

# KHASHO

NEWS

4<sup>th</sup> Edition

*Celebrating Human Rights  
For All*

## FEATURED INSIDE

- Former Health MEC messenger sentenced to ten years for PPE tender fraud
- Strengthening cooperation in asset recovery in South and Eastern Africa
- The NPA bids farewell to an ethics advocate



National Prosecuting Authority  
South Africa

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# Letter from the Managing Editor

We certainly ended the 2022/23 financial year on a very high note; with the most amazing recognition and onboarding of our latest crop of ex-Aspirants at an inauguration ceremony on 30 March. The group that completed their training in 2021 and 2022 were celebrated with much fanfare at the event that was hosted at the sprawling grounds of VGM. Lots of hard work in planning the event paid off beautifully, thanks to the organising team led by NPS and the Communication Unit. A text message from one of the ex-Aspirants from the 2021 group after the event reads as follows: "It was truly a once in a lifetime experience, one of the best if I may so add. Thank you to you and your team." Great feedback, shared with many others. Congratulations to the new crop of prosecutors. We share snippets from the event on this edition, which was also streamed live to all staff and on NPA social media platforms.

Since financial year end is mostly associated with reporting finances and performance against pre-determined objectives, it is for this reason that in this edition, Khasho provides the Leadership Corner platform to Advocate Anton du Plessis as he reflects on the past financial year and provides us with an overview and insights of our financial position in 2023/24.

We also continue to share with you insights from our esteemed prosecutors on some of the cases they have prosecuted.

We hope that you will enjoy going through the variety of articles in this edition and we also encourage you to continue giving us your feedback by emailing us at [khasho@npa.gov.za](mailto:khasho@npa.gov.za)

Best Wishes!



## Leadership Corner

2022 was an excellent year for the NPA, despite the ongoing challenges facing the criminal justice system more broadly. We made good progress on the implementation of our 2020 – 2025 Strategy, and we took important steps forward in the ongoing fight against impunity. South Africans started believing in justice again, and the NPA was a key reason for this.

Over the past few years and against tremendous odds, we have succeeded in returning the NPA to a period of institutional growth and stability. In the remaining MTSF period (2023-2025), we will be focusing on cementing the NPA's accomplishments, building a cutting-edge prosecution service, and continue rebuilding and upskilling the organisation to meet the growing demands for accountability in our crime-ridden country. This includes deeper collaboration with partners in government, the private sector and civil society.

While maintaining the NPA's strategic focus on high-level and complex corruption matters, the NPA will elevate four strategic priorities listed below as part of our efforts to future-proof the NPA and affirm our IPAC values.

1. **Prosecution Prioritisation Policy and Practice** to prosecute more smartly and strategically, targeting repeat offenders and crime syndicate leaders together with their assets, as well as crimes which disproportionately undermine public safety.
2. **Community Prosecution Initiative** to strengthen partnerships between prosecutors, communities, police, and local authorities to develop joint solutions to ongoing forms of public safety concerns, including serious and violent crime.
3. **Service Delivery Improvement**, through the implementation of client satisfaction surveys; the expansion of victim-centric support measures, including improved engagement on whistle-blower protection.
4. **Amplifying NPA's voice and strategic influence on broader JCPS priority matters, including developing**

**an NPA strategy on organised crime** that will guide the NPA's interventions and enhance relevant collaboration with key JCPS partners.

We are establishing the ID as a permanent entity of the NPA with its own dedicated investigators. This will allow the ID to investigate and prosecute complex and high-profile corruption-related matters with a long time horizon. Furthermore, we will continue collaborating with the Department of Justice to strengthen the independence of the NPA in line with Constitutional Court pronouncements, recommendations of the State Capture Commission, and international trends and best practices.

The recent graduation of almost 700 Aspirant Prosecutors who have joined the NPA family provides a much-needed boost of capacity to the organisation. Colleagues who watched the graduation were left inspired by the passion and youthful energy of these new prosecutors. They represent the future of the NPA, and that future looks bright.

It bears repeating that the NPA prosecutes without fear, favour or prejudice. This is particularly important when it comes to the prosecution of powerful individuals in the public and private sectors. The NPA must be loyal to its constitutional mandate and follow the evidence in deciding whom to prosecute.

The task of the NPA leadership is to rebuild the NPA so that it can deliver on its mandate now and into the future; and withstand any repeat threats of capture. But we also need to deliver on priority matters now and communicate our impact to the public who are rightfully demanding to see justice and accountability as the norm, not the exception, in South Africa.

On behalf of the NPA leadership, let me express my gratitude for your commitment to and dedication in ensuring that the NPA delivers justice to our society, so that people can live in freedom and security.



# FORMER HEALTH MEC MESSENGER SENTENCED TO TEN YEARS FOR PPE TENDER FRAUD

*Luxolo Tyali*  
*RCM: Eastern Cape Division*

**With overwhelming evidence stacked against him, the messenger refused to divulge the names of those involved in the scheme, even with facts showing that he could never have pulled the brazen stance alone. All the other authorising officials had signed documents supporting the payment of the R23.7 million, but on the last hurdle, at payment stage, one official blew the whistle.**

The whistleblower's actions led to the Mthatha Specialised Commercial Crimes Court sentencing the former messenger in the office of the Eastern Cape Department of Health (ECDOH) and Member of the Executive (MEC) to ten years imprisonment for fraudulently awarding a Personal Protective Equipment (PPE) tender. Ayanda Matinise (37), used his proximity to the office of the then MEC, Sindiswa Gomba, to commit the fraud during the period where a nationwide State of Disaster was declared in South Africa, which allowed for some deviation from the ordinary procurement procedures.

During the period between 09 and 17 September 2020, Matinise wrote, signed, and sent a forged letter to Falaz Protection Services (PTY) LTD (FALAZ), under false pretences that the ECDOH commits to procuring 700 000 nitrile, non-sterile, powder-free examination KN95 surgical masks. Consequently, Falaz submitted the quotation and a declaration of interest to Matinise accompanied by a quotation valued at R23.7 million. Upon the authorisation of such supply and delivery through a forged commitment letter, a delivery of consignment of PPEs was made by Falaz at the ECDOH OR Tambo District stores in Mthatha.

When Falaz director demanded payment for services rendered, and even paid Matinise R3,000 to expedite the payment, it became apparent that the officials responsible for payment and issuing of commitment letters at ECDOH had no knowledge of the forged commitment letter. The company decided to collect the consignment, but large quantities of it were missing, including 130 000 KN95 masks and 70 000 surgical masks, to the value of R2,6 million. Investigations



**Advocates Ncedo Buso and Ayanda Mzantsi**

conducted by the Special Investigative Unit (SIU) and the Hawks led to the arrest of Matinise.

During trial, he pleaded not guilty, downplaying his role to that of a mere messenger and attempted to implicate the officials who blew the whistle as having been involved in large scale corruption. However, under cross-examination by the lead-State Advocate, Matinise contradicted himself and changed his version at least three times. The court rejected his defence. The prosecution submitted a prayer for the imposition of the prescribed minimum sentence of 15 years for the fraud amounting to more than R500 000, but the court found that compelling and exceptional circumstances which existed justified a deviation.

## **Advocates Ncedo Buso and Ayanda Mzantsi had this to say about the case:**

The strategy that we employed in this seemingly easy but complex matter was to form a team first. When the trial commenced, we started by leading evidence of witnesses that would leave a good impression and limit cross-examination. Such witnesses were those that were clear about the policies and procedures of the Department of Health procurement processes.

The case was challenging in that the letter in question appeared to have been signed by another official of the department. We had no link between the accused person and access to the letter in question. When consulting witnesses who gave the name of the accused, they showed clear signs that we were dealing with potential hostile witnesses. This was evident in that some of those who would be key witnesses, tried to distance themselves from the statements that they initially volunteered to the investigators. We had to mitigate that by calling more witnesses that the team had identified whilst consulting more witnesses as the investigations were still being finalised.

Ultimately, this case further entrenched the principle that team work makes dream work. With proper consultation, even a complex matter becomes easy when a team works together with the aim of achieving a common goal.

# FINALLY FREE FROM THE MONSTER

Lumka Mahanjana  
RCM: Gauteng Division: Pretoria

*This is how two girls, aged 13 and 15-years-old, felt when a Regional Court Prosecutor Advocate Akanyang Ben Smith, of the Bronkhorstspuit Magistrates' Court successfully secured a conviction and a sentence of four life terms and 21 years imprisonment against a 57-year-old stepfather who was convicted of four counts of rape and assault with intent to do grievous bodily harm.*

**The stepfather, who is a Mozambican national was also convicted for being illegal in the country. For 6 years from 2014 to 2019, the stepfather sexually assaulted the children as a payment for buying them clothes.**

**Advocate Smith had this to say about the case:**

When Advocate Smith was interviewed about this matter, he said, being an experienced prosecutor for the past 18 years and having dealt with many cases, the one that comes to mind is a case of a graveyard serial rapist I prosecuted when I was still at Sebokeng Magistrates' Court in 2019, this one is among the worst cases I have ever prosecuted. "Also being a father to girls myself I cannot imagine such gruesome things happening to my girls" he added. However, above all it gave me joy to have secured that sentence, especially because of what a man who was supposed to be a father did to those innocent children.



**Advocate Akanyang Ben Smith**

It also gives me pride to be part of an organisation that serves victims of crime and impacts the society positively. Prosecuting such cases is challenging but, I was trained for this job, and it is my passion and daily mission to ensure justice is served for the victims of crime especially women and children.

Advocate Sibongile Mzinyati, said the division deals with a lot of cases such as this one. Having dedicated prosecutors who make it their mission to free society from fathers who become monsters to their children gives him courage that indeed a goal to live in a safe society can be achieved".



# KIDNAPPER, SERIAL RAPIST AND MURDERER SENTENCED TO 9 LIFE TERMS

By Eric Ntabazalila  
RCM: Western Cape Division

The state submitted a prayer to the High Court of South Africa: Western Cape Division to sentence kidnapper, serial rapist, and murderer, Moyhdian Pangkaeker, to nine life sentences. The court concurred and added a further 28 years and six months imprisonment to Pangkaeker's imprisonment.

Handing down the sentence, Judge Alan Maher, remarked: "I would be remiss in my duty indeed, I would say that it would be tantamount to dereliction of duty, if this court did not impose the maximum penalties allowed by law."

The court agreed to the plea after Senior State Adv. Lenro Badenhorst, strongly argued that the accused should be punished with the most severe punishment possible for his reprehensible actions. Pangkaeker (57), was convicted on 21 of the 27 charges the state laid against him which included eight counts of rape of children, sexual assault and sexual exploitation of children, several counts of assault of children, kidnapping, incest, desecration of a corpse and absconding from parole. Pangkaeker denied his involvement in any of the crimes, leaving the state to prove its case beyond any reasonable doubt.

Adv. Badenhorst further argued that there were no compelling and substantial circumstances which forced the court to deviate from the prescribed minimum sentences.

"It is submitted that the accused is a repetitive offender who indiscriminately targeted young girls for sexual pleasure and therefore his moral blameworthiness is high. The accused should be punished with the most severe punishment possible for his reprehensible actions.

"There are no reasonable prospects of rehabilitation for the accused. He is a danger to society and a long-term sentence would be an appropriate punishment for the offences. The chances to re-offend are extremely high. He has shown no remorse," he argued.

Judge Alan Maher, agreed with the description of Adv. Badenhorst when he sentenced the accused. He remarked: "The evidence shows him to be an extremely dangerous, calculating, and cunning person with an almost complete absence of the ability to curb and control his admitted high sexual drive, unwilling to take responsibility for his crimes. He clearly is beyond any hope of rehabilitation and cannot be reintegrated into society. He poses a physical threat, is prone to violence and can only be described as deceitful, manipulative



Senior State Advocate Lenro

and cruel. He needs to be removed from society to prevent him from committing further serious crimes."

Pangkaeker has conflicted with the law several times, especially on crimes involving children. In 2001, he kidnapped and killed his child. The Bellville Regional Court convicted and sentenced him to 10 years imprisonment for culpable homicide and kidnapping (abduction). He was also convicted for the neglect of his child.

His notoriety came to the fore following his arrest for the kidnapping, rape, murder, and desecration of the body of eight-year-old Tazne van Wyk. Her decomposing body was found on the N1 highway with her hand missing.

Concluding the sentence, the court ordered that his name be included in the National Register for Sex Offenders and that copies of the main judgment on conviction and the sentencing judgement be retained in his file and records held by the Department of Correctional Services, for due consideration, should he be considered for release on parole or in the event of any other consideration or circumstances which may arise for his possible early release for any reason such as release on compassionate or medical grounds.

Western Cape Director of Public Prosecutions, Adv. Nicolette Bell, welcomed the commendable sentence handed down by the court. "Firstly, I want to commend the family, friends, neighbours and the rest of the community who stood up to assist the police in looking out for Tazne van Wyk. I want to commend those who raised their hands in this fight for justice for all the victims of these heinous crimes and the fight against gender-based violence and femicide. I also want to commend those who came forward as witnesses.

"I want to commend the investigation and the prosecution team who worked tirelessly day and night to ensure that we bring justice for these victims, to ensure that the people of this country see that justice can and will be served. We asked for these sentences because we believed that this accused will never be rehabilitated. He is a repeat offender who targeted the most vulnerable in our society. We believed there was no proper sentence than long-term imprisonment. We are extremely happy that the court ordered that the judgement and sentence judgment be included in the file to be sent to the Department of Correctional Services so that these offences can be considered when he applies for parole."



# PAKISTANI MAN SENTENCED TO LIFE IMPRISONMENT FOR MURDER OF HIS GIRLFRIEND

Mashudu Malabi Dzhangiri  
RCM: Limpopo Division

*The Polokwane High Court in Limpopo, sentenced a Pakistani national, Ashan Fraz Cheema (33), to life imprisonment. The accused murdered his girlfriend, Mohlale Precious Magabane and dismembered her body, placed her body parts inside refuse bags, and drove around disposing the deceased's body parts at Lydenburg mountain along the R37 road. He further buried the deceased's head and hands at Mashifane sports ground. The DNA tests proved that the body parts belong to the deceased. The matter was heard before Judge President Ephraim Makgoba, and investigated by warrant officer Kotlolo Patrick Pila, from Provincial Detective Unit.*

## **Advocate Nkhetheni Munyai encountered the following challenges when dealing with the case:**

The accused disposing-of body parts of the deceased in different places and subsequent requests from the family regarding the location thereof proved to be a challenge. Evidence was largely circumstantial. The accused requesting to employ services of his own legal representative which did not materialised which resulted in the matter being postponed several times to afford him the opportunity to secure one. The accused was referred to Legal Aid on several occasions, but repeatedly turned them down. This resulted in a delay of the commencement of the trial. The continued postponements ultimately infuriated the deceased's family.



**Advocate Nkhetheni Munyai**

## **Lessons learned:**

It is important for the victims of crime to receive justice in the quickest time possible to enable them to heal. This case demonstrated that sometimes it is important to consider using a co-perpetrator as a witness. This is especially so, where it is foreseeable that there might be a slight chance that the evidence at our disposal may fail to meet the threshold of proof beyond reasonable doubt. Keeping the relatives of the victim abreast regarding the development of the case is important, as it enables them to understand the court processes and procedures. Working together with the Investigating Officer is of paramount importance as it enables an environment of cooperation.

## **How did you finalise the case?**

I requested for a postponement as it became clear that the accused was never going to secure his own legal representative, having turned away Legal Aid Representatives several times. The court, having warned the accused previously on his delaying tactics, refused to grant a further postponement and ordered that the trial must continue. The prosecutor led evidence of the family members regarding how the deceased disappeared, evidence of an accomplice who assisted the accused after the commission of the crime, as well as the DNA evidence relating to the few body parts that the police managed to locate. The state advocate had to prove that the recovered body parts belonged to the deceased through the DNA link.

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

Yes, the wheels of justice are slowly, but surely in effectively dealing effectively with identified and convicted perpetrators of GBV.

# LIFE IMPRISONMENT FOR RAPING THREE SCHOOLCHILDREN

Mojalefa Senokoatsane  
RCM: Northern Cape Division

**Gender-Based Violence remains a scourge that continues to ravage our communities, particularly for women and children, who are the most vulnerable sector of our communities. A case in point is the case and trial of Jason Witbooi (29), who was recently sentenced to life imprisonment for raping three school children by the Kimberley Regional Court. This case which was prosecuted by Regional Court Prosecutor Nicola van Niekerk demonstrated that as the Prosecuting Authority, the fight against any form of GBV must be eradicated within our society.**

*During the trial, the court heard that on the day of the commissioning of the crime, the three minor complainants were on their way from school to their home when the accused offered to show them a shortcut through the veld. The accused then proceeded to rape all 3 minor complainants. The complainants reported their ordeal and through vigorous police investigation, the accused was linked through DNA on all 5 counts and when arrested, he chose to plead guilty. The accused who had previous convictions on 3 counts of rape in 2016 and two counts of housebreaking in 2018, was remanded in custody until the finalisation of this matter.*



**Regional Court Prosecutor Nicola van Niekerk**

**Regional Court Prosecutor Nicola van Niekerk had this to say about the case:**

In prosecuting this case, I had to apply all the prosecutorial skills that I attained and harnessed through many years as both district and regional prosecutor in ensuring that the accused was sentenced to an appropriate mandatory and applicable sentence for his heinous crimes of raping children. As proven during the trial, prosecuting cases where victims are children, extra energy and maturity is required.

As the prosecutor, I had to be able to talk on behalf of these victims/be the voice of the voiceless, had to prove the case beyond reasonable doubt as the victims sometimes are unable to talk, and ensure that the victims are not being subjected to secondary victimisation tactics by the defence. I had to display all these principles of stellar prosecution practices during the trial of Jason Witbooi.

During the aggravation of sentence, I argued that the court should not deviate from the appropriate sentence of a life sentence as the accused had shown that he was a danger to society and that it would be in the best interest of the community if he was sentenced to life imprisonment. The court sentenced the accused to a life sentence on each count of rape which will run concurrently.

The conviction and sentence confirm the commitment of the National Prosecuting Authority in the fight against Gender-Based Violence and to ensure that the citizenry particularly women and children continue to live independently and safely within their communities.



# VRYBURG MAN SENTENCED TO LIFE IMPRISONMENT FOR RAPE

Henry Mamothame  
RCM: North West Division

*The Vryburg Magistrates' Court sentenced Tshepiso Brown (33), to life imprisonment for raping a 30-year-old woman.*

This conviction was made possible through a solid collaboration between Adv Baakeleng Mothibi and the investigation officer, Sergeant Leepile, who was available at all times when required. Brown's conviction emanates from an incident that occurred on 19 September 2020, in Huhudi township near Vryburg, where the accused hosted the victim who was his neighbour together with other friends at his home. The friends left the home but the victim indicated that she will leave later after finishing her drink. Shortly after the friends had left, Brown asked the victim to have sex with him to which she refused. Brown subsequently assaulted her and dragged her to his bedroom, where he repeatedly raped her before freeing her the next morning. The complainant went home and told her mother about her ordeal, and she advised her to report the matter to the police immediately. Brown was arrested on 21 September 2020, and the court denied him bail. Brown pleaded not guilty to the charge, and insisted that he had consensual intercourse with the victim.

## Advocate Baakeleng Mothibi had this to say about the case:

The complainant showed signs of distress during consultations, and I referred her to the Court Preparation Officer to prepare her to testify with ease. She experienced difficulties when testifying in court, as she at some point burst into tears as she relived the incident. The court had to go to recess to allow her to be calm. After the testimony she told me she felt relieved that she was given an opportunity to tell the truth.

I managed to persuade the court not to deviate from the prescribed minimum sentence of life imprisonment. I argued that the accused had previous convictions of assault with grievous bodily harm, as well as one of culpable homicide. I further argued that the accused destroyed the trust that the victim had in him. Magistrate Patricia Rangwako agreed with the state and highlighted the prevalence of gender-based violence and the responsibility the courts have in sending a strong message to offenders and wannabe offenders.



**Advocate Baakeleng Mothibi**

# THREE CORRUPT POLICE OFFICERS TO SPEND 15 YEARS IN JAIL

*Phaladi Shuping*  
RCM: Free State Division

"The accused were members of the South African Police Service. They committed themselves to the creation of a safe and secure environment for all the people of South Africa. They promised to uphold the rule of law and protect the fundamental rights of every person. They took an oath that they will always act impartially and work towards preventing any form of corruption and to bring perpetrators thereof, to justice, but on the day of the incident, they failed to uphold the rule of law and disregarded their oath of office because they acted corruptly while on duty".

These are the words directed to the Bloemfontein Magistrates' Court by Chief Prosecutor, Sello Matlhoko, in his request for the court to impose a minimum sentence of 15 years on three police officers, Patrick Mthembu, Mokgothu Mokgobo and Thabiso Ranyanne after they were found guilty of corruption. The three officers were also found guilty of assault, kidnapping and defeating the ends of justice. They were each sentenced to eight years for assault, four years for kidnapping and three years for defeating the ends of justice.

On 05 June 2020, the three police officers, who were stationed at Diphiring Border Post, came across Lepolisa Ramahlele who was crossing the border from Lesotho to South Africa illegally. He went to Lesotho earlier that day to buy cigarettes and tobacco products that he was planning to sell in South Africa. The cops approached him and demanded that he pays them not to arrest him. Ramahlele, in fear of being arrested, offered the cops R7,000, but they told him that the money is not enough and demanded R10,000. Ramahlele called a friend asking him to bring R3,000 for him. The cops tied Ramahlele's hands and feet, threatened to throw him in the river and fired a shot next to him. They later threw him in the boot of the car and drove with him to Zastron.

Matlhoko called for a harsh punishment for the three police officers because they were stationed at the border gate and part of their responsibilities was to enforce lockdown regulations. "The offences were committed at a time when the country was dealing with the COVID-19



**Chief Prosecutor Sello Matlhoko**

pandemic. They were entrusted with the task of ensuring that communities comply with lockdown restrictions of the pandemic, instead, they took advantage of the situation to enrich themselves. They were driven by greed because even after the victim had already offered them R7,000 which was in his possession, they still demanded more, such that they forced him to call a friend to bring him more money on the pretext that he was in trouble. They even went further by dispossessing him of his cigarettes and tobacco products worth R3,000", said Matlhoko.

Matlhoko stated that even as first offenders, the accused are not entitled to escape the sentence of incarceration because they have committed serious offences and the seriousness of such offences make it necessary for the court to send a clear message that behaviour of this kind, especially by police officers will not be tolerated.

At the end, the court imposed an effective prison term of 15 years on each of the accused as they failed to advance substantial and compelling circumstances warranting deviation from the minimum prescribed sentence.

# MPUMALANGA SERIAL RAPIST SENTENCED TO 7 LIFE TERMS AND 83 YEARS IMPRISONMENT

Monica Nyuswa  
RCM: Mpumalanga Division

The Mpumalanga Division of the High Court in Mbombela convicted and sentenced Elvis Aaron Zulu (40) from Daantjie in Pienaar to 7 life terms and 83 years of direct imprisonment. This follows his conviction on 22 counts ranging from nine counts of rape, six counts of kidnapping, three counts of robbery with aggravating circumstances, three counts of pointing of firearm and one count of possession of unlicensed firearm. Zulu's reign of terror started from January 2011- November 2014 in Pienaar in the district of KaBokweni.

*The accused would target his victims at gunpoint, take them to a nearby house and rape them. He would sometimes take his victims to a nearby graveyard, rape them and rob them of their belongings like cellphones and cash. One of the victims was a minor when the incident happened while three other victims were gang raped by the accused and his unknown co-perpetrators.*

In one incident which happened on 30 January 2011, a thirty-eight-year-old victim was on her way to the shop when the accused emerged. He struck a conversation with the victim, while busy talking, the accused grabbed her to a nearby abandoned house at a gunpoint and raped her more than once. Zulu released the victim the following day and gave her a taxi fare to travel back home. Again, on 02 November 2011, the other victim



State Advocate Tsepo Mahasha

was at Msogwaba cemetery when the accused and his co-perpetrator emerged. They pointed the victim with a knife and a firearm, laid her on the grave and raped her using a tombstone as a bed whilst his accomplice pointing a firearm at her. The accused rape spree came to light in November 2014 after he and his unknown accomplices accosted another victim at Pienaar. They took a victim's cellphone dragged her to Hope of the Nations Ministry church and raped her taking turns. The accused was arrested after one of the victims was able to identify him to the police. Buccal swabs were taken and positively linked him with other rape cases.

## State Advocate Tsepo Mahasha had this to say about the case:

Before the trial started the accused changed attorneys until he decided to conduct his own defense. Another challenge was when I had to consult with one of the victims who was raped on top of the grave. She was a virgin at that time and as a result, she suffered epileptic surge after the rape ordeal and was not copying during consultation but was able to give credible testimony during trial.

## What key evidence did you rely on?

I relied on the DNA evidence and the testimony of the one victim who was able to identify the accused.

## How Did You Finalise The Case?

The accused denied the allegations levelled against him however the trial ran its course without any delays and the accused was convicted and sentenced.

## Would you say the criminal justice system is winning the fight against gender-based violence perpetrators?

Yes, the criminal justice system is winning through successful prosecution of cases and the sentences imposed to perpetrators of this crime by the courts.



# FOREIGN RECOVERIES IN THE PAST 5 YEARS

Coleen Brown

Chief Financial Investigator: AFU



Since 2018 to 31 November 2022, the Asset Forfeiture Unit (AFU) has achieved the following results in pursuing the proceeds of foreign predicate offending:

- **20 Preservations** to the value of **R62 million**
- **17 Forfeitures** to the value of **R45,7 million**
- Repaid **R31,5 million** to victims
- Paid **R267 000** into CARA



## Recoveries

The following recoveries emanating from orders obtained previously, were made during the period under review.

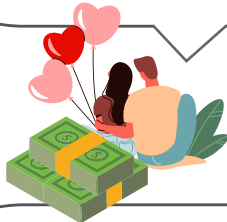


### Darren Finch

This matter related to the proceeds of drugs. The UK Government requested the registration of a confiscation order in South Africa. The money recovered was paid to the UK on 20 October 2021.

### Nwosu and Amadi

The perpetrators were running a romance scam. **R1.2 million** was paid back to the victim, Jude Lane Jones, who is an American citizen, on 07 August 2020. Gqirhana. The perpetrators were running a romance scam. **R1.9 million** was paid back to the victims, who are American citizens, on 07 August 2020.



### Gqirhana

The perpetrators were running a romance scam. **R1.9 million** was paid back to the victims, who are American citizens, on 07 August 2020.

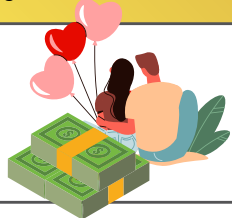
### Chinoso Pascal Eze

The suspect was running a romance scam to the value of **R500 000**. The only asset that could be seized was a vehicle. **R55 000** was repaid to the victim. Recovery made in the Sunny Penny matter where the money was returned to the Lesotho Government is reported above.



## Case Studies

### Freezing Orders



### Frank Lammy Investments

The perpetrators were running a romance scam. The AFU obtained a preservation order on 17 June 2020 and a forfeiture order on 11 June 2021. **R137 000** was paid back to the victim on 16 August 2021.

### Minserve Logistics (Wei Liang Yeh)

Wei Liang Yeh, defrauded a Taiwanese businessman and retained the proceeds in the account of Minserve Logistics. The AFU obtained a preservation order on 02 September 2020 and a forfeiture order on 26 April 2021. The money was forfeited as the proceeds of crime and **R200 000** was paid over to the victim on 08 September 2021.



### Aibangbe

The ABSA Exchange Control and Monitoring division flagged a transaction from one Darlene Gulka from Canada. The activity on the account indicates the operation of a Romance Scam. The AFU obtained a preservation on 19 November 2019 and a forfeiture on 03 December 2020. **R760 000** was paid back to the victim on 29 April 2021.

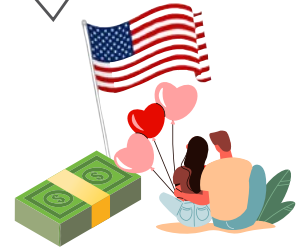


### Mary Mubaiwa – Mutual Legal Assistance (MLA) request

Mary Mubaiwa was the wife of the former Deputy President of Zimbabwe and is therefore regarded as a PEP. An MLA request was received from Zimbabwe – The respondent, a Zimbabwean citizen was the CEO of a company operating in Zimbabwe who established a business relationship with two companies in the RSA. The SA companies provided pro-forma invoices to claim payments from the Zimbabwean company. The funds were then diverted to acquire personal property and personal benefits. The AFU obtained a preservation order to the value of **R11.2 million** on 09 February 2022. The forfeiture process is ongoing.

### TQ Chikwore

Chikwore scammed an innocent person in the USA by pretending to be romantically involved with her and persuaded her to transfer funds to a Nedbank baccout. Nedbank froze the account as a result of suspicious transactions. The AFU obtained a preservation on 17 March 2020 and a forfeiture on 30 September 2020. An amount of **R247 000** was paid back to the victim, Linda Barberena, who is an American citizen, on 04 November 2020.



### M Enegamba

Fraud Theft and Money Laundering was committed by the perpetrator – The defendant purchased property and vehicles with money obtained through email scamming of victims in the USA. The AFU obtained a preservation order on 28 February 2022 in the amount of **R1.6 million**. The forfeiture process is ongoing.

### Sunny Penny

A fraud scheme was perpetrated in the Kingdom of Lesotho. The perpetrators committed fraud from within the Treasury Department of the Ministry of Finance. The fraud was perpetrated through the duplication of payment vouchers for payments to be made on behalf of the Lesotho Department of Water Affairs. Recoveries The following recoveries emanating from orders obtained previously, were made during the period under review. Darren Finch. This matter related to the proceeds of drugs. The UK Government requested the registration of a confiscation order in South Africa. The money recovered was paid to the UK on 20 October 2021. Nwosu and Amadi



The perpetrators were running a romance scam. **R1.2 million** was paid back to the victim, Jude Lane Jones, who is an American citizen, on 07 August 2020. Gqirhana The perpetrators were running a romance scam. **R1.9 million** was paid back to the victims, who are American citizens, on 07 August 2020. Chinoso Pascal Eze The suspect was running a romance scam to the value of **R500 000**. The only asset that could be seized was a vehicle. **R55 000** was repaid to the victim. Recovery made in the Sunny Penny matter where the money was returned to the Lesotho Government is reported above. The perpetrators were running a money laundering scheme to conceal the proceeds in South Africa. The AFU obtained a preservation order on 12 October 2021 and a forfeiture order on 24 March 2022. **R18.6 million** was paid back to the Lesotho Government on 09 May 2022. This is another example where the AFU proceeded with the preservation of the funds pursuant to an informal request for mutual legal assistance as the time required to adhere to formal processes would have led to the funds being dissipated. In the second leg in the fraud matter against the Lesotho Government, the AFU obtained a further preservation order on 10 November 2021 a forfeiture order in August 2022.

### Akindunmade (Buthelezi)

Suspected members of a syndicate that is committing cybercrime and theft or fraud by scamming unsuspecting international government and private entities and individuals. In this instance the perpetrators fraudulently persuaded My Health My Resources (MHMR), an organisation based in Texas, USA, to make payments to "beneficiaries" who paid money to bank accounts in South Africa. The AFU obtained a preservation order in the amount of **R3.4 million** on 01 July 2022. The forfeiture process is ongoing. The SA companies provided pro-forma invoices to claim payments from the Zimbabwean company. The funds were then diverted to acquire personal property and personal benefits. The AFU obtained a preservation order to the value of **R11.2 million** on 09 February 2022. The forfeiture process is ongoing.



10 YEARS

### Nielsen (Hayat & De Agrela)

This case emanated from an informal request for mutual legal assistance. An employee of the Government of Denmark committed fraud by creating fictitious social grant beneficiaries who were paid electronically for over ten years. These payments were then further transferred to South Africa. The AFU obtained three confiscation orders in the period under assessment as well as a forfeiture order in the amount of **R6 million** on 20 August 2020. Furthermore, a forfeiture order in the amount of **R235 000** was obtained on 10 November 2020 and another, in the amount of **R2.075 million** was obtained on 24 June 2020. **R6.8 million** was returned to the Belgian Government with the last payments being made on 08 April 2022.

# STRENGTHENING COOPERATION IN ASSET RECOVERY IN SOUTH AND EASTERN AFRICA

*Coleen Brown*  
Chief Financial Investigator  
AFU

On 20 to 24 February 2023, the National Prosecuting Authority hosted members from the Asset Recovery Inter-agency Network of Eastern Africa (ARINEA) as part of a peer to peer workshop. ARINEA members include Kenya, Tanzania, Uganda, Rwanda, Burundi, South Sudan, Djibouti and Ethiopia.

The Asset Forfeiture Unit at the National Prosecuting Authority in South Africa and the United Nations Office on Drugs and Crime (UNODC) perform a secretariat function of the Asset Recovery Inter-agency Network of Southern Africa (ARINSA). ARINSA is a multi-agency informal network between participating countries in Southern Africa which exchanges information, models, legislation and country laws in asset forfeiture, confiscations and money laundering. As co-hosts of the ARINSA Secretariat, the NPA has provided, on an ongoing basis, specialised technical and operational assistance to member countries with the aim of strengthening information exchange for the recovery of assets in the Southern and East African regions.

In line with the above position, ARINEA submitted a request to the National Prosecuting Authority to conduct a peer-to-peer programme for focal persons of that network. The request identified the following topics, which will enhance the capacity of managers, prosecutors and lawyers who are engaged in asset recovery to have sufficient skills to deal with asset recovery, both locally and internationally:

- Conviction and non-conviction-based asset recovery initiatives.
- International co-operation including enhancement of cross-border, inter-agency cooperation in regional networks of the Eastern African region
- Administering a Criminal Asset Recovery Fund
- Improvement of technical and methodological capacities to detect and recover illicit funds

Due to the above identified needs, facilitators / experts from the NPA, DPCI, DPSA, the FIC and CARU shared their respective knowledge and ensured that best practices are encapsulated and shared between countries within the African continent in the fight against crime.



**NDPP Adv Shamila Batohi, DNDPP AFU Adv Ouma Rabaji-Rasethaba with delegates attending the conference**



# ESSENTIAL INFRASTRUCTURE

*Elaine Moonsamy*  
Senior Deputy Director of Public Prosecutions  
Organised Crime

Essential Infrastructure refers to any installation, structure, facility, or system, whether publicly or privately owned, the loss or damage of, or the tampering with, which may interfere with the provision or distribution of a basic service to the public as defined in section 1 of the Criminal Matters Amendment Act, 18 of 2015.

According to Gi-Toc, "South Africa's critical infrastructure is at a tipping point after years of chronic mismanagement and rampant theft. Copper cable theft and other crucial metal components are stripped out of the country's railways, electricity grid and communications network. Thieves have also targeted diesel and petrol pipelines, and water infrastructure."

This causes huge disruptions to the provision of services, severely impacting the economy and the lives of citizens. Something must be urgently done, failing which the damage to this country may become irreversible.

According to the Gi-Toc report, between April 2020 and June 2021, the global copper price more than doubled. This fueled an unprecedented spike in copper theft across South Africa's networks which saw hundreds of kilometers of copper cable stolen. The stolen metal is then sold to domestic scrap dealers, who process it and ship it to via South African ports to China, the world's largest consumer of copper. We have seen this spike in the South African railway network (mainly targeting the copper used in overhead power cables), electricity infrastructure, in connectivity networks (along with diesel back-up power generators, power sources, radio equipment and any other metal that is easy to remove), water infrastructure (pumps, pipelines, fittings and maintenance hole covers).

A lack of intelligence regarding the constitution of criminal syndicates involved in copper theft remains a major stumbling block: over the years, mainly low-level runners (who carry the stolen goods) have been arrested, while the ringleaders of finalised criminal gangs remain largely unknown.

Government has responded to this phenomenon and in March 2022, President Ramaphosa signed off on the creation of a Critical Infrastructure Council to counter threats against key infrastructure and assess risk level on a quarterly basis. The council will consist of both senior ministry officials, private sector and civil society members and the secretary for the police service.

It is therefore incumbent on Law Enforcement Agencies to respond with the same impetus as government. The Organised Crime Component is happy to announce that 9 cases were finalised in the third quarter. In every one of these cases, a sentence of 15 years imprisonment was imposed.

In March 2023, the Regional Division of the Western Cape convicted MALOME MATSETELA AND 4 OTHERS on charges of: Contravention of section 2(1)(f) of the Prevention of Organised Crime Act (POCA) Racketeering (Managing an Enterprise); Contravention of section 2(1)(e) of the Prevention of Organised Crime Act (POCA) Racketeering (Participating in the affairs of an Enterprise); Contravention of section 4 of the Prevention of Organised Crime Act (POCA) Money Laundering; Various counts of Theft of Telkom, Transnet, and Eskom copper cables over period 2012 to 2015 in Port Nolloth, Kenhardt, Steinkopf, Kimberley and Williston in the Northern Cape Province. Beaufort West, Oudtshoorn, and Prins Albert in the Western Cape Province.

The proceeds of the theft were sold to Malvern Scrap Metals in Stanhope Street, Malvern, Johannesburg, who in turn sold it to SA Metal, Bedfordview, Johannesburg. The offences were committed in three different provinces. The State applied for a Racketeering Certificate and Centralisation Certificate, and both were granted by the NDPP.

The investigation started in the early hours of 10 November 2012, when members of the South African Police Service, Prince Albert arrested two suspects in the Prince Albert, Southern Cape area, in the early morning hours, for the theft of Telkom overhead copper cables.

A silent alarm was triggered when the Accused cut the Telkom overhead cables between Oudtshoorn and Prins Albert. SAPS Prins Albert arrested two suspects. The arresting police officers overheard the suspects talking and they were saying that they were supposed to be picked up with the stolen overhead Telkom cables by a third suspect. SAPS noticed a suspicious vehicle driving in the direction where the suspects were arrested and gave chase. The driver of the vehicle abandoned the vehicle and ran away.

The investigation was then taken over by the Hawks (DPCI) George Unit because of the increase in Telkom overhead cables in the Southern Cape area at the time. Upon further investigation the Hawks discovered that the vehicle that was supposed to pick up the two arrested suspects was rented from a Vehicle Rental Company in Soweto Diepkloof, Mundzhedzi Consulting. Further investigation uncovered that this vehicle and other vehicles were used by a group (syndicate) from Johannesburg to steal Telkom, Eskom and Transnet overhead cables in the Western Cape and Northern Cape and then transported to Malvern, Johannesburg, where it was sold and offloaded at Malvern Scrap Metal and then sold to SA Metals, Bedfordview.

Financial investigations were conducted. The Court found that **Accused 1** received more than R15 million during the period in question from SA Metals in 241 transactions; **Accused 2** received an amount of R119 480; **Accused 4** received an amount of R506 114; and **Accused 6** received an amount of R 446 925.00.

**The accused were all sentenced on 31 March 2023 to an effective sentence of 18 years; 15 years; 8 years; 17 years and 8 years imprisonment respectively.**

# SON OF NAMIBIAN GAY COUPLE IN CITIZENSHIP LIMBO AFTER COURT RULING

IOL News  
21 March 2023

*The Supreme Court in Windhoek, Namibia, on Monday overturned a decision by a lower court to grant citizenship to a gay couple's son who was born in neighbouring South Africa through surrogacy.*

**In 2021, the High Court had granted the child citizenship after the interior ministry had denied it on technical grounds. The government then appealed, saying that the couple had failed to comply with the law by not registering the birth with the Namibian authorities within one year, as legally required.**

The paramount court agreed, by saying, on Monday that the High Court had "misdirected itself". "Since the birth... was not registered in terms of... the Citizenship Act, it was not competent for the High court to grant the relief it did to the respondent," it said.

The child, Yona, now aged four, has a South African birth certificate identifying his parents as Phillip Luehl, a Namibian citizen, and Guillermo Delgado, a Mexican citizen.

In its initial complaint, the interior ministry had demanded a DNA test to prove that one of the boy's parents was a Namibian citizen. But the couple refused to do the test and the High Court accepted a birth certificate issued in South Africa.

*The couple said they were disappointed by the latest ruling, but vowed to continue fighting for their son's right to citizenship. Luehl told AFP that the ruling was just another way of "frustrating people that don't have full access to equality, frustrating them with bureaucratic procedural matters". "It's very unfortunate," he said.*

In an earlier statement, the couple said: "This court is supposed to be the upper guardian of children, supposed to decide in the best interest of children, and here they are giving us the run around."

South Africa, under its liberal post-apartheid constitution, is the sole African nation which allows gay marriage, which was legalised in 2006.

In Namibia, homosexuality is illegal under a 1927 sodomy law which dates back to when the country was under South African rule. The law is rarely enforced.

## HUMAN RIGHTS MONTH 2023



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REPUBLIC OF SOUTH AFRICA



# THE NPA BIDS MMANOTSHE SELETISHA FAREWELL AS SHE HANGS HER PROSECUTORIAL GOWN AFTER 36 YEARS OF SERVICE

The passion of being a people's lawyer is to some a calling and such was demonstrated by Ms Mmanotshe Mary Seletisha, as she retires her prosecutorial gown after 36 years. Ms Seletisha hails from Marapyane, a village in Mpumalanga where she grew up and matriculated. She narrates how she aspired to become a lawyer from an early age. She fulfilled this calling by graduating with Bluris in 1986 at the former University of the North (Turfloop), currently known as the University of Limpopo.

Ms Seletisha, was subsequently appointed as the District Court Prosecutor at Moretele Magistrates' Court in August 1986. Through her passion and dedication, she was appointed to the Regional Court in Ga-Rankuwa in 1990 until 1996, where she accepted a post at the Justice College as a trainer for prosecutors. In February 1997, she was transferred to Ga-Rankuwa Magistrates' Court as a District Court Prosecutor. Her dedication to the course of being a dedicated professional saw her being appointed as a Senior Public Prosecutor at the Pretoria Magistrates' Court in May 1999. The experience and the leadership skills she acquired and demonstrated throughout the years led to her appointment to the position of Chief Prosecutor in December 1999 until March 2023, in the Odi Cluster

**Asked about what her wishes are for the NPA, she replied by saying:**

My wish for the NPA is to have prosecutors who are competent, professional and have integrity so that we can be known as devoted lawyers for the victims of crime and to continuously uphold our values (IPAC) and the law. I wish our prosecutors can embrace this profession to be a calling and not just a job. My greatest hope is that all prosecutors can assist in fighting corruption by reporting it and not looking the other way when it manifests in their presence. My message to all NPA staff is to uphold the rule of law at all times and serve our communities without fear, favour or prejudice. I wish the division all the best in fighting crime in the North West.

The NPA wishes Mmanotshe Mary Seletisha well in her retirement and hopes upcoming young prosecutors will continue to honour her legacy with pride and dignity.



**Ms Mmanotshe Mary Seletisha (seated) with her colleagues**



# A NEW COHORT OF ASPIRANT PROSECUTORS RECEIVE TRAINING IN GEORGE

Eric Ntabazalila

RCM: Western Cape Division

*The Western Cape recently welcomed its cohort of aspirant prosecutors who have since been deployed to various clusters throughout the region. The group went through a month-long formal provincial training at the DPP office before taking an oath and thereafter dispatched to different courts. They had the privilege of rubbing shoulders with the National Director of Public Prosecutions, Adv. Shamila Batohi, who shared some words of wisdom with them.*

George was one of the clusters to formally welcome its new aspirant prosecutors 2023 intake. Welcoming them, the cluster's Chief Prosecutor, Phumzile Nogonyoti,

said, it was the first time that the cluster had a formal welcoming ceremony for its aspirant prosecutors.

"The ceremony was intended to make the new aspirant prosecutors feel at home within the NPA and to welcome them to the George Cluster. At the end of the ceremony, it was touching to see some of them becoming emotional as they realise that they will be assigned to serve in different branches, after being together for a month during training.

"In the George cluster we have several aspirant prosecutors who are new graduates from university, with no prior work experience. We are excited and look forward to training them so that they can be placed anywhere around the country including the rural areas. They will be placed in George, Mossel Bay, Swellendam, Knysna and Plettenberg Bay as well as in the Karoo - in Oudtshoorn and Beaufort West," he remarked at the welcoming ceremony.

After the formalities, the group was able to engage in real life practical work when they accompanied Nogonyoti and senior prosecutors from the cluster and the George Thuthuzela Care Centre on a visit to Thembaletu Secondary School. They watched Nogonyoti and other prosecutors engaging with more than 400 learners on services provided by the NPA, the Thuthuzela Care Centre and warning them about different types of bullying and its impact.

The school was appreciative of the NPA's efforts in assisting with the fight against social ills and invited the organisation back to have further future engagements with the learners and teachers.





**From L to R: George Senior Public Prosecutors Muller Redelinghuys and Tina Botha, George Cluster Chief Prosecutor, Phumzile Nogonyoti and Oudtshoorn Magistrates' Court Senior Public Prosecutor, Asanda Nelana with aspirant prosecutors from the George Cluster during the ceremony**



**Signing of an oath of office by aspirant prosecutors**



**Aspirant Prosecutors taking an oath of office**



**DPP Western Cape Adv Nicolette Bell with tutors who oversaw a month-long training of the aspirant prosecutors before their deployment**



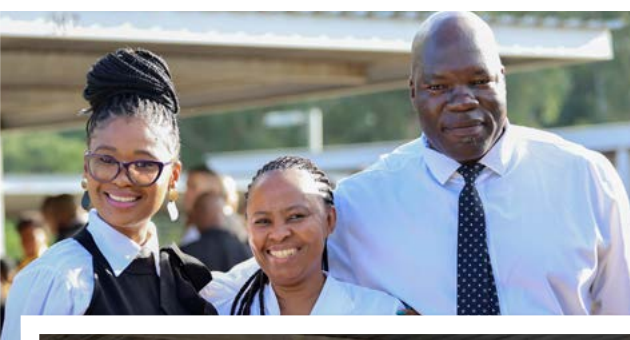
**Aspirant prosecutors from the George Cluster during the ceremony**



# 2021/2022 ASPIRANT PROSECUTORS INAUGURATED







# GAUTENG LOCAL DIVISION HELD ITS ANNUAL PLANNING AND STAKEHOLDER CONFERENCE

Phindi Mjonondwane  
RCM: Gauteng Local Division

**The Gauteng Local Division (GLD) held its regional annual planning and stakeholder conference at the offices of the Director of Public Prosecutions (DPP) auditorium in Johannesburg from 02 to 03 February 2023 under the theme, "Working towards a South Africa where crime is reduced, and everyone not only feels safe, but are actually safe." In attendance were various stakeholders within the Justice and Crime and Prevention Cluster (JCPS), the Departments of Home Affairs, Health, and Social Development.**

The DPP in the Gauteng Local Division, Adv. Andrew Chauke, welcomed the attendees, emphasising the importance of collaboration with various stakeholders for a common course. "It is important that we work in unison in the fight against crime. We need to understand where we come from, where we are going and how to achieve our common goal, which is to ensure that South Africans feel and are safe", he said.

The Judge President of the Gauteng Division of the High Court of South Africa, Dunstan Mlambo, graced the occasion as a keynote speaker and detailed the importance of developing an information strategy against undue delays to curb challenges that hampers finalising trials expeditiously. He assured attendees that additional courts will be established to help with decongesting the criminal roll, citing that one is already operational in Diepsloot, functioning as a community court. He further spoke about interactions amongst the Judiciary and the NPA to identify cases that should be on the High Court roll, including those emanating from the State Capture report.

Thereafter stakeholders were given an opportunity to do presentations on challenges they came across and proposals on how to mitigate these challenges. Major General Kekana from the South African Police Service (SAPS) presented their statistics to highlight areas of priority/focus. He raised challenges such as the long-awaited toxicology and blood results that led to cases being struck off the roll. He added that outstanding decision dockets, including murder and inquest dockets added strain to their performance and that there



**DPP Gauteng Local Division,  
Advocate Andrew Chauke**

needs to be time frames set to expedite the delivery of justice. Ms. Ntshangase from the Independent Police Investigative Directorate (IPID) cited the need for a multi-pronged strategy to shorten court proceedings as witnesses lose interest in the pursuit for justice as some cases take a long time to be brought to finality. Dr. Morule from the Department of Health requested that doctors should be served with subpoenas timeously and that they be notified when there is no need for medical professionals to attend court as they cannot afford to have doctors attend postponements. He further indicated that the inaccessibility of some prosecutors was a challenge as they cannot plan accordingly as the Department of Health when they do not have information on how long their practitioners will be needed in court. He cited that a Memorandum of Understanding (MOU) with the NPA could help alleviate some of these challenges.

The second day was for the Division to self-reflect, conduct SWOT analysis and hold discussions to address violent contact crimes, GBVF, commercial crimes, corruption, money laundering and organised crimes. Ways to place AFU at the centre of criminal prosecutions by involving AFU as early as these cases are enrolled were also discussed. Resolutions on how to mitigate challenges raised by stakeholders so as to improve service delivery were drafted so that they can be disseminated to the entire region. The innovation team was also awarded an opportunity to present the innovative communication prototype which was the brainchild of the GLD innovation team. The app will be piloted in the GLD, under the guidance and supervision of the Communication unit to try and alleviate the problem of filtering communication to prosecutors and staff members at the lower courts.

Attendees were reminded that the organisation has identified four strategic priorities, which are, the prioritisation of practice and policy, the community prosecution initiative, service delivery improvement and amplifying our influence within the JCPS cluster. Some of the resolutions included providing a victim-centric service, the need to reduce backlog, training of prosecutors on high impact cases, including training of stakeholders such as the DPCI on POCA, FCS investigators and maintaining stakeholder engagements at local and cluster level. The resolutions were circulated to all employees in the GLD who were all expected to attach their signatures as part of acknowledgement that these were communicated to them by management.



# NPA BIDS FAREWELL TO AN ETHICS ADVOCATE

Pretty Mabanga & Pfano Chililo  
Knowledge Management Team: SMO

*After almost 20 years in the field of Ethics Management and Anti-Corruption, Mr Praveen Naidoo, is setting his sight on a well-deserved retirement at the end of March 2023. Mr Naidoo has had an illustrious career in the fields of Oversight Governance, Integrity and Ethics Management and Anti-Corruption. He now completes a 11-year stint in his roles as both a Director and an Acting Chief Director, within the Integrity Management Unit (IMU) at the NPA.*

**Mr Naidoo's career began as a Sports Teacher at a high school in the early 80's, and since then, has taken on numerous other roles in hospitality, retail, and casino industries. In 2000, he opened a Forensic Vetting Company, focusing on Layered Voice Analysis (LVA's) and Polygraph Testing.**

Naidoo studied at the Institute for Global Ethics in Camden, USA, in 2002 and then joined The Ethics Institute as a Senior Manager. In 2008, he worked as a consultant in the Eastern Cape Premier's Office where he helped to develop and mainstream the Provinces' Ethics Management Infrastructure.

Naidoo later became an Independent Individual Contractor (IIC) for the National School of Government, where he assisted with the rollout of the National Anti-Corruption and Ethics Management Programmes.

In 2011, he was appointed as one of SARS Senior Ethics Specialists and joined the NPA's Integrity Management Unit (IMU) a year later where he focused on Advocacy and Ethics Management.

According to Naidoo, Ethics Management by its very nature should be part of every business unit and every business process in an organisation. However, trying to embed this philosophy at the NPA has been a challenge, and he is hoping that with the establishment of the OEA, a new integrated approach to oversight governance and ethics management would be embraced across the NPA.



**Mr Praveen Naidoo (in a black jersey) with his colleagues**

**To be effective in this field, Naidoo emphasises the need:**

- To be agile and sensitive to the changing dynamics on the ground, and to always have a positive and constructive learning mindset.
- To always read widely and where appropriate, conduct research and assess trends to be relevant.

Looking back at his career, Naidoo feels that he should have been more courageous and challenged the organisation and himself more than he did over the years. However, recent national initiatives, especially with regards to innovation, mentoring and coaching opportunities, does augur well for the organisation going forward.

**Message from Mr Naidoo:**

- The NPA has been a wonderful learning environment, and I have been humbled by the various opportunities afforded to me to apply and grow my professional skills within the organisation. I am pleased that I took every opportunity afforded to me and would like to encourage all my colleagues to have a similar open mindset and embrace every opportunity presented to them.

**What would you like to see happen in the NPA?**

- The OEA Project should be realised and implemented soon, and hopefully there would be a renewed appreciation for Oversight Governance and Ethics Management within the organisation.
- Ideally, public servants including our NPA colleagues should be afforded a minimum of 10% of their KPAs to be measured in terms of their social outreach, as a reflection of their roles in the organisation. In this way, they can help give credence to their respective roles as public servants, and in so doing, help to rebuild the Brand Integrity of the Public Service in South Africa.



# NPA, UNODC HELD A WORKSHOP TO HIGHLIGHT CYBER VIOLENCE AGAINST WOMEN AND GIRLS

Natasha Kara  
RCM: KwaZulu-Natal Division

*The NPA in KwaZulu-Natal in conjunction with the United Nations Office on Drugs and Crime (UNODC) recently hosted a workshop on cyber violence against women and girls (CVAWAG). In attendance were other government departments such as the SAPS, Department of Justice, Department of Social Development, Department of Education as well as NGO's like lifeline and Childline.*

**In her opening remarks, UNODC National Project Officer, Linda Naidoo, explained their mission which was to contribute to global peace and security by making the world safer from drugs, crime, corruption, and terrorism. The issue of cyber violence, which is an act of gender-based violence, falls within this ambit. Naidoo said that in a survey done in 2013, 76% of women and 72% of men used social networking sites; but, a significantly larger number of women experienced online abuse.**

Cyber violence is the use of technology to cause or threaten violence against individuals that is likely to result in physical, sexual, psychological, or economic harm or suffering. It may also include the exploitation of a person's circumstances or vulnerabilities. It is a harmful act perpetrated against a person based on socially ascribed differences between males and females.

Some myths or existing statements about cyber violence are that whatever happens on the internet is not real and the victim is in no actual danger. Also, it is just on the internet and the victim should not overreact. If the victim switches off their phones or computer, then the violence will stop. Another myth is that it only occurs in heterosexual 'romantic' relationships and is driven by passion and not by violence.

In understanding cyber violence against women and girls, one needs to realise that it is not separate from real world violence. Online violence encompasses online harassment, online threats, cyber bullying, blackmailing or sextortion, romance scams (catfishing), stalking, hate speech and nonconsensual sharing of images (revenge porn). The tools needed to commit cyber violence are simply a cell phone or a laptop with internet connection and access to social media applications such as Instagram, WhatsApp, YouTube, TikTok, etc. People can also torment others by sending messages deliberately and constantly with the intention to shame, harass, anger, scare, intimidate and humiliate.

A consequence of cyber violence is that it is difficult to erase the content from cyberspace thus making it impossible for the victim to escape the situation while, often, the perpetrator remains anonymous.

Naidoo made reference to a training handbook for criminal justice practitioners on cyber violence against women and girls, saying that it will serve as an effective tool. She offered the following recommendations from the UNODC to combat cyber violence, especially against women and girls:

- education and awareness raising
- empowering girls and young women
- tackling how women are depicted
- changing the gender norms that pervade society
- establishing and enforcing laws through international cooperation in prosecuting crimes and harnessing technology to create safe digital platforms

Following the workshop, stakeholders were advised to implement their knowledge in the scope and mandate of their work. In respect of the NPA, talks are underway for training on the handbook to be rolled out to various clusters within the province.



# INVESTIGATING DIRECTORATE STRATEGIC REVIEW SESSION

Sindisiwe Seboka  
ID Spokesperson

*In October 2022, senior management of the Investigating Directorate met for a strategic review session to engage on the six months that was and map out the 2023/2024 objectives and new milestones that the ID needs to meet. The meeting ended on a high note on the backdrop of the NPA having met the self-imposed six-month, nine-*

*seminal matter enrollment. In those deliberations, the ID also took stock of how it contributed to eight matters that were part of the NPA's required nine seminal matters.*

**After self-introspecting on what went well and how to improve the strategy review, the unit looked into a mixed bag of recommendations on how to take the ID to the next level.**

The team also provided strategic feedback on what is required from the senior NPA EXCO in order to assist the NPA multidisciplinary unit to thrive.

Amongst the dignitaries who graced part of the three-day program were former NDPP Vusi Pikoli, Adv Tembeka Ngcukaitobi and DNDPP Anton Du Plessis.

The key deliverables on the table were concessions to assist government where required on aspects of legislative amendments that would assist the ID to be legislated permanently by April 2023. In the room on the last day of the gathering the NDPP took the opportunity to pledge her support to the unit and assure support where required.



**Top Left: ID Head, Adv Andrea Johnson; Top Right: Adv Thembeka Ngcukaithobi with the NDPP, Adv Shamila Batohi; Bottom Left: DNDPP, Adv Anton du Plessis; Bottom Right: Former NDPP, Adv Vusi Pikoli**

# COMMUNITY PROSECUTION STRATEGIC WORKSHOP

Janet de Jager  
Director: Public Relations

*Moving towards a purposeful and impactful Community Prosecution Programme.*

**The Community Prosecution Strategic Workshop recently took place from 01 to 03 March 2023. The NDPP, DNDPPs, Special Directors and DPPs from the regions together with NPA staff members and Community Prosecutors attended the workshop. Also in attendance were the National Coordinating Team for the Community Prosecution Programme, the Strategy Management Office, NPA Communications, the Institute of Security Studies, and a few external stakeholders.**

This workshop took place at a strategic time in the execution of the programme and the confirmation of the work in respect of the programme going ahead.

Community prosecution as a powerful and innovative instrument in the fight against crime, focuses on targeted areas and involves long-term, proactive partnerships. It involves prosecutors, the police, local government, the community, and public and private organisations to solve crime-related problems, improve public safety, and enhance the quality of life in the community.

At the heart of community prosecution is the inclusion and engagement of the community to identify and resolve local problems and public safety priorities. Community prosecution initiatives empower the NPA to prosecute strategically by focusing on repeat offenders and organised criminals. Community prosecution is a vital tool to ensure we are Lawyers for the People.

In her maiden strategic plan, the National Director, Adv. Shamila Batohi and her leadership committed to refocus the NPA's strategies towards the outcome, 'improved access to NPA services'. Accordingly, the Community Prosecution Programme was revived in 2020 as a critical driver towards improving service access. The Programme also is one of the few strategic initiatives that have a direct impact on government's priority six: Social Cohesion and Safe Communities. NPA leadership selected community prosecution as one of the NPA's strategic priorities for the 2023/24 planning year. The NPA's commitment to the Programme is reflected in the numerous community prosecution sites across the country (since 2020), the development of workplans and the current recruitment of community prosecutors on SPP level for the divisions.

In November 2020, the NPA hosted a workshop to conceptualise and design the implementation of the Programme, which included the identification of the



**NDPP Adv Shamila Batohi addressing delegates at the Community Prosecution Strategic Workshop**





**NDPP Adv Shamila Batohi with delegates at the workshop**

local community prosecution initiatives to address targeted community irritants. However, it is clear from both performance and evaluation reports that there is a need to further enhance the conceptualisation and the implementation of the Programme. It is against this background that the NPA hosted this second workshop. The workshop focussed on tracking progress and challenges in implementing community prosecution programme and aimed to develop practical solutions and strategies to enhance its impact and national footprint.

The workshop that ran two-and-a-half days was facilitated by the Strategy Management Office. Officials shared lessons learnt in designing and implementing community prosecution initiatives and took part in group discussions. The workshop focussed on knowledge to design and implement initiatives and to equip prosecutors with the following knowledge areas in relation to community prosecution:

- An understanding of the concept.
- Clear understanding of the role and responsibility of each community prosecutor.
- Desired and measurable impact of community prosecution at local and national level.
- Unpacking practical strategies to identify community irritants.
- Translating local community prosecution initiatives into practical, implementable, and measurable plans with clear outputs and outcomes.
- Practical ways to apply community prosecution at local level.
- The long-term impact and sustainability of community prosecution through proper resourcing and institutionalisation.
- Community prosecution as an enabler for other prosecutorial performance areas e.g., application of ADRM & Restorative Justice, and prioritisation of certain cases; and
- The linkage between community prosecution and the NPA's Strategic Objectives.

In her address to the attendees of the workshop, NDPP, Advocate Shamila Batohi lauded the incredible feedback that she received regarding the programme. She stressed the importance of the programme in that prosecutions as we know it is not enough anymore. For her this programme is critical innovation, to address surging crime and conviction rates and lowering of confidence. Work done as part of this programme should be impactful, strategic and resource supported.

The NDPP Advocate Batohi mentioned that the programme falls under the lead coordination of the SOCA Unit as a community work specialist unit. community Prosecution should ensure more and better accessibility to services and should make people feel safe. "Community Prosecutors should be ambassadors for the NPA in Communities". For Advocate Batohi, it is important that NPA work strive for credibility, Community Prosecutors should be trustworthy, independent, uncompromising, credible, aware, and professional.

A victim-centred approach to cases as "Lawyers for the People" is essential, and that prosecutors must "serve with humility and a lot of patience". Prosecutors should be empathetic and understanding. For her this takes a special kind of person.

She believes this programme could present best of Africa innovation, could give hope and even help to bring our country back from the precipice. She called on Community Prosecutors to contribute significantly through clear and positive service attitude and work and to be focussed.

Overall, the workshop provided an exceptional platform for sharing, reflection, examination, growth and direction.

# "RAMAPHOSA PROMISES IMPROVEMENT IN GOVERNANCE, SAYS FAILURE TO PROVIDE ADEQUATE SERVICES CONSISTENTLY IS A HUMAN RIGHTS ISSUE"

IOL News  
21 March 2023

*President Cyril Ramaphosa has promised South Africans that government was working to improve the functioning of local government to ensure citizens receive the services they deserve.*

**Ramaphosa delivered the keynote address at the 2023 Human Rights Day commemoration held in De Aar, in the Northern Cape. The theme for this first commemorative day on the annual national calendar is "Consolidating and Sustaining Human Rights Culture into the Future".**

Ramaphosa said this was a significant year for the celebration of Human Rights Day as it was the one hundredth anniversary of the adoption of the first Bill of Rights in South Africa's history. He said, "this was an act of remarkable vision at a time when the majority of South Africans were by law denied the most basic of human rights".

The adoption of the Bill of Rights, which had no legal standing at the time, took place just a decade after the Native Land Act had resulted in the mass dispossession

of the land of Africans. It took place 13 years after the Union of South Africa confirmed that black South Africans would have no say in the running of their country.

"Today, as we mark Human Rights Day, we pay tribute to those men and women who had the foresight to proclaim that all people in this country have inalienable human rights. As we look to the future, let us reflect on the past," he said.

One of the defining features of the Bill of Rights contained in our Constitution is the inclusion of social and economic rights. In addition to the right to life, equality and human dignity, our Constitution also says that everyone has the right to housing, healthcare, food, water, social security and education. Ramaphosa said that since the advent of democracy, successive administrations have done much to ensure the progressive realisation of these rights for all South Africans.

The expanding provision of basic services to households has been one of the most important interventions to improve the lives of all South Africans. However, according to Statistics South Africa, access to water and sanitation, electricity, housing and other services like waste removal has increased steadily over the last three decades. Around two million indigent households receive free basic water, free basic electricity and free solid waste removal. Yet, despite this progress, there are still many people who do not have access to all of these services. Many people live in informal settlements without adequate housing, water or sanitation.

"The failure to provide adequate services consistently is a human rights issue," Ramaphosa said. But, he added, that through changes to legislation and support programmes, government was working to improve the capacity of public representatives and officials, and directing more resources towards maintaining and upgrading local infrastructure.

Government recently re-introduced what are known as the 'Green Drop' and 'Blue Drop' reports, which detail the state of water provision in municipalities throughout the country. On the basis of these reports, he said they are undertaking interventions to fix the problems. He said there were a number of water infrastructure projects under way to improve the security of supply of water to key areas across the country.

A significant intervention against poverty, he said, was the provision of social grants, which are the main source of income for about a quarter of households. Just over 2.5 million people were receiving social grants in 1999, but today, over 18 million people are receiving these grants.

The Bill of Rights says that everyone has the right to a basic education and to further education, which the state must make progressively available and accessible. South Africa has a significantly high level of enrolment in basic education. In 2019, 96% of six-year-old children attended an education institution. However, the dropout rate from school is unacceptably high, with the result that less than

half of children who start school get a Grade 12 pass, Ramaphosa said. He said this was a problem that the education authorities, school leadership, educators and parents need to work together to address.

In addition, as part of a commitment to expand access to higher education for students from poor and working class backgrounds, the number of students funded by NSFAS increased from 580 000 in 2018, to 770 000 in 2021. "Despite this, as we saw in the last few weeks, many students are still experiencing difficulties in funding their studies, accommodation and living expenses. This year, government plans to finalise the Comprehensive Student Funding Model for higher education. Among other things, this aims to reach those who don't meet the NSFAS criteria, but are still unable to afford tertiary education," he said.

*The Bill of Rights says that everyone has the right to have access to health care services, including reproductive healthcare. However, there is still significant inequality in access to healthcare.*

Ramaphosa said they were preparing for the implementation of the National Health Insurance (NHI) through the national quality improvement plan, and putting in place the necessary staff and funding.

"We are improving the quality of care in our clinics through the Ideal Clinic programme. Using the experience of the Covid vaccination record system, we will introduce an electronic solution to improve management of health records," he added.

The Bill of Rights guarantees the rights of all people to life, human dignity, freedom and security. The high levels of violent crime, including crime against women and children, are a direct and brutal violation of these fundamental rights. Ramaphosa commended society who has come together in different ways to respond to violent crime.

Communities have been working with police through Community Policing Forums. Civil society organisations are working with government to implement the National Strategic Plan on Gender-Based Violence and Femicide. Business is working with law enforcement agencies and state-owned companies to tackle damage to economic infrastructure.

Ramaphosa said that as the presence and the visibility of police is increased, and the National Prosecuting Authority is strengthened and the operation of our courts improved, "we need to mobilise everyone in society as part of a national effort to end violent crime.

"We cannot claim to be a country that respects human rights if we do not do everything in our power and within our resources to ensure that all South Africans have access to land, housing, food, water, healthcare and education. "We cannot claim to respect human rights if we do not do everything we can to ensure all people have access to work and economic opportunity, and to live lives that are comfortable, safe and secure.

"There can be no doubt that we have achieved much in securing the rights of all South Africans. But we know from daily experience that we need to do much more," the president said.

The history of Human Rights Day is grounded in the Sharpeville Massacre that took place on the March 21, 1960, where apartheid police killed 69 anti-apartheid protesters. Human Rights Day also honours 35 people who were killed on 21 March 1985 when apartheid police targeted community members after a funeral at Uitenhage/Langa.

As part of the democratic dispensation, South Africa observes March as Human Rights Month to promote respect for basic human rights for all and to restore and uphold human dignity in line with the Bill of Rights.

This period also honours those who fought for liberation, and celebrates the many rights guaranteed under the Constitution, and which are the basis for building a united and inclusive, non-racial, non-sexist and prosperous society.

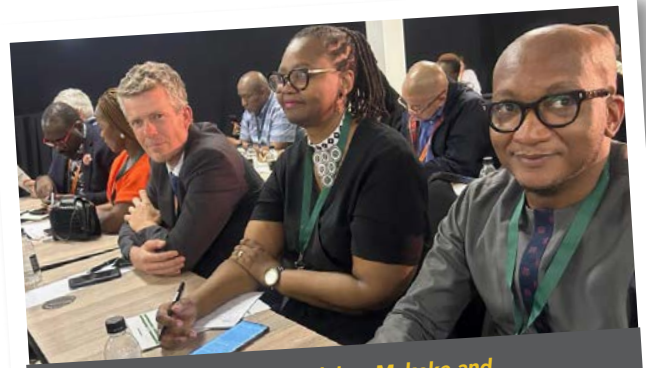




# NATIONAL CONFERENCE ON THE CONSTITUTION: REFLECTIONS AND THE ROAD AHEAD

*The Department of Justice & Correctional Services hosted a three-day National Conference on the Constitution in the Gauteng province from 22-24 March 2023.*

Delegates had an opportunity to reflect and dialogue on the past 25 years of the Constitution, Nation Building, Gender Equality, Youth Economic Empowerment, as well as issues of Service Delivery and Social Stability to chart a way forward on the path towards building on the gains of democracy. On day two of the conference, team NPA (Adv Anton du Plessis, Adv Andrew Chauke, Adv Mthunzi Mhaga and Ms Bulelwa Makeke) joined a panel discussion on fighting corruption as a constitutional imperative.



Adv Anton du Plessis, Ms Bulelwa Makeke and Adv Mthunzi Mhaga during the conference



Adv Mthunzi Mhaga, Adv Anton du Plessis, Adv Andrew Chauke and Ms Bulelwa Makeke



Delegates attending the conference



Minister of Justice and Correctional Services, Ronald Lamola with President Cyril Ramaphosa who delivered the keynote address at the conference



Adv Doc Mashabane, Director General: Department of Justice and Constitutional Development

# MUDAU MAKES THE NPA AND THE COUNTRY PROUD

On 05 March 2023, Mr Tshinyadzo Mudau, a Deputy Director from the Security Management Services in Head Office participated in the 42.2km Tokyo Marathon where he was one of more than 45 000 athletes from around the world who participated in one of the most popular and difficult marathons in the world. He finished in 3 hours and 17 minutes, which is no mean feat for a 50-year-old.

“My aim in Tokyo was to finish the race and collect the World Majors Medal, so that I could get my name engraved on the World Majors Wall of Honour, and I am excited that I achieved that on 5 March this year. This is a rare achievement in the world of athletics. Only 91 runners from the whole of Africa are in possession of this medal, and I wanted to be part of this history,” Mudau said.

Even though Mudau grew up where sporting facilities are almost non-existent in a rural area in the Vhembe district in Limpopo, his passion for running never wavered.

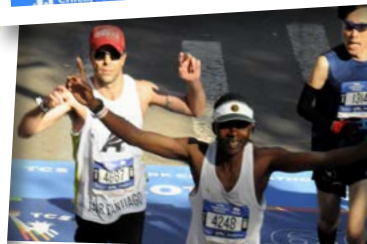
“When I first started running, I set goals for myself. I am happy that I am realising those goals and my dreams are being fulfilled. I wanted to complete ten Two Oceans Marathons and ten Comrades Marathons, and I did. I always wanted to find myself running at the highest level of athletics; running major marathons like the London Marathon in Britain, the Chicago Marathon in the USA, the New York City and Boston marathons in the USA, and the Berlin Marathon in Germany. Having done the Tokyo Marathon in Japan made me feel fulfilled, although I still have to travel the world,” he said.

Mudau has also run the Jerusalem Marathon in Israel, the Dublin Marathon in Ireland, the Paris Marathon in France and the Rotterdam Marathon in the Netherlands. On Saturday, 15 April 2023 he will be participating in the 52km Cape Town Marathon.

On behalf of the NPA, Khasho extends a very warm congratulations to Mr Mudau and wishes him the best in his upcoming marathons.



*Tshinyadzo Mudau, proudly shows off the World Majors Medal he collected after successfully completing the Tokyo Marathon in March 2023*



*Tshinyadzo Mudau running and proudly showing off medals he collected from marathons around the world*



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