KW Chibba

Specialised Commercial Crimes Unit

- Prosecutor IV: DK Masilela
(Johannesburg)

Relocations

Chief Public Prosecutor

- Advanced District Court Prosecutor:
SP Xhakaza (Pretoria),
MNR Ngobeni (Polokwane)
- TTJ Rangwaga - Advanced District Court
Prosecutor (CPP: Mmabatho)
- C Swanepoel – Principal
Administrative Assistant: General NPS
- T Dywili – Advanced District Court
Prosecutor (CPP: East London)
- V Williams – Advanced District Court
Prosecutor (CPP: East London)
- K Ratlhogo – Regional Court Prosecutor
(CPP: Pretoria)



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