

# KHASHO

NEWS

2<sup>nd</sup> Edition



## FEATURED INSIDE

- > AFU returns millions of rands back to rightful owners
- > Shaking up prosecutions one case at a time
- > Training of law enforcement agencies on how to handle GBV cases
- > 2022 VGM Sports Day in pictures



National Prosecuting Authority  
South Africa

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## Acknowledgements

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### Published for the NPA by:

Milk Brown Design and Communications  
[www.milkbrowndesign.co.za](http://www.milkbrowndesign.co.za)



# Letter from the Managing Editor

The cover of this edition is a wonderful reflection of the “woman-power” in the NPA, just as we come out of celebrating Women’s Month in August. Our latest gender statistics, at all levels of the organisation but mostly at the top, tell a great story of transformation and women empowerment.

This puts the transformation agenda of the NPA in the spotlight and we trust that the NPA will maintain its transformation trajectory. If only we were able to capture all the NPA women in this one picture!

In keeping with the Women’s Month theme, Khasho provides this particularly important Leadership Corner platform to one of the fierce women leaders of the NPA, Advocate Ouma Rabaji-Rasethaba as she shares with us insights about the work and the strides the AFU is taking in entrenching its

popular slogan, “ensuring that crime does not pay”.

In our efforts to assess the impression of other NPA women about the NPA’s transformation progress, Khasho went around to solicit staff views on the subject. Read about what they have to say when asked what it means to be a woman in the NPA in 2022. We also bring you articles where our prosecutors successfully prosecuted hard core gender-based violence criminals and other prevalent crimes in the country.

We hope you find this edition enlightening and empowering. Please share your feedback and insights as well as possible stories that deserve to be shared with the NPA community, at [khasho@npa.gov.za](mailto:khasho@npa.gov.za)

Best Wishes!



## Leadership Corner

By many accounts, the NPA’s bold actions on the state capture front are bearing fruit for all to see. It has become clear, especially to those who know that they have a case to answer about their complicity or as enablers of state capture, that impunity is no longer a given as the wheels of justice start to turn.

Over a month ago we inspired public confidence when the Asset Forfeiture Unit (AFU) was granted a preservation order against the assets of Optimum Coal Mine, worth over R3,4 billion – the biggest amount ever achieved in the history of the NPA. This amount is a conservative valuation – curators have evaluated the assets at around R8 billion. The case illustrates how funds were, in effect, part of the elaborate “washing machine” used by the Gupta family and their associates to launder billions of rands of money and take them out of the country. The stolen was money destined to provide basic services and infrastructure to the poor; money that would have been used for sustainable development which would have closed the inequality gap.

The case demonstrates the multifaceted nature of the NPA’s response to complex corruption matters, which includes civil processes to preserve assets with the ultimate aim being to bring back the money stolen and looted during the state capture years.

In a case that is featured in this edition of Khasho, we report on the powers of the AFU to ensure that crime does not pay, even acting on behalf of another country, the Lesotho government, when they were being defrauded of their state funds in nefarious transactions in South African banks that were picked up as illegal through our country’s National Treasury.

These are just a few of the matters that reflect the high-level strategic focus of the AFU to dial-up to the state capture and corruption-fighting space.

The new asset recovery strategy recognises that business-as-usual interventions that the AFU uses in conventional asset recovery will not offer much success in the state capture corruption asset recoveries. The interventions proposed are a recognition that the NPA needs to undergo a paradigm shift in its interventions if it is to make effective inroads in dealing with corruption.

The medium-term interventions will focus on strengthening asset forfeiture expertise, including building in-house capacity to bring back stolen money that has been transferred overseas.

I am proud of the AFU successes that we are sharing in this issue of Khasho and look forward to more showcases in the upcoming editions.

“Ensuring that crime does not pay” will become the mantra for the entire NPA, not just the AFU, to reflect a stronger and more effective collaboration between prosecutions and asset forfeiture. Asset forfeiture is a critical part of the state’s arsenal against the scourge of corruption, but unfortunately its performance declined during the period of state capture as all important institutions were systematically decimated for the state capture project to thrive. We will also share more bold and innovative mechanisms that will not only make sure that those responsible for state capture and corruption are in orange overalls, but we must also ensure that we reclaim funds stolen from our fiscus.

We are particularly proud about our successes in state capture matters. The AFU already initiated action against state capture matters before the Zondo Commission commenced. These early successes are now further bolstered by orders in cases emanating from the Zondo Commission. To date we have achieved the following results:

Freezing orders (Preservations and Restraints):	R12 355 738 368,24
Confiscations:	R599 783,00
Forfeitures:	R2 854 808 275,00
Recoveries	R2 850 266 885,38

The AFU is prioritising the recovery of proceeds from state capture together with the Investigating Directorate and hope to announce some more great successes soon.

It is very important for us to share our work with the public, but also internally as we inspire and encourage one another to do more and better in the way that we provide the all-important service of delivering justice.



# NPA's VOW TO FIGHT GBV+F PAYS OFF AS SERIAL KILLER IS SENTENCED TO SIX LIFE TERMS AND 17 YEARS IMPRISONMENT

*Eric Ntabazalila*  
RCM: Western Cape Division

**The NPA has recommitted itself in the fight against gender-based violence and femicide and the pledge to root out this scourge is already paying dividends as serial killer, Brian Mudyiwayana, has been sentenced to six life terms and 17 years imprisonment.**

The High Court of South Africa: Western Cape Division sitting at Swellendam Magistrates' Court, convicted Mudyiwayana for the premeditated murders of Moleboheng Mafata, Gladys Ntondini, Grace Nyasha Hondo, Naume Gwengwe, Lungelwa Dangatye and Michael Pekaani. He was also convicted on a count of robbery with aggravating circumstances, and two counts of the Contravention of the Refugees Act, 130 of 1998.

Delivering the sentence, Judge Derek Wille said gender-based violence in South Africa has regrettably reached pandemic proportions. "In my view, an unambiguous message needs to be sent to offenders who participate in gender-based violence and crime. The circumstances of this particular case demand that the offender, for all practical purposes, is permanently removed from society. Further, without rehabilitation, I do not envisage how parole would be appropriate in the circumstances of this case. This is however an issue for the prison authorities."

Senior State Advocate, Megan Blows meticulously dealt with the case as the Zimbabwean national who goes by two names, Brian Mudyiwayana and Linos Munodawafa, denied any responsibility for his actions, blamed them on muti and showed no empathy towards his victims and their families.

Her arsenal included Lieutenant Colonel Elamrie Myburgh, a veteran of 28 years in forensic investigation and investigative psychology, who declared Mudyiwayana as a serial killer motivated by power, control and excitement.



*Senior State Advocate Megan Blows*

The Federal Bureau of Investigation (FBI) defines a serial murder as being when an offender is motivated to murder of two or more victims. The murders occur at different times and there is a cooling-off period between the murders. The motive is not primarily for financial gain, nor the elimination of witnesses to another crime.

International literature indicates that serial offenders, and in particular serial murderers, cannot be rehabilitated and that there are no specific nor widely accepted, successful rehabilitation programmes for serial offenders. As a result, numerous examples exist of offenders who, when released from prison, continue to re-offend. The accused's history of manipulation, denial of responsibility and lack of insight reduce his rehabilitation prospects and the possibility that he can benefit from interventions at this time.

"The accused has never shown any remorse for the crimes. As a result, he showed no empathy towards the victims or their families, and has no remorse for his actions. The accused showed no emotion when he spoke about the crimes he has committed. He is unwilling to accept responsibility for the crimes but blamed it on the "muti" he allegedly used, which made him commit the crimes. His demeanour can be described as arrogant and dismissive, as he showed no concern for his current legal situation. I found him to be manipulative and deceitful, and lying comes easy to him."

Adv Blows shared the same sentiments saying Mudyiwayana took advantage of poor, vulnerable and unemployed women who he promised employment opportunities only to betray them and failed to take responsibility for that betrayal.



*Brian Mudyiwayana in court*  
Photo: News 24

# NHLANHLA SIBIYA GETS 2 LIFE TERMS AND AN ADDITIONAL 42 YEARS ON 2 CHARGES OF RAPE

Phindi Mjonondwana  
RCM: Gauteng Local Division

*The Vosloorus Magistrates' Court sentenced Nhlanhla Sibiya (25) to 2 life terms and an additional 42 years for 2 charges of rape, 3 for attempted murder and kidnapping. He was arrested by members of the Vosloorus SAPS that were on routine patrol on 02 June 2022. They noticed a suspicious taxi parked on the side of the road and upon closer inspection, Sibiya alighted and told them he was having intercourse with his partner. The woman disputed this and told the police she has been raped.*

Earlier that day Sibiya's taxi had hit the 20-year-old victim, who was in the company of her cousin. He then offered to take the injured woman to hospital but instead took her to a different location to rape her.

Khasho spoke to Ntombi Mbonani, Regional Court Prosecutor in Vosloorus who prosecuted the case:

**Kindly share with us the feelings or emotions you go through once justice is delivered to a rape victim.**

Rape matters are often difficult to prove as they happen in secluded/ private spaces.



**Regional Court Prosecutor, Ntombi Mbonani**

## **How did you manage to prove your case?**

By leading the evidence of both victims who were knocked down by the accused vehicle as well as the evidence of the rape victim. That evidence in conjunction with the evidence of eye witnesses, namely the police, was able to rebut the alibi of the accused that he was not at the scene. The J88 (medical report) was able to prove all the injuries sustained by the victims.

## **What key evidence did you rely upon?**

Leading the evidence of the complainant and the state relied upon the medical evidence and the first report of the police officers who apprehended the accused red-handed at the scene committing the offence.

## **Witnesses in rape cases are often too ashamed or scared to come to court and face the perpetrator/s. Was this the case in your matter? If so, how did you deal with this aspect?**

No, there was no Court Preparation Officer when the trial commenced and I had to prepare the victim myself and take her through the whole court process. I must admit that she was very emotional and broke down several times during her testimony.

**How do you make a violated woman trust and be at ease to relate her story?**

When you consult with the victim you do not judge them and you must have enough time for consultation to gain their trust.

**Would you say the criminal justice system is winning the fight against GBV perpetrators?**

**Please substantiate.**

Yes, our courts do prioritise sexual offences matters. In addition, the sentences that our courts impose relating to such crimes help in encouraging victims to come forward.

**What are the challenges that you are faced with or come across when prosecuting rape cases and what can be done to mitigate them?**

The worst scenario is when a rape victim is persuaded to withdraw the rape charges, resulting in the prosecutor having to convince her otherwise, especially where the rape involves a couple. Another challenge is that victims are often not comfortable and are intimidated by a court environment. To mitigate the fear, the Court Preparation Officer will first lay some groundwork with regards to assisting the victims in understanding the court process and in turn, provide clarity on what is expected of them in court. This process is important in conducting consultation and it assists both the prosecutor and the victim during the trial proceedings. In the case of Sibiya, the victim was determined and ready for justice to prevail.

She broke down a number of times, but the magistrate, Mr Harichand, gave her time to compose herself to show that the courts are user friendly and victims should feel free to express themselves and tell the truth. Remember the prosecutor is as good as their witness; if the testimony is good and truthful, then the case will be successful.



**WOMEN'S SOCIO-ECONOMIC RIGHTS AND EMPOWERMENT:**  
BUILDING BACK BETTER FOR  
WOMEN'S RESILIENCE!

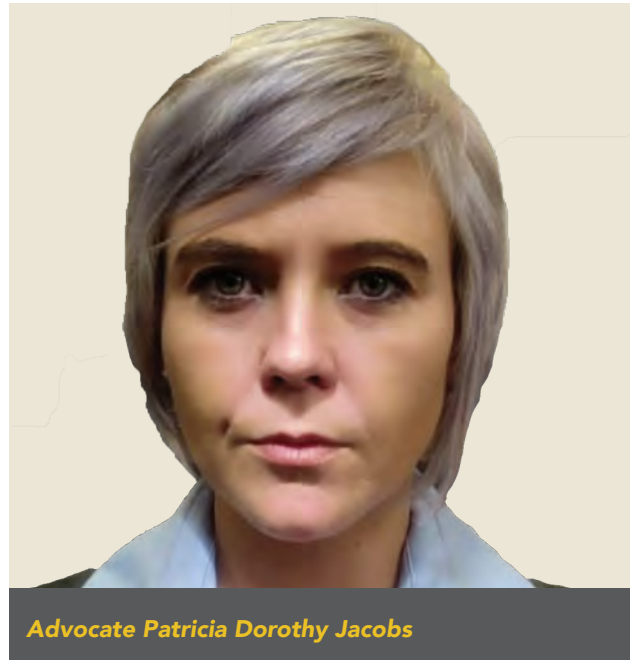
# ZIMBABWEAN NATIONALS SENTENCED FOR SMUGGLING EXPLOSIVES AND ILLEGAL IMMIGRATION

*Mashudu Malabi Dzhangiri  
RCM: Limpopo Division*

*The Musina Regional Court sentenced Zimbabwean nationals, Loveness Mbele (31), Lodrick Chidhakwa (34), and Tongai Mpfu (33), for possession and importation of explosives.*

The accused were arrested on 11 January 2022 at the Beit bridge in Musina. The three accused came into South Africa without being in possession of travelling documents. They also did not pass through the Beit bridge port of entry, and were not examined by an immigration officer. Mbele admitted to the South African National Defence Force (SANDF) that the explosives belong to her, and that Lodrick and Tongai only offered their assistance to carry the bags of explosives in return for payment, as she had difficulty doing it alone. The bags contained six reels of detonating cord, fifty units of blasting cartridges and sixty-five units of connector capped fuses. On 03 March 2022, Mbele pleaded guilty to two counts related to the smuggling of explosives and immigration offences. Chidhakwa and Mpfu also pleaded guilty on charges of illegal immigration.

In aggravation of sentence, state advocate Patricia Dorothy Jacobs indicated to the court that the offences were serious, that illegal dealing in explosives had seriously increased and that syndicate kingpins use young ladies with small children as mules in an attempt to get the court's sympathy. The accused and like-minded persons should be prevented from bringing explosives to South Africa. She further submitted that many illegal immigrants have little or no regard for the laws of South Africa. Furthermore, the country faces a big economic crisis and is barely keeping up with its own residents' basic needs. The court agreed with the submission of



*Advocate Patricia Dorothy Jacobs*

the state. Mbele was sentenced to ten years direct imprisonment for the possession of explosives, ten years for importing explosives, and R5000.00 or three months imprisonment on a count of illegal immigration. Mbele's sentence was ordered to run concurrently with the main count of ten years direct imprisonment. Chidhakwa and Mpfu were sentenced to three months direct imprisonment or payment of R5000.00 fine each.

**The NPA welcomed the sentence and the DPP, Advocate Ivy Thenga, commended the good work of SANDF in Musina and Advocate Jacobs for a sterling job.**





# AFU RETURNS MILLIONS OF RANDBACK TO RIGHTFUL OWNERS

Phaladi Shuping  
RCM: Free State Division

The Asset Forfeiture Unit held a media briefing on 03 June 2022, where they returned R18,6 million syphoned off the Lesotho Government, back to the rightful owners.

**The briefing was attended by law enforcement agencies that were involved in ensuring that crime does not pay. The agencies included AFU, Lesotho Mounted Police, Lesotho AFU, Directorate on Corruption and Economic Offences (DCEO) from Lesotho.**

The media briefing focused mainly on the working relationship between South Africa and Lesotho, which resulted in AFU saving Lesotho over R31 million that was fraudulently deposited into several South African banks like FNB, ABSA, Capitec and Standard Bank allegedly by officials from Lesotho Ministry of Finance. The AFU used the media briefing to hand back the money to Lesotho Ministry of Finance as the rightful owner.

The fraud was discovered by the National Treasury officials from Lesotho during a reconciliation process, and they subsequently contacted the AFU. The AFU investigation discovered that there is R18.6 million that was still in the bank accounts and brought an urgent application for the money to be preserved.

The briefing was attended by NPA senior officials, Deputy National Director of Public Prosecutions, Adv Ouma Rabaji-Rasethaba; DPP, Adv Navilla Somaru; Regional Head of AFU, Adv Thato Ntimutse and Lesotho's Director General & Head of AFU from Directorate on Corruption & Economic Offences, Adv Defako Seema.

Advocate Seema explained that the Treasury official discovered that the Ministry of Finance official allegedly involved in the scheme, used vouchers that had been generated by the integrated financial management system to create invoices that were submitted for payments. The alleged perpetrators made misrepresentations to the government that they provided services whereas they did not, and the government acted on those invoices and made payments.

"The scheme was committed in South Africa and the accused laundered the money in the South African



**From left to right: Adv. Bishum Somaru (Senior Advocate: AFU), Adv. Navilla Somaru (DPP Free State), Adv. Priya Biseswar (Special Director: AFU), Ms Phumelele Simelane (PA to DNDPP), Adv. Ouma Rabaji-Rasethaba (DNDPP, and Adv. Thato Ntimutse (Regional Head: AFU) with a cheque that was handed to Lesotho officials.**

jurisdiction in order to conceal the proceeds and avoid detection by the Lesotho authorities. Once the funds were transferred, perpetrators made various transfers into various accounts and purchased luxurious properties", said Seema.

Advocate Seema applauded the Regional Head of AFU, Advocate Thato Ntimutse, for his speedy response to their request for assistance in tracing the money that was deposited into the South African bank accounts because they managed to preserve R18 million which could have also been hidden by the perpetrators had there been a delay in responding to their request.

Advocate Ouma Rabaji-Rasethaba said that the AFU must work hard to demonstrate that crime does not pay because people will not mind being arrested, going to jail and coming back to enjoy the proceeds of crimes.

"We have a duty to ensure that people do not live lavish lifestyles at the expense of poor people because they use their ill-gotten gains to buy expensive properties and high value cars with the money looted from state coffers. If we work together, like we did in this case by collaborating with other law enforcement agencies, we will be able to send a strong message to criminals that crime does not pay".

Rabaji-Rasethaba said looting state coffers makes it impossible for government to provide basic services to the people because that money was meant to build schools, infrastructure, and roads. She said the teams of all the agencies that were involved in the case and present at the media briefing have shown that they can deal decisively with criminals by ensuring that cross border and illicit flows of money are not allowed.

"Criminals are now aware that the Free State is a no-go area, and they will want to take their criminal acts to other provinces, but we must go beyond just training and networking and meet regularly in all the provinces. Criminals must know that we are all over Southern Africa watching them and making sure that crime does not pay.

As a parting shot, Adv Rabaji-Rasethaba, encouraged the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA) to continue to collaborate in terms of sharing information and best practices as that will strengthen the fight against crime in the southern part of the continent.



# SHAKING UP PROSECUTIONS ONE CASE AT A TIME

Lumka Mahanjana  
RCM: Gauteng Pretoria Division

*For an organisation to thrive, it needs dedicated and committed employees. Advocate Willem van Zyl, is one such employee from the time he joined the Pretoria Specialised Commercial Crimes Unit during its inception in 2001.*

For the first 6 months of 2022, Adv. van Zyl was able to secure four convictions on some of the most complex cases. One of his notable cases is where former Ekurhuleni Municipality employees and businessmen were collectively sentenced to 36 years direct imprisonment for fraud, corruption and possession of proceeds of unlawful activities worth R21.8 million.

The municipality officials in the matter failed to disclose their relations with the businessman who received the tender to provide IT services for the municipality. The proceeds from the tender fraud was used to purchase luxury cars and trucks worth R12 million.

When asked what challenges the prosecution faced in proving its case, Adv van Zyl said: "The case took more than eight years to finalise and the accused were not prepared to admit anything", which meant he had to go on trial to prove the case beyond reasonable doubt. "The defence made several interlocutory applications and filed several reviews at the high court. I had to go through seven arch lever files" he added. "However, it helped that I received a completely investigated case from the Special Investigating Unit (SIU). If it was not for the completeness of investigation by the SIU, the case would have taken a longer time to be even enrolled. Therefore, I appreciated their assistance and cooperation. Overall, I enjoyed prosecuting this matter because it contained different aspects of law", he concluded.



Advocate Willem van Zyl

When asked what he is currently busy with, he said he is working on the Digital Vibes: Municipal Infrastructure Support Agency (MISA) corruption case, as a lead prosecutor, the State vs Vanderburg case of 107 counts of fraud and State vs Stroh case with a charge of theft worth R3.1 million, which they are all currently in court. When asked what keeps him going, he said, "justice being served to the victims of crime".

The Director of Public Prosecutions in the Pretoria Division, Adv Sibongile Mzinyathi said fraud and corruption has become a norm in South Africa. Every front page of a newspaper and every time one switches on a radio or television all you see or read about is corruption. Getting such a sentence from the division is a true reflection of the dedication of the team I am surrounded by. Therefore, it prides me to have prosecutors that shake up prosecutions one case at a time.



# ADVOCATE CLOETE TACKLES THE CASE OF THE MURDER OF LEON BRITS

Mojalefa Senokotsoane  
RCM: Northern Cape Division



Advocate Hannes Cloete

On 07 October 2020, Leon Brits, a well-known hotelier from Pofadder, was found murdered at one of his properties. His body was found in a swimming pool. A multi-disciplined team of detectives and members from the South African Police Service, under the command of the late Brigadier Dick De Waal, investigated his murder.

**As a result of the investigation, four accused, including the wife of the victim, were arrested.**

The murder of Leon Brits and the subsequent arrests, trials, and sentencing of all those involved, captured the attention of the Namaqualand area and became the

biggest story in the small Karoo town of Pofadder in recent times.

Senior State Advocate Hannes Cloete became the face of prosecution, as he was assigned to handle the trial.

A certain Jacques Van Vuuren was arrested first. He was later sentenced to 20 years direct imprisonment after a formal plea agreement was reached. Van Vuuren became a state witness and as such, played a critical role in ensuring that there is justice for Leon Brits.

Advocate Cloete, also handled the bail application of the wife of the deceased, Suretha Brits. It was revealed that she was the instigator and the mastermind behind the murder of her husband. The state, through Advocate Cloete, successfully opposed Suretha Brits' application for bail. Her appeal against the refusal of bail to the Kimberley High Court was also unsuccessful.

Suretha Brits eventually decided to plead guilty to the charges of murder and aggravated robbery. In terms of a formal plea agreement, she was sentenced to 25 years imprisonment on the count of murder and 15 years on the count of robbery. The 15 years sentence for robbery was to run concurrently with that of murder. Suretha Brits and Van Vuuren were witnesses in the trial against the remaining two accused, Amantle Bareki and Enrich Williams.

The trial of Bareki and Williams commenced in the Circuit Court, Upington on 22 November 2021 and was completed on 03 February 2022.

They were convicted of murder, robbery with aggravating circumstances as well as the unlawful possession of firearms. The trial ended with the court sentencing the two of them to life imprisonment for murder, 15 years imprisonment for robbery and to 10 years imprisonment for unlawful possession of firearms.

The National Prosecuting Authority acknowledges the role that was played by the late Brigadier De Waal, Colonel Wilmo Vermeulen, and Lt-Colonel Piet Benade in ensuring that the killers of Leon Brits were successfully prosecuted.



Suretha Brits, wife of murdered Leon Brits in court  
Photo: News 24

# AFU GRANTED A RESTRAINT ORDER AGAINST R20 MILLION WORTH OF PROPERTIES BELONGING TO THE NMBM INTEGRATED TRANSPORT SYSTEM CORRUPTION ACCUSED

Luxolo Tyali  
RCM: Eastern Cape Division

*“Corruption is a global problem, which impacts directly on the poor. It corrodes the ethos of democracy at all levels and sectors of society, depletes scarce resources and is an example of abuse of position and authority.” These were the words of the Eastern Cape AFU Regional Head, Dr. Chris Ndzengu, upon*



*granting of a provisional order over properties totalling R20 million, relating to the R100 million Nelson Mandela Bay Metro (NMBM) Integrated Public Transport System (IPTS) by the High Court of South Africa, sitting in Gqeberha. The properties belong to the ten accused persons and entities charged with corruption, fraud, money laundering and racketeering in the matter.*

The order was obtained in terms of the Prevention of Organised Crime Act (POCA). The ten accused and entities are:

1. Mhleleli Mlungisi Tshamase
2. Walter Shaidi
3. Fareed Fakir
4. Rukaard Abrahams;
5. Andrea Wessels;
6. Nadia Gerwel;
7. David Le Roux
8. Le Roux Inc. (of which David and his brother Abraham, both practising attorneys, were Directors)
9. Zandisile Joseph Qupe
10. Thando Ngcolomba.



The criminal trial against the accused is due to commence in the Gqeberha High Court on 18 January 2023. It is alleged that they operated as a syndicate to facilitate irregular payments, from the NMBM to various bank accounts belonging to them and their criminal contacts, by submitting fraudulent invoices which were settled without hesitation by implicated officials who manipulated the municipality's processes. As part of the conspiracy, private business members accepted laundered money from irregularly appointed service providers who were paid grossly inflated contract amounts.

Tshamase was the project manager of the IPTS, with Shaidi employed at the NMBM as the Executive Director: Infrastructure and Engineering, and under whose directorate the IPTS office and project reported. Fakir, Le Roux and Le Roux Inc. all played a central role in the R100 million loss suffered by the National Treasury through NMBM.

### COMMENTARY BY ADVOCATE

#### Warren-Mark Myburgh

"This matter first came across my desk during 2015. An asset check was performed and it was verified that the suspects (at that stage) had ample assets. However, the criminal investigation was far from completed. Crucial to approaching it was for AFU to work closely with the Directorate of Priority Crimes Investigations (Hawks), South African Police Service investigators and Deloitte Forensic personnel.

From the outset, when dealing with a complicated and voluminous docket like this, one has to prepare and peruse with the sole goal of what one has to prove. That is fundamental not only in asset forfeiture/asset recovery matters but in all matters.

Time frames within which certain goals would be accomplished were agreed upon between AFU, the Hawks and Deloitte investigators.

Time was also spent on eliminating certain information which was irrelevant and did not advance our case.

The only real challenge I faced was the time it took to complete the criminal investigation. This was due to there being numerous witnesses and a massive amount of bank statements which had to be analysed.

Lesson learnt is to never get excited about a matter as this excitement will wane. Rather, concentrate on the little victories and take it a day at a time. Work methodically and meticulously and leave nothing to chance. Ensure that there is quality and accuracy in your work. Have a quality check regime in place. This must be your benchmark.

Commence drafting of pleadings as soon as possible with a goal towards the final product.

Be open to criticism and wise advice.

I wish to thank the DPCI and Deloitte investigators for their meticulous investigations.

I also wish to thank AFU, EC Regional Head, Dr. Chris Ndzengu, for his invaluable input and suggestions, as well as his encouragement and always setting a high standard. A better and more competent superior will surely be hard to find".

# SENIOR STATE ADVOCATE SECURES A LENGTHY JAIL TERM FOR SERIAL RAPIST

Henry Mamothame  
RCM: North West Division

*The High Court of South Africa; North West Division, sitting at the Ga-Rankuwa Regional Court, sentenced Sbongiseni Njabulo Ngwenya (24), to five life terms for rape and a cumulative 300 years for other serious offences that include other rape offences, housebreaking and robbery with aggravating circumstances.*

Ngwenya was found guilty on 39 counts of which 16 were for rape, 9 for armed robbery, 13 for housebreaking and 1 for attempted murder.

The court that declared him unfit to possess a firearm, ordered that he be listed in the register of sexual offenders, and was declared unsuitable to work with children. He made an application for leave to appeal, which was heard on Friday 27 May 2022 and subsequently dismissed. Ngwenya was arrested in September 2018, following a series of crimes reported to the police by his victims.

In what he describes as one of the most horrendous cases that he had to deal with, Adv. McDonald Ndimande is grateful to have worked with an experienced team of investigating officers Moloantwa Rapakgadi and Sergeant Cathrine Tladi, whose excellent investigative work made it possible for the state to argue its case and persuade the court to rule in its favour. He described the difficulty of having to interview victims who suffered the traumatic experience exerted on them by Ngwenya, who throughout the trial showed no remorse, distancing himself from all the charges leveled against him.

Evidence presented in court revealed that Ngwenya broke into his victims' homes at night, threatened them with a firearm, robbed them of TV sets, cellphones, and money and raped them before fleeing the scene. In all these offences, the victims were violated in their



Advocate McDonald Ndimande

homes. Three of his rape victims were minors aged 12, 14 and 16 when they were violated. He was linked by DNA specimen on the rape cases.

Police reports further revealed that in some instances, Ngwenya was accompanied by Bongani Masuku, as they terrorised unsuspecting women in Klipgat and Winterveld between 2016 and 2018. Masuku is currently serving a life imprisonment for the same offences, and various others that he committed alone. He turned state witness and testified on how they executed their criminal activities with Ngwenya.

Ngwenya initially denied knowing Masuku, but through intensive cross-examination by Adv Ndimande, he conceded that Masuku was the mastermind behind all these offences, as he was only 18 years of age when these crimes were committed. The court however established through evidence presented, that Ngwenya committed some of the offences by himself. On the attempted murder charge, he accosted two girls as they entered their home and their brother appeared from the other room, then Ngwenya shot him in the leg and took the girls to a nearby bush and raped them.

Adv Ndimande, urged the court not to deviate from the minimum prescribed sentence on each of the offences, as the victims were violated in their homes which they consider to be places of safety. "The country is grappling with the scourge of gender-based violence, which needs to be addressed by the criminal justice system, and society is heavily reliant on us to protect them from criminals like Ngwenya", he argued. Judge Rose Nonyana, agreed with the state and alluded to the public outcry on the prevalence of rape and that their hopes are pinned on the courts to deal with such cases as well as gender-based violence.

The Director of Public Prosecutions in the North West Division, Dr. Rachel Makhari Sekhaolelo, lauded Adv. Ndimande, Sergeant Moloantwa Rapakgadi and Sergeant Cathrine Tladi, from the SAPS for their collaboration in securing convictions. "The hopes of our people are pinned on the criminal justice system to fight gender-based violence and such convictions will be a deterrent factor to wannabe offenders", she said.

Advocate McDonald Ndimande sadly passed away on 14 August 2022, after a short illness. The NPA conveys its condolences to the family, friends and colleagues. May his soul rest in peace!

# GUNMAN SENTENCED TO 80 YEARS IMPRISONMENT

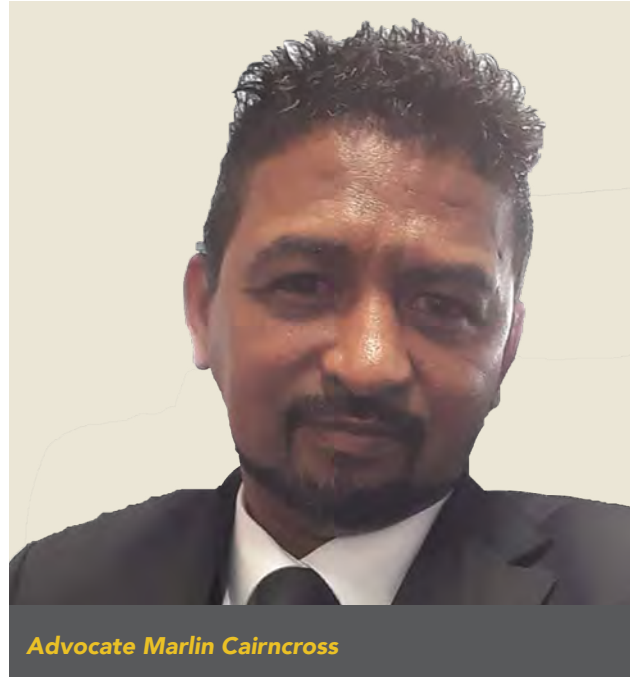
Monica Nyuswa  
RCM: Mpumalanga Division

*The Piet Retief Regional Court convicted and sentenced Xola Booi (39) from East London in the Eastern Cape to 80 years effective imprisonment for three counts of attempted murder, attempted robbery with aggravating circumstances, unlawful possession of unlicensed firearm and unlawful possession of ammunition.*

**These crimes were committed in two separate incidents in Piet Retief. In one incident which happened on 05 January 2019, the accused and another unknown male entered the complainants' shop under the pretext of buying food. Once inside, the accused produced a firearm and demanded cash from the complainant's wife. The wife started to scream then the accused fired shots towards both at close range and fled the scene. Eleven days later, an employee of Pep Stores was performing her duties as a cashier when she noticed three suspicious men, including the accused entering and loitering inside the shop. Suspecting that they were there to rob the shop, she rushed outside and immediately reported her suspicions to a security guard who she coincidentally found in the parking area.**

The accused and two unknown males ran in different directions. While pursuing the accused, the security guard called for backup. Another security officer and some SAPS members responded. On their arrival, the accused started to open fire, which resulted in the police returning gun fire, injuring the accused. He was taken to hospital under police guard. In court, Booi denied having a firearm in his possession and also denied shooting at security officers and the shop owner.

**He further presented an alibi which he claim**



Advocate Marlin Cairncross

**serves as proof that when these incidents happened, he was at his home town in East London.**

The court found the testimonies of the state witnesses trustworthy and reliable.

The court concluded that the evidence was overwhelming against the accused. Booi was convicted on all six counts. Adv. Marlin Cairncross urged the court to consider the accused's criminal record, which includes firearm offences. The court agreed with the contention of the state and Booi was sentenced to an effective term of 80 years imprisonment. He was also declared unfit to possess a firearm. The accused applied for leave to appeal but the state argued successfully against it and the court dismissed the application.

The Director of Public Prosecutions Adv. Nkebe Kanyane welcomed the conviction. She thanked the prosecutor and the investigating officer for representing the state well and presenting a cogent case in court. She further hopes that this sentence will send a strong message that violent crimes will not be tolerated.





# PROSECUTOR'S VIGILANCE ENSURES ROGUE POLICE OFFICER IS SENTENCED

Luxolo Tyali  
RCM: Eastern Cape Division

*For almost ten years, former police constable, Ntshatsheli Nogcantsi (36) played hide and seek with the court before he was eventually sentenced to 15 years imprisonment for raping a 24-year-old woman. The court also sentenced him to five years for kidnapping, but ordered the sentence to run concurrently with the 15 year term.*

**On the day of his sentencing on 22 June 2022, security in court had to be heightened as information was intercepted that there was a plan by his friends, some of whom are law enforcement officers, to snatch him from court. Realising his sentencing was inevitable, Nogcantsi refused to leave the holding cells until he had to be dragged to court half-naked.**

His case dates back to 09 January 2013, when Nogcantsi visited the victim at her home in Matshona area in the district of Ntabankulu. He asked her to accompany him under the pretext that they were to drop off his friend and fetch a jacket at his home. On arrival at his home, Nogcantsi tried to convince the victim to get into his room, even producing his police appointment certificate to win her trust, but she refused. He then drove with her to a nearby forest, forced her to admit on video to having sex with him, and raped her. He then threatened to kill her and her family if she reported the rape. The victim managed to escape by jumping off Nogcantsi's speeding vehicle and broke her arm in the process. She ran to a nearby homestead, where she reported her ordeal to a woman who became one of the state's key witnesses.

When the trial was due to resume, the original docket went missing. State Advocate Chumile Mkentane, and investigating officer, Sergeant Khayaletu Ngomane reconstructed the docket and made five copies, as it was apparent that Nogcantsi was using his connections within the system to stall the trial.



Advocate Chumile Mkentane

The court record and charge sheet also went missing, but the prosecutor had kept backup copies. Nogcantsi's R1000 bail had to be cancelled for him to start cooperating with the court, after one witness had to flee to the Western Cape following threats on her life.

The court dismissed as fabricated lies, Nogcantsi's version that he was in a relationship with the victim and she sustained her injuries from jumping from her father's bakkie after her parents had been angered by discovering their affair. He only came up with his defence after the victim's father died.

## COMMENTARY BY ADVOCATE CHUMILE MKENTANE

This is one case where the accused person did not want to go on trial and pulled all tricks in the book to avoid his day in court. My first challenge was that he was well known by the court staff and other police officers. So, I anticipated that he could attempt to use his proximity and knowledge of the system to his advantage. When the first docket disappeared, my instincts were proven correct and I decided to try to always be at least two steps ahead of him and the people he was working with.

His disrespect for the court by not attending proceedings or arriving late sometimes, changing attorneys continually as well submitting sicknotes every now and then, was becoming more of a frustration. However, as fate would have it, he was arrested on a separate robbery matter for which he was later acquitted. When the accused wanted to be released, I applied for his bail to be cancelled after discovering that one of the sicknotes he submitted was forged and from a genealogist. That brought the much desired progress in the case.

I have learnt through this case that even though we work together with other court officials, not all of them are trustworthy. So, dockets and other important court documents must be kept safe at all material times.

What brought the most satisfaction to me was that the matter was coincidentally finalised on the birthday of the victim, who afterwards texted me thanking me "for giving her the best birthday present ever, and a new lease on life".

## WOMEN'S SOCIO-ECONOMIC RIGHTS AND EMPOWERMENT:

BUILDING BACK BETTER FOR WOMEN'S RESILIENCE!

#WomensMonth2022 #WomensEmpowermentAgenda



## 2022 WOMEN'S MONTH CELEBRATION "WOMEN'S SOCIO-ECONOMIC EMPOWERMENT: *Building back better for women's resilience.*"

As part of celebrating women, Khasho asked some NPA women what it means to be a woman in the NPA in 2022:



**Masekgahli Joyce Mokoena**  
Chief Prosecutor  
Welkom Cluster

To be a woman in NPA in 2022 means that women feel much more secured, empowered, and inspired to do more and to remain dedicated and committed to the organisation. Most women are now appointed in higher management positions than in the olden days. They are now given an opportunity to prove their worth because of their performance and not their gender. They are free to voice out their views and on behalf of others. Women are now in better positions, and they can immensely contribute to decision making and ensure transfer of such decisions into implementation, thus helping the organisation to better its performance.



**Amanda Pienaar**  
Senior HR Practitioner  
HRM & D

I have been appointed at the NPA since 1999. I was then permanently employed in 2000 at the age of 20. I knew then that I have a great privilege as a young woman to serve the NPA and the prosecutors to the best of my ability by helping them to prevent and prosecute crime. As the years went by, I learned that being physically disabled does not prevent me from getting a certain qualification, it does not prevent me from forming good relationships with my colleagues and it certainly does not mean that I am not capable of reaching my goals. Now in 2022 I am an independent woman enjoying what I do and i am always ready for a new challenge.



**Joyce Lindiwe Hlongwane**  
Office Cleaner  
OWP Gauteng

Being an NPA woman means being a fighter, you must be strong and show potential. It also means you have to be fast and unstoppable. It means I am worthy of being alive as we see women die due to violence every day. We are the backbone of this country; we are the fighters and currently fighting against gender-based violence every second of our existence. A woman is worthy of all the treasure of this nature, as we are fighting for survival every day. A woman is a rock and survivor. We are strong, powerful and we must stand together, respect and help each other.



**Sheriza Ramouthar**  
Deputy Director of Public Prosecutions

**DPP Durban office, KwaZulu-Natal**

Being a prosecutor for 29 years now, I have experienced and witnessed many changes in our environment. One of the most important of these is that the NPA over the years has made remarkable progress in empowering women and recognising their abilities to hold leadership roles in the organisation.

Being one of so many women in the NPA in 2022 is a testament to the grit and determination of women to occupy their rightful place in this profession. It is a huge responsibility to be able to harness one's knowledge, experience and compassion to bring some relief to those whose lives have been shattered by the consequences of crime. It is however also a responsibility never to be taken lightly.

I believe learning, growing and self-development must never stop as this will equip us to mentor, coach and encourage team work to ensure the growth of prosecutors, especially women, entering the profession.



**Lindie Swanepoel**  
Administrator: Asset Forfeiture Unit Head Office

If we look back centuries, we find that in the dark ages many women in different cultures were suppressed, treated as commodities, with no voice in decision-making and no role in deciding how social and community life evolved. But empowerment of women made a radical change in the whole situation. This change did not come without its struggles, sacrifices, protests and conflicts. Womanhood is a joyous gift of God to give an active support and contribution to their families first, to the workplace next and the community at large. Women are made in God's image and are valuable and precious in God's eyes.

Today, the NPA is mostly driven by women who are great leaders and that all other women can look up to.

My motto: Don't let the darkness from your past block the light of joy in your present. Don't let your work define you, don't compare yourself to others, don't forget to have fun and don't forget to laugh.

To you as a woman: Speak your mind and not always your heart. Be a rock within the NPA and make women proud.



**Andeline Assam**  
Community Prosecutor  
Gelvandale Magistrates' Court

In October 2021, I was appointed as the Community Prosecutor for Gelvandale Magistrates' Court in Gqeberha. It was not an easy transition from being a court prosecutor to do the work of a community prosecutor but once I embraced my new purpose within the NPA, the passion to really impact the community and make a difference in the northern areas and the same community where I came from became greater than my own original plan for my career. We as women are strong and resilient, I tend to believe that whatever storm we are facing we are built for it, and we have everything inside us to overcome it. To the woman that is being abused, who is at the end of her rope and who suffers mentally and physically, speak up, help is available if you just take the first step to report it to the police, so that justice can be done, and our community can start healing and be empowered.

I must give a special thank you to the women at the Gelvandale Office. We are a small office, mostly consisting of women and one gentleman, and how we support one another daily is remarkable. Motivating, praying, encouraging, and just mainly caring for one another contributes greatly to every success this office is experiencing.



# FINANCIAL ACTION TASK FORCE

Elaine Moonsamy  
Senior Deputy Director of Public Prosecutions  
SCCU

The Financial Action Task Force (FATF), also known by its French name, is an intergovernmental organisation founded in 1989, on the initiative of the G7 to develop policies for Anti-Money Laundering / Combating of Financing of Terrorism and the financing of the proliferation of weapons of mass destruction (AML/CFT/CPF).

The FATF is also responsible for monitoring and assessing compliance with FATF recommendations by countries, and undertakes ongoing reviews of money laundering trends and counter measures referred to as typology exercises.

South Africa became a member of the FATF in 2003, and is one of 39-member countries. The members of the FATF have collectively set international standards for measures which countries should implement to combat money laundering and terrorist financing, with the objectives being, - to promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.

Mutual evaluations are peer reviews that are used to assess countries' level of compliance to the AML/CFT/CPF standards, and identify steps which are necessary for them to increase their effectiveness. Countries undergo these evaluations at regular intervals. The findings of mutual evaluations are geared to assist member countries in strengthening their financial systems, thereby enhancing the integrity of their financial systems.

The mutual evaluation for South Africa was conducted by an assessment team led by the International Monetary Fund and included officials from the Eastern and Southern Africa Anti-Money Laundering Group and the FATF member countries. The assessment commenced in April 2019 and was concluded in May 2021. This was the third mutual evaluation conducted on South Africa, following those conducted in 2003 and 2009.

The Mutual Evaluation Report (MER) of South Africa was finalised, discussed and adopted at the Financial Action Task Force (FATF) Plenary meeting in June 2021 and released on 7 October 2021.



## The mutual evaluation of South Africa focused on effectiveness, which is based primarily on eleven Immediate Outcomes (IOs).

For each IO, there are four possible ratings for effectiveness, based on the extent to which the core issues and characteristics are addressed, viz. high level of effectiveness (the IO is achieved to a very large extent, minor improvements are needed; substantial level of effectiveness (the IO is achieved to a large extent, moderate improvements are needed); moderate level of effectiveness (the IO is achieved to some extent, major improvements are needed) and low level of effectiveness (the IO is not achieved or achieved to a negligible extent, fundamental improvements are needed). Out of the 11 IO's, the following IO's are relevant to the NPA and should be noted as areas where the NPA plays a role:

- Immediate Outcome 2: International cooperation delivers appropriate information, financial intelligence and evidence, and facilitates action against criminals and their assets (moderate level of effectiveness).
- Immediate Outcome 6: Financial intelligence and all other relevant information are appropriately used by competent authorities for money laundering and terrorist financing investigations (moderate level of effectiveness).
- Immediate Outcome 7: Money laundering offences and activities are investigated, offenders are prosecuted and subject to effective, proportionate, and dissuasive sanctions (moderate level of effectiveness).
- Immediate Outcome 8: Proceeds and instrumentalities of crime are confiscated (moderate level of effectiveness).
- Immediate Outcome 9: Terrorist financing offences and activities are investigated and persons who finance terrorism are prosecuted and subject to effective, proportionate, and dissuasive sanctions (low level of effectiveness).

South Africa was placed under a Follow-Up process and is due to submit its first Follow-Up Report (FUR) for discussion at the FATF Plenary in October 2022. From the date of the assessment until the follow-up process, South Africa had 18 months (now 2 months) to address deficiencies identified in the mutual evaluation report.

Cabinet was briefed on the outcomes of the assessment on 01 September 2021, and recognised the findings and weaknesses brought to the attention of the South African government. Accordingly, the government expressed its full commitment to implementing the recommendations contained in the report, and strengthening the entire system for investigating financial crimes, including the fight against corruption.

The country has developed an Action Plan, which is being led by the Financial Intelligence Centre (FIC) and National Treasury (NT). National Treasury chairs an interdepartmental committee of AML/CFT/CPF that is overseeing and coordinating a comprehensive response and the Follow-Up actions to be taken, based on the recommendations contained in the report. Member-departments of the committee include SARS, NPA, SAPS/HAWKS and the FIC. National Treasury is tasked to report regularly to Cabinet on the country's progress.

The NPA in the recent years has been working hard to deliver on its priority areas, one of which is serious corruption and complex commercial crime cases. Flowing from that, is the acknowledgement that NPA has a crucial role to play in combatting money laundering and terror financing. We've been rebuilding and upskilling the organisation to meet the growing demands for accountability in this country.

In terms of effectiveness, the NPA has made efforts to effectively deal with the prosecution of money laundering and terror financing through improving its operational capacity and prioritisation strategy.

In the past 2 years, the NPA's coordinated and collaborative methodology has translated into effectiveness in the following ways:

- The Investigating Directorate (ID), has enrolled over 20 matters, charged 65 accused and with the Asset Forfeiture Unit (AFU), obtained freezing orders to the value of R5.5-billion, including the single biggest restraint of R3.78-billion obtained with respect to Optimum Coal Mine – a major asset in the Gupta network, with many more arrests to come soon. The ID Head authorised several high-level state capture investigations in order to address the corruption and associated offences including charges related to money laundering. One of the critical inroads that the ID has made is that it has deepened its partnership and collaboration with key actors in the criminal justice system – domestically and internationally.
- The SCCU has finalised 380 cases with 344 convictions – a conviction rate of 90.5%.
- The number of government officials convicted of corruption increased by 38.4% (from 86 to 119) year-on-year.
- Our performance in private sector corruption prosecution improved by 39.5% (from 147 to 205 people convicted).
- Asset forfeiture has improved by means of: an increased use of financial intelligence reports in the investigation of serious predicate offences and complex money laundering cases; the signing of a MOU with FIC in respect of the exchange of confidential information in terms of sec 40 of FIC Act; the appointment of authorised officers to the AFU, SCCU and ID; greater AFU engagement with FIC and the dissemination of Pro-Active Reports by AFU to the relevant regional offices of the AFU to investigate and establish if there is asset forfeiture potential.
- State Capture Freezing Orders (Preservations and Restraints): R8 934 914 483.23.
- State Capture Confiscations: R599 783,00
- State Capture Forfeitures: R2 854 808 275.00
- State Capture Recoveries: R2 850 266 885.38
- Restraints in terms of Chapter 5 - Confiscations: R599 783,00
- Preservations in terms of Chapter 6 - R5 360 160 000,00.

In terms of efforts to prioritise the recovery of assets from "State capture" and proceeds which have been moved to other countries, EXCO approved the revised AFU Asset Recovery Strategy, which outlines: medium-term interventions (including the expansion of the current co-location model with DPCI); the strategic use of Non-Prosecution Decisions (in line with the NPA Policy on this), and the creation of a central coordination for special projects at Head Office, to litigate priority asset recovery cases including State Capture, whilst the provinces litigate the remainder of the State Capture cases as well as cases falling within their jurisdiction. There is an increased focus on collaboration with foreign jurisdictions.

# EMAIL SCAMS ARE GETTING MORE PERSONAL – THEY EVEN FOOL CYBERSECURITY EXPERTS

## Legal Brief

*We all like to think we're immune to scams. We scoff at emails from an unknown sender offering us £2 million, in exchange for our bank details. But the game has changed and con artists have developed new, chilling tactics. They are taking the personal approach and scouring the internet for all the details they can find about us.*

### **Scammers are getting so good at it that even cybersecurity experts are taken in.**

One of us, (Oliver Buckley) recalls that in 2018 he received an email from the pro-vice chancellor of his university.

This is it, I thought. I'm finally getting recognition from the people at the top. Something wasn't right, though. Why was the pro-vice chancellor using his Gmail address? I asked how I could meet. He needed me to buy £800 worth of iTunes gift cards for him, and all I needed to do was scratch off the back and send him the code. Not wanting to let him down, I offered to pop down to his PA's office and lend him the £5 note I had in my wallet. But I never heard back from him.

The infamous "prince of Nigeria" emails are falling out of fashion. Instead, scammers are scouring social media, especially business-related ones like LinkedIn, to target people with tailored messages. The strength of a relationship between two people can be measured by inspecting their posts and comments to each other. In the first quarter of 2022, LinkedIn accounted for 52% of all phishing scams globally.

### **Human tendencies**

Psychologists who research obedience to authority, know we are more likely to respond to requests from people higher up in our social and professional hierarchies. And fraudsters know it too.

Scammers don't need to spend much time researching corporate structures. "I'm at the conference and my phone ran out of credit. Can you ask XXX to send me report XXX?" runs a typical scam message.

Data from Google Safe Browsing shows there are now nearly 75 times as many phishing sites as there are malware sites on the internet. Almost 20% of all employees are likely to click on phishing email links, and, of those, a staggering 68% go on to enter their credentials on a phishing website.

Globally, email spam costs businesses nearly US\$20 billion (£17 billion) every year. Business consultant and tax auditor, BDO's research found that six out of ten mid-sized business in the UK were victims of fraud in 2020, suffering average losses of £245,000.

Targets are normally chosen based on their rank, age or social status. Sometimes, spamming is part of a coordinated cyber attack against a specific organisation so targets are selected if they work or have connections to this organisation.

Fraudsters are using spam bots to engage with victims who respond to the initial hook email. The bot uses recent information from LinkedIn and other social media platforms to gain the victim's trust and lure them into giving valuable information or transferring money. This started over the last two to three years with the addition of chatbots to websites to increase interactions with customers. Recent examples include the Royal Mail chatbot scam, DHL Express, and Facebook Messenger. Unfortunately for the public, many companies offer free and paid services to build a chatbot.

And more technical solutions are available for scammers these days, to conceal their identities such as using anonymous communication channels or fake IP addresses.

Social media is making it easier for scammers to craft believable emails called spear phishing. The data we share every day gives fraudsters clues about our lives they can use against us. It could be something as simple as somewhere you recently visited or a website you use. Unlike general phishing (large numbers of spam emails) this nuanced approach exploits our tendency to attach significance to information that has some connection or for us. When we check our full inbox, we often pick out something that strikes a chord. This is referred to in psychology as the illusory correlation: seeing things as related when they aren't.

### **How to protect yourself**

Even if you're tempted to bait email scammers, don't. Even confirming your email address is in use can make you a target for future scams. There is also a more human element to these scams compared with the blanket bombing approach scammers have favoured for the last two decades. It's eerily intimate.

One simple way to avoid being tricked is to double-check the sender's details and email headers. Think about the information that might be out there about you, not just about what you receive and who from. If you have another means of contacting that person, do so.

We should all be careful with our data. The rule of thumb is if you don't want someone to know it, then don't put it online.

The more advanced technology gets, the easier it is to take a human approach. Video call technology and messaging apps bring you closer to your friends and family. But it's giving people who would do you harm a window into your life. So, we have to use our human defences: gut instinct. If something doesn't feel right, pay attention.

# CRIMINAL BARRISTERS STRIKE 2022: DISRUPTION ACROSS UK AS STAFF TAKE ACTION OVER LEGAL AID FUNDING

Legal Brief

*Courts in the UK have been crippled as the first day of strike action by criminal barristers forces a halt to many cases.*

**According to The Independent, members of the Criminal Bar Association (CBA) have walked out over a dispute with the government concerning legal aid fees.**

Hundreds of barristers, some dressed in their court wigs and black gowns, joined picket lines outside London's Old Bailey and courts in cities including Cardiff, Birmingham, Leeds and Manchester. At Swansea Crown Court, the trial of an alleged neo-Nazi, James Allchurch, could not start after a defence barrister joined the action. Judge Huw Rees, adjourned the trial until later when the barrister was expected to return. He told the defendant that with more days of action planned for the coming weeks, the court would have to 'take every day as it comes'. Similar scenes were being repeated in courts across England and Wales, where barristers reported that up to 80% of courtrooms at some locations were shut. The strike action is intended to last for four weeks. Kirsty Brimelow, vice chair of the CBA, which represents barristers in England and Wales, said the decline in incomes 'poses the most serious threat to the British legal system in decades'. Justice secretary Dominic Raab, said: 'It's regrettable that the Criminal Bar Association is striking, given only 43.5% of their members voted for this particular, most disruptive, option.'

## NPA BIDS FAREWELL TO KAREN TEWSON

*On Friday, 15 July 2022, a befitting farewell function was hosted by staff from the Court Preparation Office and other business units for an esteemed colleague, Deputy Director for Court Preparation, Ms Karen Tewson who has retired after serving the NPA for 22 years with passion, enthusiasm and commitment.*

**She started working for the NPA as a National Coordinator for Court Preparation office on contract in 2000 and was appointed permanently as Deputy Director in 2007.**

Colleagues who worked closely with Tewson had nothing but praise for her saying she is leaving a void and they will miss her, but the NPA finds solace in that she shared her skills and left a legacy. She worked diligently with her colleagues and gained their respect. Ms Tewson responded by saying she felt honoured to have worked for the organisation and alongside her colleagues who continue to bring hope and courage to prosecutors and the community and that she is proud of what the Court Preparation office has achieved. The NPA wishes her good health and the very best on her retirement.



**Karen Tewson (in pink) with her colleagues**



# TRAINING OF LAW ENFORCEMENT AGENCIES ON HOW TO HANDLE GBV

Natasha Kara  
RCM: KwaZulu-Natal Division

*The province of KwaZulu-Natal has experienced two major disaster situations over the past year. The first was the violent protest action and looting that ravaged the province in July 2021. The looting caused the province to suffer a loss of approximately R50 billion, an amount that is most likely never to be recovered. There was also wide-spread violence and instability. More recently, the province was hit by devastating floods that not only affected the economy but left thousands homeless and hundreds dead or without family members. Following these disasters, the National Prosecuting Authority (NPA) partnered with the United Nations Office on Drugs and Crime (UNODC) and the office of the KZN Premier to provide training to members of the South African Police Service (SAPS), NGOs and first responders on how to respond to Gender-Based Violence and Femicide (GBVF) cases in a crisis situation. Other partners included the Department of Social Development (DSD) and Department of Health (DoH).*

The training which was held over the 13th and 14th of June 2022, saw content experts from the NPA, DSD and DoH share information and engage in lively interactions



**From Left: Colonel Mvango, Vuyisile Mafuna, Ansuya Harilall, Varen Prahlah, Ronita Lutchan, Mzoxolo Rusi, Linda Naidoo and Col Shabane**

on topics such as Domestic Violence, interviewing child witnesses, statement taking, the TCC model, Trafficking in Persons, medical evidence and psycho-social intervention. Participants also heard real-life accounts from the NGOs of how the disasters exacerbated the plight of victims of domestic violence and sexual offences.

In her opening remarks, UNODC National Program Project Coordinator, Dr. Linda Naidoo said that the UNODC has worked in KZN for a long time and following the disasters experienced by the province, they decided to embark on this initiative with various organisations that have a collective mandate. The aim is to address GBVF (especially in the aftermath of the disasters), thus enhancing the response thereto, and strengthening the Thuthuzela Care Centres. The province also has a high prevalence of GBVF, with areas such as Inanda, Umlazi and Phoenix appearing at the top of the recent national crime statistics. She says that GBV remains very much a hidden issue where even marginalised groups such as prostitutes and illegal foreign nationals remain silent for fear of persecution. She said that relevant role-players need to establish a way of assessing who is accessing their services.

Dr. Naidoo said that the shocking reality of the disaster situation is that it provides an ideal space for predators when victims who are displaced and housed at shelters are raped or abused.

The two-day workshop is the first of many such ventures, aimed at addressing the crimes and social circumstances following natural disasters or extreme protest action.

Court Preparation Manager for KZN Roelien Weisner said, "Very often in disaster situations, we forget to check in on the children. They become the silent victims that we overlook."

# SECTION 18 CONFISCATION ORDER PROJECT

Natasha Kara  
RCM: KZN Division

*In June 2022, regional members from the National Prosecutions Service (NPS) and the Asset Forfeiture Unit (AFU) met with the Director of Public Prosecutions in KwaZulu-Natal (KZN) to celebrate the success of a joint venture termed the 'Section 18 Confiscation Order Project.'*

*The project which aims to improve co-operation between the AFU and NPS entails them working together to obtain and effect Section 18 confiscation orders in criminal matters that are before court. The money from these confiscations are then paid into the Criminal Assets Recovery Account (CARA) or to the identified victims.*

**Speaking about the project, AFU Deputy Director of Public Prosecutions Adv. Kenneth Samuels said that the project gets the approval of the National Director of Public Prosecutions, Adv. Shamila Batohi, who welcomes the idea as it demonstrates that crime doesn't pay. He said that the project which started in the Durban Cluster will be rolled-out to the other Clusters in KZN, in due course.**

Project leader, AFU's Adv. Rajendrie Naidoo, said that the venture started in June 2021, and from then to March 2022, there were 19 confiscation orders emanating from the lower court. She said that while this is just the tip of the iceberg, KZN is definitely moving in the right direction and she was hopeful that the project will only gain further momentum.



**From left to right, Vishalen Moodley, Johan Sibiya, Zakhele Nzuza, Thamsanqa Njapha, Sam Schalkwyk, Rajendrie Naidoo, Kuveshni Pillay, Roshiela Benimadho, Siven Naidoo, Herman Mouton**

The meeting also served to acknowledge the prosecutor who secured the most Section 18 orders. This award was presented to Adv Kuveshni Pillay, from the Durban Cluster, who secured eight confiscation orders. Her direct line manager, Adv Roshiela Benimadho, was also recognised for her perseverance and support of the project.

*In closing, the DPP, Adv. Elaine Zungu, said that the project was a perfect example of what teamwork can yield. She said that business units need to stop working in silos and assess where they can collaborate for the greater work of the NPA and its mandate. Adv. Zungu pledged her full support for the project, promising to be instrumental in the provincial roll-out. She also commended the team on their efforts and hard work.*



**From Left: Adv Kenneth Samuels, Adv Roshiela Benimadho, Adv Elaine Zungu, Adv Kuveshni Pillay, Adv Rajendrie Naidoo**

# NPA/DPCI/ HSF COMPLEX CORRUPTION WORKSHOP

*On 08 to 10 June 2022, a workshop between provincial and regional members of the National Prosecuting Authority (NPA) together with the Directorate for Priority Crimes Investigation Unit (DPCI), and the Hanns Seidel Foundation (HSF) was held in Pretoria. The objective of the workshop was to enhance the NPAs collaboration with the DPCI, trust and team spirit whilst learning international best practices from German counterparts who shared their perspectives on a range of aspects on how to deal with complex corruption cases, cyber-crime, organised crime and terrorism matters. The three-day workshop was held as part of the commitment that the NPA and the DPCI made to collaborate, consider and discuss the international approaches that could be adopted in South Africa.*

**On the first day of the workshop, the National Director of Public Prosecutions (NDPP) Adv Shamila Batohi outlined the fundamental reasons why the workshop was taking place as well as the aims and expected outcomes. "The purpose of this workshop is to save our beautiful country together. We have come from very difficult 10 years and we all know why. We all know what our goal is, now we need to know what will be our right action."**

The NDPP emphasised that the right action starts with law enforcement agencies collaborating and frequently meeting to reflect on whether they are effectively and efficiently working on saving our country. She reminded delegates that the NPA established a task force to coordinate the NPA's response to the recommendations and findings made by the Judicial Service Commission into Allegations of State Capture,

Fraud and Corruption in the public sector, including organs of state. "We need to deal with state capture and other complex cases in a manner in which allows us to bring them to court in a reasonable quick time. The impact of our work will be felt throughout this country and most importantly it will be felt by the poorest and most vulnerable. It will help us reduce the inequality gap in this country. Inequality is the consequence of corruption. I hope that delegates will come out of the workshop having found different ways of working together in an impactful way. Let us all work together to restore confidence in the rule of law. I believe we have good people that can make a difference." She concluded.

The NDPP was followed by the National Head of the DPCI, General Godfrey Lebeya, who presented the overview of the workshop. General Lebeya concurred with the NDPP during his speech, emphasising that both the NPA and DPCI must commit themselves to the objectives they would like to achieve in order to make a difference. "The public is looking at us, there is a lot of expectation from us. In order to win the fight, we have to support each other by collaborating, as it is very difficult to succeed when you are working on your own. Cooperation is a recipe for success. We may be champions and experts as individuals, but to succeed, we need to work together. This is an opportunity for us to learn not only from each other, but also from our German counterparts and an opportunity for us to openly identify where we need to improve." General Lebeya concluded by reiterating that law enforcement agencies need to prioritise collaboration and work together as a team.

**In his presentation on cooperation between the police and prosecutions, and German best practices, Dr. Laurent Lafleur, a Judge at the Higher Regional Court in Munich, and a former prosecutor, said that they want the NPA and DPCI to consider international perspectives from German experiences on cooperation and case prioritisation. Also, to inform and formulate a South African approach in their collaborative efforts.**



“The fundamental approach to succeeding in law enforcement is constant communication, constant assessment of case status and frequent joint press releases. The success of any criminal investigation and prosecution relies on the good and close cooperation of law enforcement agencies”, he said. He concluded by saying that he was aware of the different challenges that law enforcement agencies of these two countries are facing when it comes to dealing with complex corruption cases, but South Africa and Germany are similar in the sense that both countries want to fight crime and law enforcement agencies want to fulfill their mandates and stabilise the countries’ democratic structures.

provide the case planning, tracking and execution function. On the agreed roadmap, they have identified that there is a need to enhance the Prosecutor Guided Investigation process, there should be early involvement of prosecutions in cases, and that there should be a dedicated forensic capability within the South African Police Service.

In his closing remarks, the Deputy National Director of Public Prosecutions: Strategy, Operations and Compliance, Adv. Anton du Plessis, said that just by judging by the energy in the room, he felt a sense of commitment, passion, a growing sense of trust and the desire to be coordinated and moving forward in synch.



**NPA, DPCI and HSF delegates attending the workshop**

On the second and third day of the workshop, there were breakaway groups where delegates were discussing the challenges they face in their respective organisations, sections, regions, and were given topics such as “How can we get our cases to court within six months?”, “How will we cooperate to bring current cases to indictment?”, which they had to provide solutions for. In these groups, delegates deliberated on each of the topics provided. Each group had rapporteurs who were given an opportunity to report back to the plenary whereby responses provided were further discussed by delegates. Delegates had similar approaches to the practical steps that need to be taken in order to ensure that both the NPA and DPCI work together in an effective and efficient manner. Some of those approaches were ensuring that the investigations, prosecutions and the judiciary are synergised and that co-location is prioritised in order to form a cohesive working relationship.

On the last day of the workshop, Adv Rodney de Kock: Deputy National Director of Public Prosecutions for NPS and Lieutenant General Senaba Mosipi: Divisional Commissioner for DPCI presented a roadmap for priority cases. In their presentation, they highlighted the operational model for priority cases that the NPA and DPCI have adopted. The NPA and DPCI leadership have made a commitment to provide the strategic role and leadership needed. An operational task force will coordinate operations, resourcing, and provide a monitoring and evaluation function. A case prioritisation committee will identify cases, track progress and address constraints. Provincial Implementation Committees will

“The level of experience and competence in this room leaves any observer inspired with confidence and not filled with doubt. Our jobs determine whether South Africa succeeds or not, and we have a huge responsibility on our shoulders. The future of this country depends on whether or not we are able to succeed in our collaboration to ensure that justice and accountability become something that the citizen of this country have confidence in. Every single person attending the workshop has a key role to play. This country is going to take the path of justice, rule of law, and a path where all our professions will be elevated in the eyes of the public. The discussions we have had in the past three days have put us even more firmly on that path, not separately, but together. There were three themes that came out of this room, namely; collaboration, trusting each other, and constantly learning as we are all working in evolving environments,”. Adv. du Plessis.

Adv. du Plessis concluded by thanking the HSF for organizing the workshop and sharing their experiences with the NPA and DPCI, as it was an initiative where all stakeholders involved learned from each other.



# VGM SPORTS AND RECREATION DAY 2022 IN PICTURES









# BRANDING

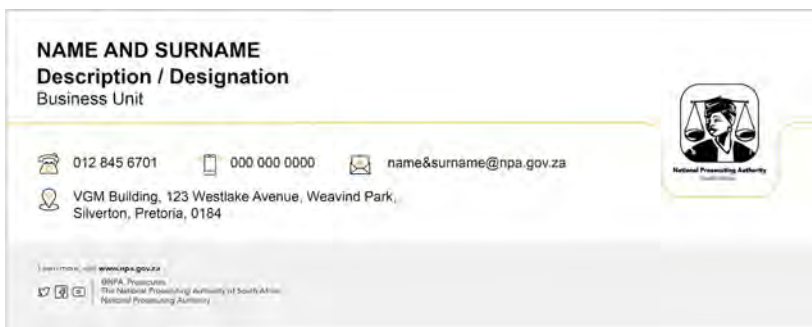
## guidelines

To ensure that the NPA is perceived as one united organisation, templates are being availed to all NPA offices. Please make sure you always make use of updated templates available on the intranet.

## The importance of an e-mail signature

An e-mail signature is essentially an electronic business card. It gives information to a recipient on how to contact the person who has e-mailed them. As shown in the example below, the e-mail signature contains the sender's name and surname, written in Arial Bold and in all caps

followed by their position written in Arial Bold and in sentence case then the business unit written in Arial Regular and in sentence case. The NPA e-mail signature is inserted on the left side of the page below the sender's message.



## PowerPoint templates

PowerPoint templates are designed and made available on the intranet. Templates allow you to create attractive and brand-compliant presentations. When using the current NPA templates, make sure that the text on each slide is in the correct font, size, formatting and positioned consistently. A major advantage of using the current template is that it will be easy to combine slides from different files. There is only one font used in the template: Arial Regular for the body and headings. It is important to

note that the current PowerPoint template is customised for a variety of content types. The template consists of a Title Slide, 9 Content Slides, Comparison Slide and Closing Slide. **It is strongly recommended that staff members do not tamper with the template in any way. The staff is encouraged to visit the intranet regularly for the latest updates. Also, a notice will be sent when new updates are available.**



# Memorandum and Letterhead templates

## Memo or letterhead - what's the difference?

Memos are used for interoffice communication and to communicate between departments, units, supervisors and subordinates within an organisation. For communication with

authorities and other institutions of note, a letterhead is used. These institutions rely on the document's credibility which is communicated best through the letterhead.

## Formatting of Memo and Letterhead templates

- 1 Under no circumstances should the background image be changed or replicated. In order to prevent modifications, the background image has been transformed into a picture.
- 2 The font must be Arial 11 pt throughout the memo and letterhead document. Please avoid from capitalising words or sentences to emphasise them.
- 3 The introductory part of the memo must not be altered. The format is standard and therefore must remain as it is. Any other form of reference must be added in the subject line. Remember that the subject line of a memo will also appear as a footnote.

**1** STRATEGY, OPERATIONS & COMPLIANCE  
Communications Unit  
To: Name of receiver  
Title: Title of receiver  
From: Name of sender  
Title: Title of sender  
Date: DD/MM/YYYY  
Subject: Text goes here  
Arial 11pt, 1.5 line spacing  
1 of 2

**2** STRATEGY, OPERATIONS & COMPLIANCE  
Communications Unit  
Tel: +27 12 845 4000 | Fax: +27 12 845 7356  
Victoria & Griffiths, Mxenge Building 123 Westlake Avenue,  
Waverind Park, Silverton, Pretoria | P/Bag X752, Pretoria,  
0001, South Africa  
Arial 11pt, 1.5 line spacing

**3** STRATEGY, OPERATIONS & COMPLIANCE  
Communications Unit  
To: Name of receiver  
Title: Title of receiver  
From: Name of sender  
Title: Title of sender  
Date: DD/MM/YYYY  
Subject: Text goes here  
Arial 11pt, 1.5 line spacing  
Subject: document subject goes here in Arial, 6.5pt  
1 of 2

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