



HELPING THE YOUTH: The Johannesburg DPP has held several crime awareness campaigns recently. Headed by Senior Prosecutor Suren Naidoo, of the Johannesburg cluster, the campaigns aim to warn and educate school and varsity students about the dangers of crime and how to prevent it. Also included in the campaigns are talks on child abuse by the police. In this picture, (Naidoo, third from left) is flanked by Graeme Hochschild, an aftercare teacher from the IR Griffiths Primary School, and Constable Mngomezulu and Captain Malihaka from Randburg police station.

CARU strives to overcome challenges

Managing confiscated money and assets effectively is a critical aim.

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Limpopo in focus

This month Khasho looks at the unique challenges facing this northerly province and how it is rising to meet them.

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Change of scene

We speak to prosecutor Bakedi Moake, who is leaving the SOCA Unit for the Pretoria High Court.

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Our work to liberate South Africa from crime continues

Much has already been said and reported in the media about the developments around the decision by President Thabo Mbeki to suspend Adv Vusi Pikoli as National Director of Public Prosecutions (NDPP).

The president indicated that he took this decision following the irretrievable breakdown in the working relationship between Adv Pikoli and Minister of Justice and Constitutional Development Brigitte Mabandla.

All of you know by now that subsequently there's been an inquiry launched into matters related to the suspension, an inquiry which will be led by Dr Frene Ginwala.

As acting NDPP, I wish to emphasise that we should allow this process to unfold and in the meantime continue vigorously doing the work we have been mandated to do.

It is difficult, I understand but perhaps we need to remind ourselves that all of us have been given a task to "ensure justice in our society so that people can live in freedom and security".

Let me reiterate that, as the management of the NPA, we are fully behind Adv Pikoli and hope the inquiry will proceed in a just and fair manner.

The people of this country are relying on us to make a serious dent in all efforts to eradicate crime in our country. We have undertaken to prosecute without fear, favour or prejudice and we still believe in this principle and we must ensure that it guides us in all the work that we do.



Acting National Director of Public Prosecutions Adv Mokotedi Mpshe

Another matter that has received a lot of public attention has been our investigation into the activities of Police Commissioner Jackie Selebi.

We've already confirmed that the NPA, through the Directorate of Special Operations (DSO), had been investigating him and obtained an arrest warrant and a search and seizure warrant.

I have taken a decision to review this investigation in order to appraise

"We should allow this process to unfold and continue vigorously doing the work we have been mandated to do."

myself of all information relevant so that I can then make an informed decision on how to move forward.

In this regard, I have appointed a panel of legal experts who will assist with the review of the case. The panel consists of Mr Frank Dutton, Adv Mbuyiseli Madlanga SC, Mr Peter Goss and Adv Shamila Batohi.

Mbuyiseli Madlanga, a practising advocate and member of the Mthatha Bar (with chambers in Johannesburg as well), was the chairperson of the Exchange Control Amnesty Unit and Acting Judge President of the Transkei Division of the High Court.

Peter Goss is a Director in Forensic Services at PricewaterhouseCoopers in Gauteng and a former member of the South African Police Service.

Frank Dutton, currently involved in doing regular investigation work on an international consultancy basis, was instrumental for setting up the Directorate of Special Operations in 2000.

Shamila Batohi is the Director of Public Prosecutions in KZN and previously headed the DSO in the province.

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Criminal Asset Recovery Unit (CARU) strives to overcome challenges

The Auditor-General's report earlier this year pointed to shortcomings in the disclosure of the monies and assets forfeited to the State in the CARA annual financial statements. Khasho looks at how the CARU is getting its house in order.



BOOSTING THE ANTI-CRIME WAR CHEST: Suresh Bhikha is the Senior Manager of the Criminal Asset Recovery Unit.

The Criminal Asset Recovery Unit (CARU) has implemented the first recommendations of Cabinet (11 October 2006) by the transfer of R73.8 million to South Africa's crime-fighting agencies between November 2006 and June 2007.

The CARA AFS (Criminal Asset Recovery Account Annual Financial Statement) since inception (1999) to 31 March 2007 reflected actual moneys deposited into CARA on the cash basis of accounting. The modified cash basis of accounting recommended by the National Treasury (NT) and the need for the total disclosure of all moneys and assets forfeited to the State in the AFS was only finalised by the NT in July 2007.

The beneficiaries of the first allocation were:

1. the South African Police Services-R33, 7million;
2. the NPA-R 31,8 million;
3. the South African Revenue Services -R5 million; and
4. the Department of Social Development-R 3,3 million.

A further R1 million in assets had been allocated to various government

departments and non-governmental organisations. Certain confiscated assets, such as fixed property and motor vehicles, were in the final stages of being transferred to the relevant beneficiaries.

And, says unit Senior Manager Suresh Bhikha, another R50 million now available will be distributed after the recommendations of the Criminal Assets Recovery Committee are approved by the Cabinet.

The dates of the meetings will be scheduled on confirmation of the availability of the members comprising; Minister of Justice and Constitutional Development, Minister of Finance, the Minister of Safety and Security, Minister of Land Affairs, and the National Director of Public Prosecutions.

The Committee will deliberate the bids received for funds from the crime fighting agencies and other organisations to fund initiatives in terms of the Prevention of

Organised Crime Act 121 of 1998 (POC act). The recommendations will be submitted to the Cabinet for final consideration.

In spite of its successes, however, the unit still faces tough challenges.

Bhikha said the mandate of the CARU is unique in SA and they are working hard to implement measures to remedy concerns pointed out by the Auditor-General and the requirements of POC act.

"We've had to deal with a few resignations and transfers that reduced our staff complement of five to one. We will fill the four vacant posts in CARU by 30 November 2007," said Bhikha.

Regarding the Auditor-General's note that CARU had several cases outstanding from 2001, Bhikha said the unit was recruiting five interns to help address the backlog. "They will capture the data on computers for electronic management of cases for follow up by CARU with the curators and the Asset Forfeiture Unit," he said.

Two suspended over corruption allegations

The head of the NPA's Witness Protection Unit (WPU), Dawood Adam, and the unit's head of operations, Ronnie Borchers, were suspended in August, following allegations of corruption.

The pair has been suspended pending an investigation by the Special Investigations Unit (SIU).

The suspension comes after President Thabo Mbeki last month ordered the SIU, through a notice in the *Government Gazette*, to look into whether the WPU complied with the Public Finance Management Act and other requirements of the Witness Protection Act.

It is alleged that Adam put up his sons in a safe house in an up-market Cape Town suburb being leased by the WPU.

According to the law, safe houses are provided only to state witnesses who are yet to testify in court.

Anyone outside of the WPU knowing the location of the safe houses is a serious breach of WPU policy.

The Integrity Management Unit (IMU) of the NPA also conducted an investigation into allegations of irregularities involving Adam and his team early last year and recommended a full-scale probe into their activities.

According to media reports, the IMU recommended that disciplinary action be

Officials from the Witness Protection Unit are being investigated after financial irregularities came to light.

Witness Protection Unit under investigation

Sapa

Published: Aug 31, 2007

The head of the Witness Protection Unit (WPU) was asked today to "take special leave immediately" due to his unit being the focus of an investigation by the National Prosecuting Authority (NPA).

The NPA's Special Investigation Unit will probe whether there is mismanagement of resources by WPU staff, if the unit complied with the Public Finance Management Act and whether it complied with other requirements of the Witness Protection Act, the NPA said in a statement.

taken against Adam and two of his deputies for alleged misconduct and for causing the WPU to incur irregular expenses.

Listed among the irregular payments which were made by the unit between 2001 and 2005 were:

- R250 000 to a witness to start a business. The business failed and the "loan" was illegally written off.
- R180 000 to another witness and his family as a "clothing allowance" while

the law allows a maximum of R400 a year.

- R115 000 to cover medical bills for the same witness' dependants.
- R22 500 "as final settlement" for the same witness' stolen vehicle.
- An additional amount of R55 000 paid as "bonuses" to the same witness and his dependants.

NPA, Imperial agree on referee

The NPA has agreed to appoint a referee to speed the resolution of its dispute with the vehicle leasing and fleet management company, Imperial Holdings over a claim amounting to "tens of millions of rands" against the Scorpions. The dispute, dating back to 2005, is about an amount allegedly owed to Imperial for leased vehicles provided to the NPA through a R2-billion contract that appointed Imperial the exclusive supplier to the government. – Business Report 10/09/07

NPA to act on Sasol blast

The NPA will soon announce what action they will take on the Sasol blast in which 10 people were

NPA in the news

killed and more than 300 hurt in Mpumalanga in 2004. The cause of the blast was only made public recently when the labour department submitted their findings to the NPA. There has been no movement from the prosecuting body. The NPA has conceded that the investigation has taken too long. – SABC news 01/09/07

Human remains found

The Priority Crimes Litigation Unit's Missing Person's Task team has found the remains of two unidentified men with multiple bullet wounds in the North West town of Rustenburg. The team was following a lead that MK

cadres could be buried at the site. They are said to have been murdered by members of the Western Transvaal Security Branch and Bophuthatswana police in an ambush in the mid-80s. – NPA communications 19/09/2007

Former Scorpion sentenced to 10 years

Former Scorpions advocate Portia Kgantsi was sentenced to an effective 10 years in jail by the Johannesburg High Court. Judge Ezra Goldstein convicted Kgantsi, 39, of five counts of fraud and corruption. The charges stem from her relationship with Nigerian fraudsters, John Afolabi and Dijbril Mohamadou in September last year. – Sapa 21/09/07

I remain a proud prosecutor – Pikoli

I have accepted the president's decision. I urge members of the NPA to do the same and respect the unfolding process and await the results.

I remain a proud prosecutor who is committed to the rule of law and the independence of the prosecutors.

I urge all members to increase their efforts in ensuring the delivery of speedy but qualitative justice in line with Strategy 2020.

Thank you for your prayers and let us continue praying for our country and for justice to prevail. Thank you for your support.



Message from Advocate Vusi Pikoli



‘Continue to hold the NPA flag with integrity’

Before joining the NPA, I headed my own consulting practice for about 15 years.

I left it because I wanted a new challenge and took up the position of Executive Manager: Strategy and Risk at the NPA in September 2004.

It has been a hectic, stressful, demanding, but also extremely stimulating, exciting and challenging period.

What was great about it, is the fact that virtually everything one does impacts on the organisation – with the greater vision that slowly, we are working towards improving the lives of South Africans and fighting crime.

I have learnt and grown tremendously during this three-year stint at the NPA. I don't think there are many people as fortunate as I am to be in an environment where, in the space of one week and even one day, one gets exposed to, learning about, dealing with, making decisions and influencing an organisation on key matters and manage a very dynamic team of people, interacting with top management, etc.

It was a unique opportunity, a microcosm of learning and experiential exposure that is invaluable, highly sought after and opens up an unlimited future.

It was great to have been able to make a difference – and great to have been able to do so with the unwavering support of top leaders of the NPA (NMM, the NDPP).

Many NPA employees at all tiers have

Head of the NPA's transformation programme Mariaan van Kaam is leaving. Here is her farewell address.



MOVING ON: Mariaan van Kaam

come together to pull their weight to get the transformation and strategic positioning of the NPA done, and done well.

I am hugely impressed by, and appreciative of, the effort, goodwill and commitment of all to work with us on this. For most, this was done over and above the heavy workload they already carried operationally.

This is a complex and challenging environment, where my people management, facilitation and negotiation skills had to develop and enhance very quickly.

I think in all these, our development and

skills as women are a tremendously sound foundation, because we have to learn all these skills in managing a family, dealing with those inter-relationships, and balancing family, personal and work demands in as healthy and positive a manner as possible.

Women by nature are attuned to helping and advising others, being firm but friendly, guiding without being bossy – these are qualities that come strongly into play in today's modern work environment.

It has been a great three years at the NPA, and I hope that the experiences, hard work and determination of the organisation will continue in line with its mandate.

I am leaving the NPA with sadness to take up a new challenge.

This organisation has become my family, my passion and it shaped me in many ways. My sincere gratitude goes to all I worked with for their co-operation, commitment and warmth.

I call on every NPA member to continue to carry the NPA flag with pride and integrity, and to drive forward in taking the NPA to great heights it is destined to achieve – to secure justice in our society, so that people can live in freedom and security!

Tough sentence a victory for protection of SA's wildlife

Cigarettes smuggled into the country from Zimbabwe and muti murderers stealing rhino horns are just some of the matters Hilke Janse van Rensburg has dealt with.

And the Soutpansberg Chamber of Commerce considered her performance to be outstanding enough to award her with "Employee of the Year" at their gala evening in August.

Van Rensburg, advanced regional court prosecutor in the Thohoyandou cluster in Limpopo, recently secured a 20-year sentence in the case of State vs Dzebu, where Richard Shumani Dzebu and co-accused Daniel Malaudzi poisoned five white rhinos and several other wild animals in the Nwanedi Game Reserve.

"The accused poisoned a waterhole with Adlicarb. Dzebu and Malaudzi killed five rhinos and 28 other game.

"The killing was said to be the biggest slaughter in any South African game reserve, and the issue was even discussed at a CITES (an international agreement between governments to ensure international trade in wildlife and plants, does not threaten their survival) meeting," Van Rensburg said.

Dzebu pleaded guilty as he was already serving a life sentence for muti murder.

"This is certainly a watershed case. This is the first time a sentence like this was handed down for someone guilty of a crime like this. Initially, magistrates have

Employee of the Year Hilke Janse van Rensburg speaks about the landmark case.



HONOURED: Advanced Regional Court Prosecutor in the Thohoyandou cluster, Hilke Janse van Rensburg, receives her award for Employee of the Year at the Soutpansberg Chamber of Commerce in August.

been sceptical about handing down tough sentences for environmental crime.

"We brought in Riaan de Jager, Head of Environmental Affairs: Polokwane, as an expert, to explain the importance of strongly prosecuting wildlife crime," Van Rensburg said.

Van Rensburg also prosecutes a large amount of cases involving the smuggling

of cigarettes from Zimbabwe.

"We're working with Johan van Heerden from the Specialised Tax Unit in this instance.

"The smuggling is becoming a huge problem. We now have a case every week with volumes ranging from 70 000 cigarettes to four million," she says.

Polokwane cluster educates the youth about crime

A team consisting of prosecutors, social workers, members of the Department of Correctional Services and police regularly visits schools in the Tzaneen sub-cluster of the Polokwane cluster to educate learners about drug and sexual abuse.

Because of the high number of sexual offences involving young people, the cluster has also embarked on a campaign to educate the youth about sexual abuse.

The NPA is also involved in Community Policing Forums and the cluster is involved in ensuring that Court and Case Flow Management Committee s

are established at all levels.

The Polokwane cluster is in a rural area with vast distances between sub-offices. Chief Prosecutor Adv Nelson Rapetsoa said this was a challenge.

"Insufficient numbers of regional court prosecutors at areas like Mhala and Tzaneen, coupled with the delay in filling of vacant posts, are problems," he said.

"Key stake holders are also reluctant to participate in the implementation of court and case flow management tools," said acting Chief Prosecutor Solly Ngobeni.

In partnership with USAID, the cluster has scheduled training workshops for all

the prosecutors in the cluster.

"For effective management of the cluster, it was divided into three sub-clusters with each sub-cluster under the direct leadership of a Senior Prosecutor," said Rapetsoa.

This helped to improve communication between employees on the ground and the office of the Chief Prosecutor.

"The sub-division has ensured power is not centralised to one office and important decisions that need to be taken for speedy resolution of matters are attended to by the delegated Senior Prosecutor, speeding up service delivery," Ngobeni said.

Thohoyandou High Court wants full bench status

Thohoyandou is home to the Venda Division of the High Court and Adv Bethuel Manyuha is the deputy director of Public Prosecutions in charge.

The court serves the Thohoyandou, Mutale, Vuwani, Tshipale, Dzanani and Tshilwavirusiku areas.

The Venda High Court does not have full bench status. This means that they have no provision for appeals to be heard before a full bench of three judges and all such matters have to be referred to the Supreme Court of Appeal, causing delays.

"This is a challenge for us – most other provincial divisions have provision for full bench appeals. What this means is that if a person is convicted and they want to appeal, their matter may be dealt with by the full bench without it being transferred to the Supreme Court of Appeal.

"In other areas a person can get a remedy without having to fly to Bloemfontein, for example. It seems people can access justice easier in Pretoria," Manyuha said.

A shortage of judges is another challenge facing the Venda High Court.

"We have only one permanent judge; the others are acting judges. Because of the shortage, courts start late. We have two judges



STAFF: Legal and admin staff of the Thohoyandou cluster in Limpopo.

on Tuesdays who have to deal with local appeals, thus delaying the criminal courts. We have motion courts on Thursdays, and the criminal courts don't operate on that day. This limits our hours and output," said Manyuha.

The lack of legal aid representation for unemployed people in the rural areas is a another problem.

"At times, there aren't sufficient

personnel to serve every case," he said.

"Our priority areas are robbery with aggravated circumstance, rape of minors, corruption and murder.

We're also targeting robbery as a priority crime, because we want to contribute to economic development. And we don't want business people scared off from operating in our area," said Manyuha.



CONGRATS:

Modimolle Cluster staff members celebrate the 50th birthday of Chief Prosecutor ADV H S Madinagana (centre, seated) in September.

Community link plays a vital role

Community partnerships in the Modimolle cluster in Limpopo, are key to dealing with stock theft and taxi feuding.

Stock theft is being handled proactively in the Modimolle cluster by stakeholders such as the community, prosecutors, SAPS and other concerned groups coming together to act.

The proliferation of stock theft cases in the Zebediela area has led to prosecutors having regular meetings with the community in order to sensitise them

to the situation. "These meetings assist by making the local community aware of how they need to react when they come across suspicious people.

"They alert us, and we report matters to the police," said Adv Steven Madingana.

"We've gathered members of the community and educated them on issues around illegal firearms. They now alert police as soon as anything suspicious occurs," Madingana said.

"All these projects are running well, and they're helping us deal with crime," he said.

Field rangers get training

Almost sixty field rangers have been trained in crime-scene investigation and court procedures by the prosecuting service in Thohoyandou this year.

Elephant and rhino poaching, the illegal cycad trade and hunting in national parks are some of the serious environmental issues facing the NPA in the Limpopo area.

"We serve two national parks: the Kruger National Park and Mapungubwe and work closely with Sanparks and the Limpopo Department of Environmental Affairs," said André Weideman, Chief Prosecutor for the Thohoyandou cluster.

"These are people who've had no law-enforcement training previously.

"This training has contributed to more wildlife crime cases coming through. The crime-scene investigation is now better than before," Weideman said.

Feisty prosecutor faces new challenges as an advocate

Prosecutor Bakedi Maoke is leaving the SOCA Unit for the Pretoria High Court.

The Sexual Offences Unit of the Johannesburg DPP will soon be losing one of its key players.

Advanced Regional Prosecutor Bakedi Maoke will be referred to as Advocate Maoke, come October.

She is going to work at the Pretoria High Court.

Her experience in dealing with a range of cases and a need to be challenged further motivated Maoke to apply to become an advocate.

She has held the Advanced Regional Prosecutor title for five years.

"Leaving the unit is very difficult as it holds a very significant place in my heart but I have to challenge myself further," says Maoke.

Feisty in her approach, this acting senior prosecutor and control prosecutor's future ambitions include becoming National



ON THE RISE: Bakedi Maoke

"Leaving the unit is very difficult as it holds a very significant place in my heart."

Director of Public Prosecutions.

"The only thing that will stop me from prosecuting is ultimately being a national director," says Maoke.

Her admiration for attorneys made her want to become one and she studied for a BProc degree.

It was during this time she realised that defending the accused was not her calling and that she wanted to work for the state.

"I'd do cases defending what I believe is wrong and should be prosecuted. When I defended the accused, I had to put my feelings aside."

"I was just not being true to myself and it had to stop," says Maoke.

"Her love and passion for all things

human, especially children, saw her joining the Sexual Offences and Community Affairs Unit in 2003.

"I always get what I want, especially in dealing with cases concerning children.

"These are very close to my heart and I always make sure the accused gets prosecuted.

Maoke recalls one case which stands out in her mind.

It involved a child who contracted HIV-Aids during a rape and later died.

"What touched me about this case was the manner in which the child had been molested. She had been sent by a neighbour to go buy alcohol.

"She then returned to find a man with the neighbour. The neighbour, who happened to be a family friend, undressed and opened the child's legs for the friend to rape her.

"They were both HIV-positive and hoped that the child would cure them," says Maoke.

The case dragged for years and it was during this period Maoke had what she describes as a near-death experience.

"I got involved in quite a hectic car accident that kept me from work for almost a year.

"I was determined to conclude this specific case, so when I returned that's what I focused on.

"I then found out the child had died. I did not know then that the accused were HIV-positive and they had infected the child.

"It was a very difficult time. I was more determined than ever to see the two accused prosecuted."

"I look forward to arguing with attorneys as this I find very challenging."

Maoke admits that although it is very fulfilling, her current position does not challenge her any more.

"I feel I've achieved what I possibly can as an advanced prosecutor."

Being a prosecutor makes you unpopular with a lot of people, especially those you've prosecuted.

Maoke recalls an incident when she was chased by a person she had convicted.

"I must say that was very frightening but luckily I got to a safe place before he could get to me.

"I guess it comes with being a prosecutor," she says.

Maoke also stressed how important every case is to her and how she always does her best to ensure the accused are convicted.

"Getting awarded last year as the best advanced prosecutor in the whole of Gauteng confirmed that I needed to move on," she says.

"I will be handling more complex cases. I look forward to arguing with attorneys as this I find very challenging.

Maoke hopes that working as an advocate will give her enough experience to be a senior prosecutor.

"I'd love to go back to the SOCA Unit, in a few years time, but I'll only do so as a senior prosecutor," says Maoke.

They're judges in the making

Two women members of the Asset Forfeiture Unit (AFU) are to become judges.

Nomonde Mngqibisa and Elizabeth Baartman are part of a programme launched by the Department of Justice and Constitutional Development which aims to train aspirant women judges.

The two are part of the first group of 19 women chosen from 300 applicants to participate in the programme.

The programme is aimed at fast tracking the number of women judges. At the moment, women make 16% of the total number of judges in South Africa.

While Baartman says it never crossed her mind that one day she would be a judge, Mngqibisa says it has always been her dream.

“I see the law as a tool for social change.”
– Nomonde Mngqibisa

“Initially it wasn't a serious thought but as time went by I anticipated that a time would come when I would be a judge, Mngqibisa says.

Both women are acting Deputy Directors in the AFU. Mngqibisa is based in Johannesburg and Baartman is in Cape Town.

Baartman says many have been slow to recognise that women can be judges too.

“The wheels of justice have been slow for many things and the recognition of women as an important part of the fight for justice has been overlooked. But with this programme women are sure to catch up.”

Mngqibisa says it is high time women occupied their rightful place in the dispensing of justice in our country.

“With more and more women involved in this field it could also bring a different perspective on how some of our laws are interpreted and the sentences meted out for some of the crimes committed,” she says.

They both feel humbled and honoured to be part of the first group to participate in the programme.

“The fact that Elizabeth and I were the first prosecutors participating in this programme makes me feel that I was not wrong joining the NPA because it has proved to be an organisation which encourages the growth and empowerment of women.

“It is also as an organisation which has embraced the national constitutional imperative of transformation so that

Nomonde Mngqibisa and Elizabeth Baartman are taking part in a programme to train women judges



RING THE CHANGES: Elizabeth Baartman aims to become a judge.



AMBITION: Nomonde Mngqibisa always wanted to be a judge.

women, too, can reach their full potential without any barriers,” she says.

Baartman agrees, “I am part of an organisation that embraces transformation and gives effect to its constitutional obligation. I am hoping to make the NPA proud.”

Baartman started out as a prosecutor at the Wynberg Magistrate's Court in Cape Town. In 2003, she was in charge of both the criminal and civil courts in Wynberg.

“I have always wanted to be in this profession and law seemed to suit my personality,” says Baartman.

“I am hoping to make the NPA proud.” – Elizabeth Baartman

Mngqibisa has mainly been involved in academia and started a private practice after passing her Bar exam.

She is chairperson of the Gauteng Development Tribunal and has handled many arbitrations for the bargaining sector.

Mngqibisa says she was drawn to the profession by her love for justice, fairness and equity. She also saw the law as a tool for social change.

“It was a sense of furthering a commitment to the rule of law and the fact that lawyers stand as a last line of defence between disorder and order and are the pillars of civilisation.

“I felt that I had a small contribution to make in the fight against the prevailing injustice,” she says.

Specialised units are closing the net on tax dodgers

Four regional offices have been set up in partnership with the revenue service.

Failing to file tax returns, under-declaring income and general fraudulent behaviour could lead to one being prosecuted by the Specialised Tax Units (STUs) of the National Prosecuting Authority (NPA).

A partnership in 2003 between the SA Revenue Service (Sars) and the NPA led to the establishment of four Specialised Tax Units in Johannesburg, Pretoria, Cape Town and KwaZulu-Natal.

The units fall under the regional offices of the Directorate of Public Prosecutions in the areas in which they are based.

Deputy Director of Public Prosecutions Adv Johan van Heerden heads up the STU for the Pretoria region, Adv Kevin Rossouw in Cape Town, Adv Themba Majoli in KwaZulu-Natal and Adv Mona Naidoo in Johannesburg.

"With Sars' drive to increase tax collection and compliance, there was a need for enforcement, hence we decided to establish the STUs," said Majoli.

The Specialised Tax Units work with Sars' criminal investigation section

The STUs work with Sars' criminal investigation section, which is made up of ex-SAPS officers, chartered accountants and forensic auditors.

The criminal investigation section gets the dockets and investigates while the STU provides a prosecution-guided investigation. Preliminary investigation is done by Sars which gives the STU a summary of its findings.

"Once presented with the findings, we determine whether the matter should go forward. The STU then provides guidance.

"After the investigations are complete, the STU peruses the docket and a decision is made whether to prosecute or not," said Majoli.

The STU deals with a range of



cases emanating from the Sars criminal investigation section.

"We get the ordinary cases of people who don't file their VAT, income tax or PAYE returns. If these people continue to be negligent after repeated warnings, they are summoned to court.

"There are also those who file returns and who are assessed by Sars as owing money. If they refuse to pay, Sars hands these cases over to the CI section," Majoli added.

In cases like this most people sign a payment-structure agreement with Sars and the STU processes the court orders.

"Also common are fraud cases where we have people under-declaring their income," said Majoli.

Durban's port is one of the busiest in South Africa and Majoli's unit deals with customs and duty-related tax fraud.

"Round tripping is a common tactic. This is when goods arrive at our ports and the clearing agent tells Sars that they are destined for neighbouring countries.

"Due to trade agreements between South Africa and these countries, custom duties are waived when goods are in transit.

"However, what happens is these goods never leave our borders. This happens quite commonly with the importing of motor vehicles," Majoli said.

The STU based in Pretoria has to deal with the smuggling of cigarettes into South Africa over the Zimbabwean border.

"These come through in trucks or even over the Limpopo River. It's a major problem and we have new cases every week," said Van Heerden.

The STU in Johannesburg also handles cases of VAT fraud.

"This is where we have people using the

country's fiscus as a sort of income.

"They create fictitious business entities and put in claims for fictitious VAT.

"It's very common in Johannesburg, where people buy a whole lot of shelf companies and then put in VAT claims every month," said Naidoo, who is a deputy director of public prosecutions for Johannesburg and head of its STU.

Of the 513 case prosecuted in the courts, 447 had a guilty verdict

"We've also had instances of high-profile people and celebrities who earn millions and don't register for income tax," Naidoo said.

Another scam is "ghost-tripping".

"All exported goods are zero-rated – this means that no VAT is payable for them. Some companies pretend that the goods have left the country and as such fail to pay any tax on them," said Naidoo.

Each advocate on the STU is expected to complete 48 limited scope-matters every 12 months. They also have to complete 24 medium to complex-scope matters.

And it looks like their hard work is paying off. The STUs performance for the period 2006-2007 included 513 prosecutions, up from 382 prosecutions in the previous financial year.

Of the 513 cases which were prosecuted in the courts, 447 had a guilty verdict.

A total amount of R38,1 million had to be paid back by those convicted, as well as R6,7 million in fines.

PUBLIC PROFILE

ON SHOW: Prosecutors from Pretoria showcased NPA services at this year's Pretoria Show from August 25 to September 2. Acting National Director of Public Prosecutions Advocate Mokotedi Mpshe was also there to engage with the public and inform them about the NPA and other stakeholders working to reduce crime in the country.

EXCELLENT WORK

REWARDED: Prosecutor GE Xulu receives an award for the best performing court from Control Prosecutor D Peverret. Durban District Court Prosecutors were recently given awards in recognition of excellence in their work. Senior Prosecutor Sunill Prithipal says that this is part of an effort to motivate employees and encourage excellence.

Students educated about crime

Prosecutors from the Johannesburg Magistrate's Court and the University of Johannesburg's (UJ) Department of Crime Awareness and Prevention joined forces recently to educate students about fighting crime.

A Crime-Free Day was held to raise awareness about minor crimes, called B crimes, including public indecency, stealing, common assault and urinating in the streets.

"These are less offensive crimes but are however committed by the majority of perpetrators so it is our duty as law enforcers to ensure there is education," senior prosecutor Suren Naidoo said.

The event came at the request of students, especially those living in residences.

There was huge turnout by students who not only wanted to learn about crime but also about the prosecution profession.

NGOs and counsellors were there to inform students that they are available to help victims of crime.

Campus investigating officer, Ursula Smit, said everybody has to play a role in stopping crime.

"Community engagement is necessary and this project is the first of many trying to educate students across all five campuses



HANDS OFF: University of Johannesburg students learn self-defense.

of the UJ that crime does not pay.

"It is also important for students to know who to contact when in need," Smit said.

Roelof Hugo, co-ordinator of Protection Services at the University, said he was very happy at the outcome of the event and was hoping to get the message across to the 38 000 students across all UJ campuses.

Cindy Grobelaar of the Against Crime Together (ACT) campaign was at the event.

"ACT was started last year as our way of fighting B crimes and bringing the people who commit these to book," she said.

"The campaign looks to find all those

perpetrators of B crimes arrest them and sentence them to go into rehabilitation.

"We realise they are not just perpetrators but also victims and require help as well."

Former UJ student who is now a prosecutor, Cheryl Coombe, stressed the importance the Crime-Free Day.

"Not only is it important for students to be aware of the dangers of crime but it is important for them to learn to become law enforcers by going into prosecution.

"We need to realise the importance of educating our youth as they're going to be law-enforcers of tomorrow," she said.

Notices

DPP NORTHERN CAPE

Appointments

- Dina Gwamba – Principal Admin Ass: HR
- Naptally Chuma- Advanced District Court Prosecutor
- Koliwe Mzameli- Advanced District Court Prosecutor
- Henry Wolfkop – Avanced District Court Prosecutor
- Donald Maruping – Advanced District Court Prosecutor
- Yvonne Van Vuuren – Regional Court Prosecutor
- Vuyiswa Nkomombini – Principal Admin assistant: General

- Lennox Tshikotshi – Head Control Prosecutor 1
- Tebogo Rangwaga – Maintenance Prosecutor

Promotions

- Carlene Lottering – Principal Admin assistant: General
- Moizelle Carsterns – Senior Public Prosecutor

DPP GRAHAMSTOWN:

Birth notices

- A girl to Nomsa Mgijima
- A boy, Matthew, to Anthony Bean

Appointments and promotions

- Bernadette Gounden promoted to Senior Admin Assistant: General
- Andiswa Qamba promoted to Assistant Manager: HR
- Nataly Basson promoted to Advanced Deputy Manager
- Victor Mthini, appointed as Senior Messenger
- L Makoyi appointed as Regional Court Prosecutor, Queenstown
- T Sellem promoted to Advanced District Court Prosecutor, Queenstown
- L Stungu and MPZ Mpako promoted to State Advocates in the Tax Unit: DPP Grahamstown



Send your news – serious and funny – as well as letters to the editor to Khasho at pkotane@npa.gov.za
Alternatively, fax your stories and information to Phumzile Kotane at 012 843 2141

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