

KHASHO

NEWS

14th Edition



FEATURED INSIDE

- > Justice for Ngcobo Police Station attack victims after seven years
- > Human Trafficking kingpin and co-accused handed heavy sentences
- > NPA reaffirms it's commitment to advocate for children's best interests
- > Family murderer sentenced to four life terms and fifteen years imprisonment



National Prosecuting Authority
South Africa

Contents

Child rapist and murderer sentenced to two life terms	4
Man received three life terms for rape of his stepdaughter	5
Gqeberha man sentenced for violent crime spree	6
Grandson sentenced to 20 years for raping grandmother	7
Son sentenced to two life terms of imprisonment for rape and murder	8
A newly appointed prosecutor secures her first life sentence	9
Three men sentenced to eight years imprisonment for conspiracy to commit rhino poaching	10
Limpopo father and friend sentenced for raping and abusing minor daughters	12
Two life terms for serial rapist and murderer	14
High court hands down sentence for businesswoman involved in multi-million-rand tax fraud scheme	16
Three foreign nationals received maximum sentences for poaching indigenous plant	18
Eswatini's law society boss accused of undermining court's integrity	19
NPA empowers future legal minds during Youth Month	20
Letter of appreciation	21
Child Protection Week observed	22
NPA joined forces with Safer South Africa Foundation in building safer communities	26
DPP Limpopo office hosts oath-taking ceremony for aspirant prosecutors	28
Strategic collaboration yields results for NPA Specialised Tax Unit in Kwa-Zulu Natal	29
NPA partners with DOJ and other stakeholders for Human Rights Month	30
Recently launched GBV Court Preparation Room provides relief for victims	32
A Legacy of Service: Celebrating Wentzel Engelbrecht's 47 Years of Dedication to Justice	34

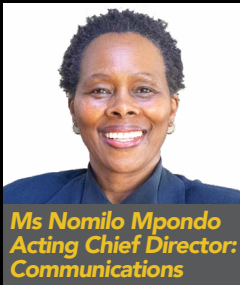
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Letter from the Managing Editor

Welcome to this compelling edition of Khasho where we reflect on the challenging, courageous, and often inspiring work being done across our offices to uphold the rule of law in the country.

In this issue, we bring you detailed accounts of our continued fight against serious crimes — from rape and murder to tax evasion and fraud. These cases remind us not only of the grave impact crime has on individuals and communities, but also of the resilience and resolve required of our prosecutors to deliver justice without fear, favour, or prejudice.

We also highlight a disturbing surge in violent crimes, which have placed our prosecutorial teams under increased pressure to secure convictions and ensure public safety. These stories serve as stark reminders of the work that still lies ahead in creating a just and safe society for all.

Beyond the courtroom, this edition proudly captures moments of hope and commitment. We reflect on Youth Month, where we honoured the courage of young people in shaping our democracy, and Child Protection Week during which the NPA reaffirmed its commitment to the protection and promotion of children's rights — especially in the face of gender-based violence and abuse.

Finally, we shine a light on our Limpopo Aspirant Prosecutors, who recently took their oath to serve the people of South Africa with integrity, independence, and accountability. Their dedication marks a renewal of purpose and a promise of continuity in our pursuit of justice.

As always, we thank our prosecutors, support staff, partners, and the public for walking this journey with us. Together, we are building an institution that serves with excellence and integrity — a cornerstone of our constitutional democracy.

Warm regards.



Leadership Corner

At the heart of every strong and credible justice system is a dedicated, ethical, and well-prepared prosecutorial team. Prosecutors serve not only as stewards of justice but also as key figures in maintaining public trust in the rule of law. It is within this context that the significance of our Aspirant Prosecutor Programme becomes evident.

This programme is more than just a professional induction to the legally qualified graduates, it is a strategic investment in the future of our criminal justice system. It serves as a pipeline of excellence, designed to instill in those who join the NPA as prosecutors, the foundational litigation skills, ethical grounding, and resilience they will need to navigate the complex and evolving demands of criminal justice. It is where we lay the foundation for a new generation of prosecutors who are not only technically proficient but also guided by the highest standards of integrity, credibility, fairness, and accountability. A culture of service to the public and working with the communities they service, is fostered with a specific focus on a victim centred approach in the fight for justice.

Through a carefully structured blend of legal training, mentorship, practical exposure, and value-driven leadership, the Aspirant Prosecutor Programme cultivates critical skills while reinforcing the core responsibilities of prosecution in a democratic society. Participants in the programme are equipped to handle the complexities of modern-day criminal justice – from managing sensitive cases to navigating ethical dilemmas with confidence and clarity.

The Aspirant Prosecutor Programme also plays a vital role in strengthening institutional continuity within the NPA. As experienced prosecutors transition out of active service, it is essential that we do not lose institutional knowledge or momentum. Therefore, by nurturing young legal minds early in their careers, we ensure that the baton of justice is passed on smoothly, with renewed energy and vision.

Further, the aim of the programme is not simply to teach the aspirants how to

prosecute, but to guide them in understanding why we prosecute, by critically analysing the evidence before them, ensuring that perpetrators face the consequences of their crimes serving the people, protecting the vulnerable, and maintaining the trust that society places in the NPA and its constitutional mandate.

Through this programme, we are nurturing critical thinkers, principled decision-makers, and leaders in their own right. We are exposing them to real-world challenges, mentoring them through difficult questions, and modeling the professionalism that we expect them to uphold.

Moreover, the programme encourages a culture of lifelong learning and service. It empowers young prosecutors to see themselves not just as case workers, but as future leaders, reformers, and ambassadors of justice in their communities.

As leaders in the NPA, it is our collective duty to support and expand this programme not only through policy and resources, but also through personal engagement and mentorship. Our example, guidance, and encouragement can make all the difference in shaping the attitudes and aspirations of those who will follow in our footsteps. Therefore, commitment to this programme is not optional but it is essential. As the strength of tomorrow's justice system depends on the quality and integrity of the prosecutors we develop today.

In nurturing the next generation of prosecutors, we are safeguarding the integrity and effectiveness of our justice system. Therefore, it is essential that we continue to lead with purpose, invest with foresight, and commit ourselves to building stronger capabilities, which solidify the ability of the NPA to ensure justice in our society, that is "one prosecutor at a time". Let us lead with purpose and nurture the next generation with pride and dedicated commitment.

The Aspirant Prosecutor Programme is more than a training ground – it is where our future leaders in justice are forged.

CHILD RAPIST AND MURDERER SENTENCED TO TWO LIFE SENTENCES

Eric Ntabazalila

RCM: Western Cape Division

The High Court of South Africa: Western Cape Division, sentenced child rapist and murderer, Marvin Minnaar, to an effective life imprisonment after the state invoked the provisions of Section 51(1) of the Criminal Amendment Act, Act 105 of 1997 asking the court to impose life imprisonment on the charges it preferred against him.

The state charged Minnaar with the kidnapping, rape, and murder of 12-year-old Sibusiso Dakuse. The court sentenced him to 8 years direct imprisonment for kidnapping, life imprisonment for rape, and another life imprisonment for murder. It ordered his sentence for kidnapping to run concurrently with the two life sentences and declared him unfit to possess a firearm and unfit to work with children. His name was also recorded in the National Child Protection Register and the National Sexual Offenders Register.

The Senior State Advocate Nadia Ajam led several witnesses who testified that Minnaar was the coach of the Hout Bay Snipers basketball team and coached Dakuse. He stayed near his home in Imizamo Yethu, Hout Bay. The deceased went missing on the afternoon of 26 February 2020. Witness statements showed that the deceased, who stayed with his grandmother was last seen alive in the presence of the accused around 7pm that day, 26 February 2020. The following day, his grandmother reported him missing at the Hout Bay Police Station. This led to a widespread search involving the police and the community, and the accused also helped to look for him, although he knew that he had kidnapped, raped, and killed him.

The accused and his stepfather even went to the deceased's house to enquire whether he had been found. He confirmed that he did see and walk with the deceased but parted ways close to the Hout Bay Police Station. He kept his lie even to the deceased's grieving father, who enquired about his son's disappearance. Police found the deceased's naked body lying face-down in the reeds of a wetland off a horse trail two days after his disappearance. They arrested the accused later that day. CCTV footage showed the deceased desperately attempting to flee from the accused and him speedily chasing, catching, and dragging the boy back into the bushes. Medical evidence revealed that he had a contusion in the anal area, and his neck had ligature marks around it. The postmortem report revealed that he died of strangulation and that the rest of his body had multiple abrasions and a blunt-force injury to his left eye.

In her judgment, Judge Nziweni read a clinical psychologist's report by Ms Abbas, who was part of a panel constituted in terms of Section 286A of the Criminal Procedure Act, 1977, to determine whether the accused was a dangerous criminal. The report showed that Minnaar was evasive when answering questions and did not provide any detailed explanation regarding his actions on the day of the offences. He reported to the



Senior State Advocate, Nadia Ajam

clinical psychologist that he did not realise the extent to which he choked the deceased and that he felt rejected by the deceased. He has antisocial personality traits with a history of problems with authority figures, trouble with the law and violating social norms with no regard for the consequences thereof.

He also has the presence of psychopathic and anti-social personality disorder traits, which contributed factors to his offending. The report concluded that the accused poses and may continue to pose a serious ongoing threat to victims of similar victimology. Most of his risk factors are static, and he is not open to change, he minimised the offences for which he was convicted and exhibited superficial remorse and a lack of empathy. He posed a danger to the physical well-being of other people. Although the court agreed with the panel that the accused was a dangerous criminal as per Section 286A of the Criminal Procedure Act, 1977, it declined to declare him as dangerous as doing so may lead to the court finding substantial and compelling circumstances that justify deviation from the prescribed minimum sentences. The court found that there were no substantial and compelling circumstances which justify it deviating from the prescribed minimum sentences.

The Western Cape Director of Public Prosecutions, Adv Nicolette Bell, commended Adv Ajam and the investigating officer, Sergeant Mvunelo, for their tenacity in ensuring justice for the deceased, the family, and the broader community of Imizamo Yethu, who were shocked by the heinous crime committed by a man who betrayed the trust of a young boy who looked up to him as a coach. Adv Bell also applauded the initial work done by the late State Adv Mornay Julius and the late Warrant Officer Oosthuizen. She added that the finalisation of the case may have been delayed due to the accused's delaying tactics of engaging in several trials within trials and his request for a private psychiatrist, which proved to be a challenge, but she hoped that the deceased's family would find solace in knowing that justice has been delivered as the accused is sent to prison for a long time. She committed the NPA to aggressively prosecute cases of this nature as they encroach on the rights to dignity and privacy of the victims.

MAN RECEIVED THREE LIFE TERMS FOR RAPE OF HIS STEPDAUGHTER

Monica Nyuswa
RCM: Mpumalanga Division

The Boschfontein Regional Court convicted and sentenced Sipho Mandla Khoza (35) to three life terms for three counts of rape of his 12-year-old stepdaughter. Khoza was charged along with his wife (34), the biological mother of the victim for failure to report the crime.

The victim lived together with the accused in Boschfontein in the district of Nkomazi. These rapes occurred in June 2017, on three separate occasions, while the mother was away and the accused would threaten the victim, saying that "should you tell anyone, I will cut you into pieces and throw you in the river." The victim later reported to her mother what Khoza did to her. Instead, the biological mother failed to report the matter to the police and accused the victim of lying and trying to break up their marriage.

The incident resurfaced in 2017, after the victim wrote a suicidal letter to her aunt explaining her rape ordeal and put it under her aunt's pillowcase. The victim's aunt found a suicide letter and reported the incident to the police.

In court, the pair pleaded not guilty to the charges and alleged that charges against them were fabricated as there was bad blood between the mother and the victim over social grant, and the granny disapproving of the relationship between the two accused. The State Prosecutor, Thembile Ngonyama presented compelling evidence anchored by the victim's testimony, detailing how each event occurred. It also proved that the victim attempted to commit suicide twice. The victim's aunt also testified on the suicide letter matter. A J88 medical report showing injuries to the victim's private part was submitted as part of evidence. The court found the state witnesses reliable, rejecting the accused's version.

A Victim Impact Statement facilitated by the Court Preparation Officer, Lizzy Mhlongo detailing the ongoing psychological and emotional trauma by the victim



Regional Court Prosecutor, Thembile Ngonyama

was presented. It stated that the rape ordeal left her heartbroken and was expecting her mother to intervene and protect her after reporting Khoza.

The court sentenced Khoza to life imprisonment on each count of rape, and was deemed unfit to possess a firearm. Furthermore, the court found him unfit to work with children and ordered his name to be entered into the National Register for Sex Offenders. The wife was sentenced to five years imprisonment, wholly suspended for 5 years on condition that she is not convicted for a similar offence during the suspension period.

Regional Court Prosecutor, Thembile Nyandeni had this to say about the case:

The prosecution learnt that failing to report crime can have broader implications, and can increase crime rate if perpetrators are not brought to justice, potentially leading to criminal charges. Those who fail to report crime, will face the same consequences as the victim's mother.

Challenges?

Dealing with potential family pressure, loyalty and conflicts that may impact the case, were some of the challenges, and there was a stage where the victim's mother did not want to avail herself for court. In addition, presenting evidence that may be complicated to family relationships with the pursuit of the truth and justice.

Are you happy with the sentence imposed on the accused?

Yes, the court looked at the severity of the offence, the prevalence of rape in the country and its impact. The sentence of three life terms imposed on the accused is appropriate for the crime the accused is convicted of. We hope that this sentence sends a clear message that gender-based violence is taken seriously by our courts. Justice is seen to be served.

GQEBERHA MAN SENTENCED FOR VIOLENT CRIME SPREE

Nokuthula Makupula
Communications Officer: Eastern Cape Division

The High Court of South Africa, Eastern Cape Division, Gqeberha, has sentenced Siyabulela Stana (37), to 120 years imprisonment for his involvement in a series of violent crimes committed on 29 May 2023 in the Central district of Gqeberha. Stana pleaded guilty to multiple charges, including murder, robbery with aggravating circumstances, unlawful possession of firearms and ammunition, housebreaking, and kidnapping.

Stana's crime reign began on the evening of 29 May 2023, when he, along with co-accused Bongani Makasi (34), and Thukela Mayathula (27), embarked on a violent crime spree in the area. The trio started their attack around 20h30 when Nataniel Angelo Naidoo, an on-duty security officer, witnessed them robbing a man. When Naidoo attempted to intervene, he was violently assaulted by the robbers. During the struggle, Naidoo fired shots, but the criminals stole his firearm and continued their crimes. The group then moved to Belmont Terrace, a student residence, where they held four students at gunpoint, forced them into a confined space, and stole their laptops, mobile phones, and cash.

Their crime spree continued as they moved to an abandoned building at 31 St Patrick Street, where they encountered a homeless man who was staying there. Stana and Mayathula were carrying backpacks filled with stolen items such as student cards, laptops, and textbooks. The pair ordered the man to burn the books, but he refused. They then changed clothes before going on to murder a victim who owed Mayathula money. The victim was shot and left to die, while the criminals took his phone and other items. The final act of violence occurred outside Madeira's Tavern, where the robbers targeted a regular patron. After robbing him and shooting him in the thigh, they fled the scene, leaving the victim to bleed to death. A postmortem confirmed the cause of death was a gunshot wound to the left femoral artery.



Senior State Advocate, Velile Makasana

The accused were arrested ten days later for a similar crime, using the same firearm. They were identified by two of the four students they robbed during an ID parade.

Stana pleaded guilty and was convicted of three counts of robbery with aggravating circumstances, receiving 15 years for each count. He was sentenced to 15 years for each of two counts of unlawful possession of a firearm, five years for each of two counts of unlawful possession of ammunition, five years for housebreaking with intent to rob, five years for kidnapping, and 25 years for murder. Some of these sentences will run concurrently, meaning Stana will serve a total of 25 years in prison.

Senior State Advocate Velile Makasana, argued that Stana's actions were premeditated and brutal, causing immense trauma to the victims. Adv Makasana emphasised that the crimes displayed a reckless disregard for human life and safety, particularly highlighting the murder and the violent assault on Naidoo. He stressed that the victims were robbed not only of their belongings but also of their sense of security. The advocate called for a strong message to be sent to others who might consider committing similar acts of violence.

The Eastern Cape Director of Public Prosecutions, Mr Barry Madolo, welcomed the sentence, stating that it sent a clear message to criminals that violent acts will not be tolerated. "This sentence reflects the gravity of Stana's actions and marks a significant step toward justice for the victims," said DPP Madolo. He also reaffirmed the National Prosecuting Authority's commitment to upholding the rule of law and ensuring that violent criminals face the full consequences of their actions.

Stana's co-accused, Bongani Makasi and Thukela Mayathula, will face trial separately for their involvement in the crimes.

GRANDSON SENTENCED TO 20 YEARS FOR RAPING GRANDMOTHER

Nokuthula Makupula
Communications Officer: Eastern Cape Division

The High Court of South Africa, Eastern Cape Division, sitting in East London, sentenced Anda Nogwanya (24) to 20 years imprisonment after pleading guilty to raping his 76-year-old maternal grandmother on 06 December 2022 at Emigeni informal settlement, Ducats South, East London. The grandmother, who is currently deceased suffered from advanced dementia, which rendered her mentally incapacitated and physically frail.

She resided with her daughter, the mother of the convicted rapist as well as another younger grandson. On the day of the incident, the complainant was alone in her shack. Nogwanya arrived in the early afternoon, undressed, and put on a condom before raping his grandmother. The assault on the granny was interrupted when Nogwanya's younger brother budged into the shack upon hearing their grandmother's cries. He alerted an adult, and together they returned to the shack. Nogwanya, still naked, falsely claimed he was about to bathe, then pushed them away and fled, clad only in a towel.

The matter was reported to the police, and the complainant was medically examined. A laceration which is consistent with sexual assault was noted. She was further assessed by a clinical psychologist who



concluded that she was both mentally and physically disabled and, therefore rendered extremely vulnerable. In his plea explanation, Nogwanya admitted to having smoked dagga with friends before returning home under the influence when he found his grandmother lying in bed and decided to rape her. He had initially intended to use the condom with his girlfriend, he claimed. He expressed his remorse, adding that he was severely assaulted by community members who had gathered after his younger brother had raised the alarm.

During sentencing, Advocate Andile Nohiya vigorously argued for an appropriate sentence, emphasising the severity of the crime against a vulnerable victim and the need for justice to be served. Advocate Nohiya stressed that the accused's actions demonstrated a blatant disregard for his grandmother's dignity and well-being and that the sentence should reflect the gravity of the offence.

The court faced a complex situation, with the accused's mother and other family members torn between loyalty and justice. They blamed the mother of the perpetrator for her son's arrest, citing the complainant's passing in May 2023 as a reason for the case to be dropped. The defence also requested a withdrawal, and the younger brother described him as a responsible and financially supportive sibling. Advocate Nohiya countered that the complainant's medical condition would have prevented her from testifying even if she were alive. The state insisted that the law must take its course, regardless of family dynamics or the complainant's passing. The court agreed that the accused's actions demanded accountability and a fitting sentence was necessary to uphold justice and protect vulnerable individuals.

SON SENTENCED TO TWO LIFE TERMS OF IMPRISONMENT FOR RAPE AND MURDER

Chegofatso Maabana

Communications Officer: Limpopo Division

A 55-year-old man, Silah Phillemon Moila from Ga-Ntata village was convicted and sentenced by the Tzaneen Regional Court to two life terms of imprisonment and additional six years for murder and rape of a 91-year-old woman. The deceased is the accused's mother. The conviction and sentence emanate from an incident that took place on 24 February 2024 at Ga-Ntata village. The accused pleaded guilty to all the charges put against him, and the state accepted his guilty plea. The court heard that on the day of the incident, at about 22h00, the accused found his mother inside her room and demanded money to buy liquor, and the victim indicated that she didn't have money. He then raped and killed her.

Regional Court Prosecutor, Emmanuel Phathudi had this to say about the case:

Who is Emmanuel Phathudi, and how long have you been a prosecutor?

I am 32-years of age from Sephokubje village, Sekgosese in the Limpopo province. After completing my matric at Kolobetona Secondary School in 2010, I enrolled for my LLB at the University of Limpopo. In 2017, I started looking for articles of clerkship, as at the time, the Aspirant Prosecutor Programme was still on hold. The same year in March, I started volunteering at Morebeng Magistrates' Court where I was even sworn in as a casual interpreter. In October 2017, I started serving articles at S.S Senwamadi Attorneys in Polokwane until 2020 when I joined the NPA. I started my journey with the NPA as a District Court Prosecutor on 14 September 2020 in the Tzaneen sub-cluster. In the year 2023, I requested my Senior Public Prosecutor, Adv Ngobeni to assist in the regional court so that I can gain experience in prosecuting serious offences such as murder, rape and robbery, and to date, I am still assisting. During my stint in the regional court, I have managed to crack a lot of sensitive cases and secured life imprisonment where applicable. I thank the Senior Public Prosecutor, Adv Ngobeni for the opportunity to learn, as it has been very educational and uplifting at the same time.

Tell us about your latest GBV case:

My latest GBV case was S v Phillemon Moila. In this case, a man raped and throttled his own mother to death at Ga-Ntata village, Bolobedu in the Limpopo province. I have done a lot of rape and murder cases before, however, I had never come across one which involved an accused person having victimised his own mother. The victim in this case was raped and killed because the accused demanded



Regional Court Prosecutor, Emmanuel Phathudi

money from her, and she indicated that she does not have it. The reasoning behind the commission of the offence, made me realise that we live in a society wherein, some people, like the accused person in this matter, do not value and respect human life in general. It also made me realise that GBV has gotten so bad in this country to an extent that women and children are not even safe in their own homes. It is so concerning that many of the perpetrators of GBV, just like in this case, always turn out to be someone closer to the victim and worst part, a person who was supposed to be the one protecting the victim. I have dealt with cases wherein you find that the accused is a brother, uncle or a cousin to the victim. However, this case was the first of its nature in a long time in our court, so, we had to ensure that justice prevails.

Can you share the techniques that you applied when prosecuting the case?

The accused pleaded guilty in this case. All we had to do was to ensure that we prepare a good argument with reference to the relevant case law to try and convince the court that there are no substantial and compelling circumstances justifying a lesser sentence, other than the prescribed minimum of life imprisonment. We knew that the defence was going to argue that the fact that the accused pleaded guilty could be used to justify a lesser sentence, so we were very prepared in terms of the relevant case law to counter that argument.

What is your message to victims of GBV?

My message to the victims of GBV and Femicide is that they should not hesitate to come forward and they should not be discouraged as the prosecution is always willing and available to put up a fight on their behalf, so that they get justice that they deserve. We understand that coming forward is not an easy step, however, we have Thuthuzela Care Centres that are available in the NPA all over the country, as one stop centers where victims get the professional support that they need.

A NEWLY APPOINTED REGIONAL COURT PROSECUTOR SECURES HER FIRST LIFE SENTENCE

Lumka Mahanjana
RCM: Gauteng Division: Pretoria

A passionate and newly appointed Regional Court Prosecutor, Advocate Danisile Maphoso proudly secured her first life sentence in a case where the Bronkhorstspuit Magistrates' Court sentenced a serial rapist, Andries Fenyane (43) to three life terms for 3 counts of rape involving minor children (a four-year-old, and two three-year-olds). Additionally, he received a sentence of 10 years direct imprisonment for rape of an adult woman and 6 years for abduction. The court ordered that the sentences run concurrently. Furthermore, Fenyane was declared unfit to possess a firearm, and his name be added on the National Register for Sexual Offenders

Advocate Maphoso joined the NPA on 01 February 2012, through the Aspirant Prosecutor Programme at Welkom Magistrates' Court for a year. Thereafter, she transferred to Witbank Magistrates' Court (Vosman Court) in 2013, as a district court prosecutor on a contract until 2017, when she was permanently appointed as a prosecutor at the main Witbank District Court. "While in Vosman Court, we did not do first appearances, we only dealt with cases of accused who were out on bail and facing charges of domestic violence, drugs and assault. When I moved to the Witbank Magistrates' Court, I was exposed to bigger and more serious cases where I started cases from first appearance, bail application and transfer them to the regional court, when they are ready for trials", she added.

"As soon as I started as a Regional Court Prosecutor at Bronkhorstspuit Magistrates' Court in May 2023,



Regional Court Prosecutor, Danisile Maphoso

I was given this docket. At first, I was shocked at the heinous crimes the man had committed. After studying the docket, I realised that the man studied the victim's movements and that propelled me to want justice for the victims. Furthermore, after interviewing one of the 13-year-old victims, I knew I needed to secure a conviction in the matter because of the trauma the victims went through," she said.

When asked what kept her sane when dealing with the matter, Adv Maphosa said, as a pastor's wife, a believer and a leader at church, she made sure that every time she had to continue working on the matter, she would fast and pray, so that she does not become emotional and always remain professional. In addition, Adv Maphosa said this was the very first case she had to deal with involving offences of this nature, and secured not one, but three life sentences. "Therefore, at this stage, this is a highlight of my career", she added. "This judgment showed me that I can do it and makes me want to do more".

When asked what she is currently busy with, she said, she is busy with 5 other rape cases, where victims are children, "because we are a small court with small staff compliment, I also act as a Control Court Prosecutor and still assist at the district court. However, I have ambitions to prosecute at the high court one day".

The Acting Director of Public Prosecutions, Advocate Marika Jansen Van Vuuren, said, the division is pleased to have prosecutors like Adv Maphosa who can hit the road running and show dedication to their work. She said she hopes that such cases can serve as a motivation to more junior prosecutors that it is possible.

THREE MEN SENTENCED TO EIGHT YEARS IMPRISONMENT FOR CONSPIRACY TO COMMIT RHINO POACHING

Sivenathi Gunya
Communications Officer: North West Division

The Tlhabane Regional Court in the North West sentenced three men to direct imprisonment for conspiring to commit Rhino poaching. The accused, Simon Sihlangu (51) Mozambican national, Jimmy Molefe (39) and Albert Makhubela (45) a Mozambican national, conspired to poach Rhinos at Mziki Lodge located near Lethabong in Rustenburg. The trio were charged and convicted with conspiracy to commit Rhino poaching, possession of a firearm without license, unlawful possession of ammunition and possession of dangerous weapons.

The charges relate to an incident that occurred on 12 October 2017 in Mziki Lodge near Rustenburg. The police received information about people who were going to the lodge to poach Rhinos. The undercover operation was authorised to apprehend the suspects.



The court heard that the trio proceeded to Mziki Lodge in three bakkies where they were arrested upon arrival at the gate. Upon searching the bakkies, Sergeant Mashaba, from the Directorate for Priority Crime Investigations, searched the third vehicle and found a rifle, ammunition, hacksaw, knife, and an axe which were hidden in the tailgate of the bakkie. The accused were then arrested and later released on bail.

During sentencing, the State Prosecutor, Advocate Rodger Mareume called the owner of Mziki Lodge who is also the chairperson of Rhino Private Owners Association. In his testimony, he indicated that the commission of the offence necessitated the improvement in their security system that cost them over R500,000. He further told the court that Rhino Poaching is part of International Organised Crime, which generates billions or rands to the perpetrators. Advocate Mareume emphasised the seriousness of the crime, urging the court to impose stringent sentences.

The Regional Court Magistrate, Mr Paul Moeng, said after referring to several cases, he has not encountered any precedence, suggesting a sentence with an alternative of a fine will be appropriate for offences of this nature.

The sentences are as follows to all three accused: 8 years imprisonment for conspiracy to commit Rhino poaching, 4 years imprisonment for possession of ammunition without a license, 2 years imprisonment for unlawful possession of ammunition, and 2 years imprisonment for possession of dangerous weapons. Sentences were ordered to run concurrently, thus the accused were effectively sentenced to 8 years imprisonment each.

The Director of Public Prosecutions in the North West, Dr Rachel Makhari, welcomed the sentences and praised the collaborative efforts of law enforcement and prosecution teams. She said, "these sentences underscore the NPA's commitment to fighting organised crime and ensuring that justice is served".

Advocate Rodger Mareume had this to say about the case:

1. What makes this case different from the cases you have prosecuted?

The crux of this matter rested upon a single witness who only communicated with only 2 of the seven (7) accused.

2. What were the challenges that you encountered in this case?

- (a) The said single witness who was a police agent had resigned from the SAPS before the commencement of the trial, and he was at one stage untraceable.
- (b) There was a threat to the agent's life, and the state made an application that his testimony be obtained via a video link.
- (c) One of the two people who were in communication with the agent passed on before the commencement of the trial.
- (d) The remaining accused who had direct communication with the agent, ran away (reportedly to Mozambique) after the evidence in chief of the agent.
- (e) Based on the fact that the state didn't have any direct evidence against accused 4 and 5, except that they were arrested together with accused 3, the state

accepted their plea on Contravention of Section 49(1) of the Immigration Act. It turned out during trial, that they were not innocent occupants of the said vehicle, as they claimed.

(f) Also, the police officer who was in charge of this operation died before commencement of trial.

3. What were the strategies used to secure a conviction, as you were dealing with conspiracy in this matter?

The state relied on the case of *S v Ngobeni* 2019 (1) SACR 575 (GJ) at Para 11-13 to the effect that at least one of the co-conspirators must have subjectively agreed to engage in the conspiracy. The state further argued that this was a chain conspiracy, as not all of the accused communicated and agreed with the agent. The accused were convicted based on the following circumstantial evidence: (a) Although there were three bakkies, weapons were found in the vehicle used by accused 6 and 7. The said weapons were capable of killing and skinning a Rhino. Accused 3, was in constant contact with accused 1 and accused 7. From accused 3 and 7 versions, they were invited by accused 1 who ran away, to go and fetch wild animal meat.

4. Any comments on the finalisation of the case?

The jubilation of the owner of the lodge regarding the accused's conviction can be shown in his letter sent to the DPP. The owner was so happy and relieved that the case has reached its finality, and the accused persons are sent to direct imprisonment.

LIMPOPO FATHER AND FRIEND SENTENCED FOR RAPING AND ABUSING MINOR DAUGHTERS

Mashudu Malabi-Dzhangiri
RCM: Limpopo Division

The Polokwane High Court sentenced a 39-year-old father to life imprisonment for the rape, sexual exploitation, and assault of his two minor daughters, aged 9 and 11 at the time of the crimes. He also received three and five years for two counts of assault with intent to cause grievous bodily harm. His 36-year-old friend, a co-accused, was sentenced to two life terms for two counts of rape. To protect the victim's identities, the perpetrator's names are withheld. A third accused, 68-year-old Diedrick Schannes Roux, died by suicide before the trial began. The victims, now aged 11 and 13 endured horrific abuse around 2022 at a farm in the Letsitele area, where the accused rented properties. The girls, referred to as XT and TX, lived with their father after their parent's divorce.

Their mother had left them in his care. The abuse came to light when their remedial teacher assigned a homework task to write about what made them happy or sad. The girl's letter revealed brutal assaults and sexual abuse by their father, his friend, and others, including Zimbabwean farm workers. These workers, who remain at large, reportedly paid the father to assault the girls.



Khasho spoke to Adv Lerato Mohlaka about the case:

How many matters involving GBV have you prosecuted since you joined the NPA?

I joined the NPA-DPP Limpopo, Polokwane in November 2021. I have handled many cases that involve (GBV). At the top of my head, 4 cases stand out. On one matter, a primary school teacher assaulted his girlfriend with a brick and other objects and killed her. This took place in front of their daughter who was 3 years old at the time of the offence. She was the only eyewitness, who later testified against her father. She was 6 years at the time of trial. Her father received a life sentence. Another incident involved a soldier who was deployed at SANDF in Polokwane. He shot and fatally wounded his wife in their bedroom whilst the children were asleep. He had used a gun silencer and had tampered with the scene to make it look like she committed suicide. We used experts to reconstruct the scene and the evidence was sufficient to sustain a conviction. The accused received a life sentence.

In a recent matter, a teacher shot and fatally wounded her husband. The lady fired multiple shots at the husband after she caught him with another woman. She received a direct term of imprisonment. There are many more that I successfully prosecuted with the assistance of witnesses and our stakeholders. The most recent victory was the horrific rape incidents that were perpetrated against two minor sisters by their father and uncle. The duo received multiple life imprisonment terms.

What motivates you to do these type of cases?

I have witnessed the trauma that cases involving GBV leaves on the victims. The first trauma is the actual offense inflicted on the victims. The victims then have to relive the ordeal when making police statements and being subjected to stigma and rejection by their families and communities. When they eventually meet up with a prosecutor, because of many issues that may have caused delay, they no longer have confidence in the justice system. It is my responsibility to handle the victims of such crimes with absolute care and be very sensitive and supportive. GBV leaves, in its trail, heartbreaking series of events and emotions. I am motivated by knowing that I am in a position to assist these victims to tell their story in a safe and reaffirming manner. They get to enjoy the benefits of being heard, seen, and accepted. Knowing that I offered my expertise to a particular manner, and those efforts gave victims justice, motivates and encourages me to do more and better.

You work with different stakeholders, how important is their involvement in criminal proceedings?

Before a matter is ready for trial, the actual court proceedings, many stakeholders would have come on board to assist me. The South African Police Service, medical practitioners, forensics, trauma practitioners, Department of Social Development, court officials, and the community are all critical role players without whom prosecutors would not be able to execute their mandate. Each of them play a role in ensuring that a prosecutor presents quality work. Stakeholders are a very integral part of our prosecutorial mandate.

What is your message to victims of GBVF?

I must acknowledge that we live in a very dark era of our lives where men, women and children are subjected to cruel and inhumane trauma. As a victim, please know that you didn't deserve this, you have a right to tell your story in a safe and respectful space. As a prosecutor, my responsibility is to create that space for you. We will ensure that as far as it is reasonable to do so, we will secure justice for victims. There are trustworthy competent and resilient prosecutors and stakeholders, who pride themselves with being a vessel for the poor, vulnerable and marginalised. We will one day win the battle against GBVF, one conviction and sentence at a time.



TWO LIFE TERMS FOR SERIAL RAPIST AND MURDERER

Mojalefa Senokoatsane

RCM: Northern Cape Division

The fight against the abuse of women, children, and vulnerable persons is a critical priority for the NPA, shaping the way these cases are handled and prosecuted.

This ongoing commitment to justice was powerfully demonstrated when the High Court of South Africa, Northern Cape Division, that was sitting in Kimberley handed down a decisive sentence to Itumeleng Machabe. The court sentenced him to two life terms plus an additional 44 years, reflecting the severity of his crimes and the NPA's unwavering stance against gender-based violence and exploitation. The case serves as a stark reminder of the NPA's vital role in holding perpetrators accountable and providing justice for the victims of these heinous crimes.

The accused was found guilty on all counts except for count 17 (attempted murder), due to lack of evidence; out of the 13 that he was charged with, Count 1: Rape of a 13-year-old female; Count 2: Fraud; Count 3 – 7: Contravention of Section 19(a) of Act 32 of 2007 (exposing or displaying of child pornography or pornography to a child); Count 8: Crimen Injuria; Count 9: Fraud; Count 10: Crimen Injuria; Count 11: Fraud; Count 12: Contravention of Section 19(a) of Act 32 of 2007 (exposing or display of child pornography or pornography to a child); Count 13: Attempted Extortion; Count 14 – 16: Rape of a 15 year old female; Count 17: Attempted Murder; Count 18: Rape of an 11- year- old female; Count 19: Murder of an 11- year- old female.

The reign of terror begun for his victims as early as 2013, when a victim who was a 13- year- old and the accused a minor himself, alleged that the accused had raped her. A case docket was then registered and later withdrawn by the family after it stalled for some time, the main reason being that the slow progress was affecting the victim very badly and her progress at school fell short, which resulted in her failing twice in the two years the case was still in process.

The accused continued terrorising young girls by hunting his victims using social media platforms, preying on fragile and young school girls, posing as a lesbian school girl who was looking to be friends with them and using false names on his account to lure them.

Machebe's reign of terror came to an end in April 2022, when he was arrested for the horrific murder and rape of 11-year-old Relebogile Segami. Relebogile had been reported missing on March 30, 2022, and her body was tragically discovered the following day, March 31, 2022, near the Northern Cape Legislature in Kimberley.

In the course of the investigation, it was revealed that Machabe was the last person seen with Relebogile



Senior State Advocate, Elmary Kruger

before her disappearance. Following a coordinated, multidisciplinary operation, Machabe was arrested and made his first appearance in court on 04 April 2022. Despite attempts to secure his release, the prosecution successfully opposed his bail application, ensuring that he remained in custody as he faced the charges against him.

Itumeleng Machebe's fate was irrevocably sealed on 17 February 2025, when the High Court in Kimberley sentenced him to two life terms in prison, along with an additional 44 years behind bars. This lengthy sentence came after a grueling and emotional trial, ensuring that Machebe would never again pose a threat to society. For the victims and their families, the sentence represented not only a form of justice but also a sense of closure, finally bringing an end to the harrowing chapter of fear and trauma that had overshadowed their lives for years. The court's decision underscored the relentless pursuit of justice and the unwavering commitment of the NPA to hold perpetrators accountable for their heinous crimes.

Senior State Advocate, Elmary Kruger had this to say about the case:

Q How long have you been with the NPA?

A This year marks my 10-year anniversary in the employ of the NPA, all of which I have proudly served in Kimberley. My career began at the Randburg Magistrates' Court as an aspirant prosecutor under the guidance of Mr Yusuf Baba – one of the finest tutors I have had the privilege to learn from. His style of sharing knowledge and offering guidance reflects his vibrant personality- jovial, enthusiastic and inspiring. Over the past 10 years, I have had the privilege of learning from seasoned prosecutors and advocates whose knowledge, guidance and unwavering support have been invaluable in contributing to my growth. Their dedication and skill inspired me to set my sights on advancing my career, with the ultimate goal of serving as an advocate at the DPP's office.

Q Tell us about the very first time that you came across this docket. What went through your mind?

A I first encountered this docket as a junior advocate, working alongside Advocate Van Heerden, who was leading the case as a senior advocate. As I read through the docket and met with the investigation team, the gravity of the case struck me deeply. I realised how devastating and lasting the accused's actions had been—not only for the victims but also for the family and friends of the deceased. It became clear how crucial thorough preparation would be, knowing that the outcome of this case would have a profound and lasting impact on the lives of the five victims and the families of the deceased.

Q **How did your experience and expertise help in prosecuting this case?**

A Before my appointment as an advocate at the DPP's office, I served as a sexual offences advocate in the Kimberley Regional Court. It was there that I gained valuable experience working with minor victims of sexual offences, learning how to handle their cases with care, sensitivity and compassion. This experience has been invaluable in prosecuting this case. I was able to connect with the victims, offering them comfort and support when emotions ran high. During their examination-in-chief, I guided them through their testimony with the hope that, by sharing their story one last time, they could get some closure and begin to heal from their traumatic experience.

Q **It is a known fact that GBVF is a social ill in South Africa, and that we have mechanisms in place within the organisation to fight it, but how can the community at large assist in ensuring that we curb this scourge?**

A One of the biggest challenges is the underreporting of sexual offenses, often due to fear, stigma, or lack of awareness. The first and most important step is to encourage victims to come forward and report these crimes. By doing so, they not only seek justice for themselves but also help prevent future victimisation by the same perpetrator.

Support structures such as the Thuthuzela Care Centres and Court Preparation Offices provide essential assistance to victims, offering medical, psychological, and legal support to help them through the process. In court, prosecutors and advocates work to protect victims from secondary trauma by requesting that they testify via CCTV, ensuring they do not have to face the accused directly. Additionally, the law prohibits the disclosure of victims' identities on any media platform, further safeguarding their dignity and privacy.

Community members can assist by fostering a culture that supports survivors, discourages victim-blaming, and promotes awareness of available resources. Encouraging victims to seek justice not only empowers them, but also contributes to breaking the cycle of abuse in our society.

Q **In this matter, there were intimate pictures that the accused used against his victims which was investigated as cybercrime. Would you say that cybercrime cases are different from other cases in the way that they are prosecuted?**

A Cybercrime cases differ from other cases primarily in the nature of the evidence presented. Unlike traditional cases, cybercrime investigations rely heavily on digital evidence extracted from electronic devices. In this particular matter, a significant amount of data had to be analysed in collaboration with the investigation team and the victims. The victims were required to identify their own intimate images found on the devices of other victims, which was a distressing process for them. However, the expertise of cybercrime detectives and investigators played a crucial role in streamlining the extraction process and ensuring that the evidence was effectively presented in court.

Q **Still on the subject of cybercrime, what advice would you give to colleagues that are faced with prosecuting such cases in the future?**

A My advice to colleagues prosecuting cybercrime cases is, first and foremost, to familiarise themselves with the relevant legislation, case law, and evidentiary requirements for presenting digital evidence in court. It is also invaluable to learn from experienced cybercrime investigators who work with such cases daily. While the volume of digital evidence may seem overwhelming, it is important not to be intimidated. Ultimately, the victims will help identify the relevant data, and your focus should be on effectively presenting that evidence before the court.

Q **In general, how did this case contribute to your overall career growth?**

A This case has been a significant contributor to my professional growth, teaching me not only about the law but also about myself. I had the privilege of learning from Adv van Heerden while she was handling the matter. When she became unavailable, I drew from the knowledge I had gained under her guidance, along with her continued support, to finalise the case. This experience has shown me how much I have grown, while also reminding me that there is still so much more to learn. Most importantly, I can confidently say that a case of this caliber will not intimidate me in the future.

Q **In closing, what advice would you give to your fellow colleagues as well as up-and-coming prosecutors?**

A My advice would be to absorb as much knowledge and experience as possible. Engage with your mentors and senior colleagues, as their insights, skills, and experience are invaluable resources that no textbook can provide. Use your colleagues as a sounding board. I've often found that discussing cases casually, even in the tea room, offers fresh perspectives and new angles I hadn't considered.

To up-and-coming prosecutors, my advice is to persevere. Success in this career comes from commitment, hard work, and continuous learning. Study case law, legislation, and textbooks diligently. The law evolves daily, and staying abreast of those changes is essential for your growth and effectiveness as a prosecutor.

HIGH COURT HANDS DOWN SENTENCE FOR BUSINESS WOMAN INVOLVED IN MULTI-MILLION- RAND TAX FRAUD SCHEME

Mojalefa Senokoatsane
Acting RCM: Free State Division

The fight against crime, particularly commercial crimes, remains a cornerstone of the NPA and stands as a critical pillar in safeguarding South Africa's economy. These crimes not only undermine financial stability, but also siphon vital resources away from the fiscus—resources that could otherwise be invested and used to uplift the lives of South Africans. Recognising the urgent need to combat these threats, the NPA has recently introduced innovative business units which are strategically designed to tackle corruption, fraud, money laundering, and tax evasion. By adopting cutting-edge business models, these specialised units aim to dismantle the networks that perpetuate these financial crimes, and consequently ensuring greater accountability and restoration of much-needed funds to the public purse.



In a landmark triumph for the NPA, Jessica Marieka Janse Van Nieuwenhuys, a 36-year-old businesswoman from Kroonstad, Free State, was handed a 12-year prison sentence for orchestrating a sophisticated fraud scheme that siphoned millions from the South African Revenue Service (SARS) through fraudulent VAT refunds. This significant conviction was delivered by the High Court of South Africa, Free State Division after Janse Van Nieuwenhuys pleaded guilty to an array of charges including fraud and money laundering. Advocate Wellington Sampisi, Acting Deputy Director of Public Prosecutions in the Free State, did not mince words in condemning the crimes, labeling them as not only premeditated but executed with chilling precision and expertise. He highlighted the grave and far-reaching repercussions of these fraudulent acts, which went beyond the immediate financial loss to erode trust in the country's financial systems, striking at the very heart of economic integrity.

The court was presented with a staggering case that revealed the depth of the businesswoman's fraudulent activities. Janse Van Nieuwenhuys was responsible for defrauding SARS of R44 million through fraudulent VAT refund claims, alongside

a potential prejudice of nearly R77 million. These false claims were part of a deliberate and systematic scheme where the accused misrepresented VAT returns, claiming refunds for vendors and entities that were not entitled to them.

According to the NPA, Janse Van Nieuwenhuys's actions not only violated South Africa's tax laws but also caused significant damage to the country's financial system. The scale of the fraud, which spanned several tax periods, was compounded by money laundering activities that were uncovered during the investigation. The NPA charged the accused with 181 counts of fraud and 24 counts of money laundering, highlighting the extensive nature of the crimes.

Throughout the trial, Janse Van Nieuwenhuys expressed remorse for her actions, acknowledging the serious impact her crimes had on the public purse and the country's economy. During her plea, she fully cooperated with authorities, and she is currently working with the Asset Forfeiture Unit (AFU) in an effort to make restitution. As part of her restitution efforts, she and her husband have started liquidating assets purchased with the proceeds of crime. Among the assets surrendered are a house valued at R1 million, luxury vehicles, and frozen business account funds amounting to R500 000. Additionally, the couple has paid R4.1 million towards a farm, with plans to repay more funds as instructed by the court.

The case against Janse Van Nieuwenhuys is a clear demonstration of how the NPA is working tirelessly to combat financial crimes that threaten the stability of South Africa's economy.

While Janse Van Nieuwenhuys's guilty plea helped expedite the legal proceedings, the prosecution highlighted the difficulty of recovering the stolen funds. SARS's efforts to reclaim the funds have been largely unsuccessful, with the bulk of the fraudulent refunds still unrecovered. However, the court's ruling sends a strong message that such crimes will not go unpunished.

In sentencing Janse Van Nieuwenhuys, the court handed down 12 years of imprisonment for the fraud charges and an additional 12 years for the money laundering charges, with the sentences running concurrently. Furthermore, the accused was declared unfit to possess a firearm, in accordance with Section 103 of Act 60 of 2000. Janse Van Nieuwenhuys had previously been granted bail of R50 000 by the Kroonstad Magistrates' Court, but her conviction now ensures that justice has been served.

This case is a stern reminder of the critical role the NPA plays in safeguarding the country's financial integrity. Commercial crimes, such as tax fraud and money laundering, have a detrimental effect on South Africa's economic stability, diverting crucial resources from public services and infrastructure. The NPA continues to take a firm stance against these crimes, using every available resource to hold perpetrators accountable.

As South Africa moves forward, this case serves as both a warning and a lesson. While the damage caused by fraudulent schemes like these is significant, the NPA's successful prosecution reaffirms its commitment to tackling corruption, ensuring that individuals who engage in financial crimes are brought to justice.

THREE FOREIGN NATIONALS RECEIVED MAXIMUM SENTENCES FOR POACHING INDIGENOUS PLANT

Darryl Bromkamp

Acting Regional Court Prosecutor: Calvinia

The Calvinia Regional Court handed down direct imprisonment sentence to Mark Daddy (Congolese), Raphael Mbhashu (Zimbabwean), Simbarashe Charanelura (Zimbabwean) and Elto Ngwanati (Zimbabwean), who were accused on charges of contravening the National Environmental Management Act, the Northern Cape Nature Conservation Act, the Immigration Act, and the National Environmental Management Protected Areas Act. The accused received an effective 15 year imprisonment term each.

On 20 April 2024, the accused entered the Oorlogskloof Nature Reserve in Niewoudtville where they picked 303 clivia mirabilis plant without a permit, with an estimated street value of between R6 060 000 and R30 300 000 respectively. The accused were spotted in the reserve by the rangers, who alerted the local police. The accused were chased and arrested and found with 5 bags of clivia mirabilis plants.

The trial began in March 2025, and the accused pleaded not guilty to all 8 counts.

During the trial, the regional court prosecutor led the evidence of 4 witnesses and presented expert evidence in relation to the identity and rare plant species in question. The witnesses were prepared by the court preparation officer Ms De Wee, to ensure that they were ready to give their evidence in court.

In aggravation of sentence, the prosecutor argued that the plants are in danger of being extinct due to poaching. The prosecutor further argued that the court needs to send out a strong message to the community as a measure of deterrence and that the only applicable sentence is one of maximum term of imprisonment.

In handing down sentence, the court agreed that indeed the plants are indigenous to the Northern Cape and a gem facing extinction due to poaching. It was further held by the court to protect these species for present and future generations and that a strong message needs to be sent. The effective sentence imposed is 15 years imprisonment. The tools found in the possession of the accused persons were also confiscated.



ESWATINI'S LAW SOCIETY BOSS ACCUSED OF UNDERMINING COURT'S INTEGRITY

Legalbrief

Prominent Eswatini lawyer, Mangaliso Magagula, faces a personal D-Day: he has been charged with contempt of court by high court judge Titus Mlangeni who said the evidence indicated, on the face of it, that Magagula had committed contempt by undermining the integrity of the court. Now the controversial attorney must return to court to answer the charges and, if convicted, to be sentenced. What raises the stakes even higher is that Magagula is the president of Eswatini's law society.

So, how did this extraordinary situation arise?

Attorney Mangaliso Magagula, of the legal firm Magagula and Hlophe in Mbabane, Eswatini's legal and administrative capital, is no stranger to controversy. But this is the closest he has yet come to a guilty finding on any matter.

Magagula was scheduled to appear in a high court dispute where Titus Mlangeni was the judge presiding. Before the case due to argument that morning was heard however, the judge announced that he would first be dealing with a different matter. This concerned the case of Galp Eswatini v Incamase Investments, another legal dispute in which Magagula was involved as counsel. The case also involves Incamase's director, Issufomia Calu.

Aspersions undermined court's integrity

The judge said that papers related to the Galp case, filed by Magagula in the supreme court as part of an appeal, were framed in such a way that they amounted to contempt of court. This was because the aspersions in the papers undermined the court's integrity.

Mlangeni first summarised the background: on 17 May 2024, Galp brought an urgent application ex parte – without giving notice to the other side – against Ncamase before Mlangeni. The judge duly granted an interim order against Ncamase, and the matter was due back in court on 31 May 2024 for full argument from both sides on whether the order should be extended and made final.

So far, all this is perfectly normal procedure: cases are often brought without notice to one side and, where a court is persuaded that an existing situation should be frozen until the matter can be properly argued by all parties concerned, a court will grant a temporary order maintaining the status quo until the issue can be fully addressed by everyone. But, in the Galp matter, this normal practice was about to be challenged.

'Secret hearings' claim

First, Magagula brought an appeal against the interim order to the supreme court, but without obtaining leave of the high court to do so, as is required. It is also strange that Galp appealed an interim order, rather than contesting the matter by way of argument when the case came back to court.

However, what concerned the judge most were the grounds for appeal, put up by Magagula. In his court papers, Magagula repeatedly refers to the perfectly normal ex parte procedure adopted in the Galp case as 'secret hearings' between the judge and one party to the dispute.

In a related aspect of the Galp case, the company's director, Issufomia Calu, also Magagula's client, did not obey the high court interdict by the judge, but removed property that the court had said should not be disturbed until the matter was properly argued on the return date. After Calu removed the property in defiance of the court order, Mlangeni, found Calu guilty of contempt of court and sentenced him to 90 days in prison.

'Ultimate attack' on a court

However, in his affidavit opposing this contempt conviction, Calu used the same language adopted by Magagula in the appeal papers. Calu also referred to the ex parte order as having resulted from a 'secret hearing' between the judge and the legal representatives of Galp. Mlangeni said the phrase 'secret hearing' was repeated extensively in Calu's affidavit and that there was no dispute that the affidavit was drafted by Magagula.

According to the judge, Magagula's papers then went even further, ultimately making what the judge said was 'the ghastly suggestion' that the high court, presided over by Mlangeni, was trying to defeat the ends of justice. This insinuation was the 'ultimate attack' on a court, said the judge.

Mlangeni was also concerned that Magagula's numerous 'secret hearing' aspersions were picked up and amplified by local publications, so that these claims then 'blossomed' via the media.

Unethical, devious conduct attributed to court

He said that Magagula had 'cunningly' used the affidavit of Calu, his client, to 'unleash a broadside against the court'. Further, the description of ex parte proceedings as secret hearings was a 'deliberate perversion' of a lawfully established procedure used nationally and internationally.

By attributing unethical, devious, improper and mischievous conduct to the court, Magagula was, on the face of it, impairing the dignity and integrity of the court and thus acted contemptuously, said the judge.

He added that what made matters worse was the fact that Magagula was a senior member of the profession who should know better. On top of that, he was the president of the law society, and should lead by example. And finally, as an experienced attorney, he should know that his first duty was to protect the court.

Dumbfounded counsel?

Mlangeni then said Magagula had to appear in court to explain himself and answer the charges. However, as it was a serious matter, Magagula should first have time to prepare his response. The judge's written charges against Magagula, that he had just read out in court, were then handed over to the attorney himself, and the judge asked for suggestions from Magagula about suitable dates for the hearing.

This was followed by a prolonged period of silence from Magagula, prompting the judge to ask, 'Are you dumbfounded?' 'Not really,' Magagula replied.

After Friday 11 April was agreed for the hearing on the contempt charges, Magagula left the court room.

From Mlangeni's sharp response to Magagula's comments in the Galp matters, it seems that perhaps the court in Eswatini, sometimes viewed as less than firm about its authority in the face of determined, even bullish, counsel, is now asserting itself and demanding that it and its orders be respected.

NPA EMPOWERS FUTURE LEGAL MINDS DURING YOUTH MONTH

Sibongile Baloyi
NPA Communication

As South Africa celebrates Youth Month, a time to honor the bravery of the 1976 generation, the NPA is shaping the future of justice by investing in young legal minds. Through a job shadowing project with the University of the Free State and the Aspirant Prosecutor Programme, the NPA is nurturing the next generation of prosecutors.

The NPA, in partnership with the University of the Free State, launched a job shadowing project early this year. This project, led by Senior Prosecutor Ntai Letaba at the Bloemfontein Magistrates' Court, exposes final-year law students to courtroom proceedings.

Each week, 15 students from the University of the Free State spend five days shadowing prosecutors in various courts. They rotate between different courtrooms to gain a broad perspective on criminal cases and the legal process. The goal is simple but powerful: to connect theory with practice.

"We want to give them prosecutorial experience," says Letaba. "They see the law in action, and our prosecutors are passionate about mentoring and guiding them."

Students do not just sit back and watch; they actively engage, ask questions, and learn from experienced prosecutors. The project has also sparked interest among third-year students, showing its impact and reach.

A key highlight of this initiative is the involvement of Aspirant Prosecutors, who act as peer mentors to the job-shadowing students. These young professionals, who are also recent graduates, provide relatability, knowledge, and encouragement throughout the experience.

Khanyisa Tunzi, an Aspirant Prosecutor from the Bloemfontein Cluster, shares her journey: "Coming from the University of the Western Cape and joining the NPA straight from university, I felt supported every step of the way. The NPA accommodated my application even though I was based in a different province. This programme showed me that the justice system is not just about winning cases, it is about serving people and delivering justice."

Katlego Makgethi, also from Bloemfontein, says her purpose became clear while job-shadowing attorneys: "Being a prosecutor is more than a profession, it is a way of serving your community. The Aspirant Prosecutor Programme has taught us the basic elements of criminal law, and our mentors present the law in ways we never experienced in university."

Thabiso Mokoena from QwaQwa shares a similar view: "I came into the programme with limited practical experience, but I have found the court environment energising. Listening to legal arguments and seeing real justice in motion has been a fulfilling experience."

Beyond their own growth, these aspirant prosecutors are dedicated to helping others. Yanga Dlavuza, also from Bloemfontein, reflects on mentoring the shadowing students: "They have an opportunity many of us did not have. We were there to answer their questions and guide them through court processes. They call us their 'secondary tutors', and we take pride in that."

Through these skills development programmes, the NPA is positioning itself as an employer of choice for young people eager to change the prosecutorial landscape of South Africa.



Aspirant Prosecutors from the Free State

LETTER OF APPRECIATION

Attention: National Director of Public Prosecutions

In Respect of Daveyton CAS 352/01/2023

To:

SPP Liesl van Jaarsvelt

Benoni Magistrates' Court

and

Advocate MJ Nethononda

Office of the Director of Public Prosecutions, Pretoria

On behalf of the Nyathi family, the relatives of the deceased in the matter referenced as Daveyton CAS 352/01/2023, we wish to extend our heartfelt gratitude and appreciation for your unwavering commitment, professionalism, and exceptional dedication in the pursuit of justice.

We acknowledge and commend the pivotal role played by SPP Liesl van Jaarsvelt, who, together with the Investigating Officer, ensured that the case initially registered as an Inquest under Daveyton CAS 221/01/2023 was rightfully converted to a Murder case under Daveyton CAS 352/01/2023. Your diligence and determination have been instrumental in strengthening the case, ensuring it is watertight with a high prospect of successful prosecution.

We also wish to extend our sincere appreciation to Advocate MJ Nethononda, the State Prosecutor, for your outstanding performance during the ongoing trial. Your high level of preparedness, professional conduct, and dedication to justice ensured that the state's case was presented effectively and efficiently. Notably, your efforts contributed to the Honorable Judge's decision to dismiss the application for discharge of the accused, a Warrant Officer from the Serious Organised Crimes Unit of the Directorate for Priority Crime Investigation ("Hawks"), in terms of Section 174 of the Criminal Procedure Act, 51 of 1977.

The trial remains ongoing at the North Gauteng High Court, currently seated at the Benoni Magistrates' Court,



CHILD PROTECTION WEEK OBSERVED

(29 MAY TO 05 JUNE 2025)

The theme for National Child Protection Week 2025 in South Africa is "Working Together to End Violence Against Children. The week aims to highlight the importance of collective action in protecting children's rights and well-being. Particularly in preventing all forms of violence against children.

The NPA- took part in this year's week with enthusiasm and commitment. Throughout the NPA events, various topics were covered such as children's rights, child protection, the negative impact of bullying, sexual offenses, teenage pregnancy, abuse prevention, child maintenance



NPA in Mpumalanga visited Sijabulile Primary School in Nelspruit. The aim was to raise awareness about the importance of protecting children and to promote a safe and supportive environment for all children.

The NPA visited Zodwa Special School in Atteridgeville, Pretoria. The learners were educated about their rights and responsibilities, bullying and encouraged to speak out. Community Prosecutor, Adv Tshepo Khunwana and Court Preparation Officer, Ms. Kgomotso Lodi spoke to learners about sexual offences, court preparation and the role the NPA plays in the justice system.

The NPA visited Tshwane Pre Vocational School in Atteridgeville. The learners were educated about their rights and responsibilities, bullying and encouraged to speak out. Community Prosecutor, Adv Tshepo Khunwana spoke to the learners about sexual offences and the role the NPA plays in the justice system.

04 June 2025: The NPA together with the Department of Education, Social Development and the Family Violence, Child Protection and Sexual Offences Unit of the South African Police Service, kicked off Child Protection Week at Valspan and Jankempdorp Primary Schools in the Northern Cape.

The NPA Court Preparation Officer from Witbank Magistrates' Court in partnership with Khulisa Social Solutions and the Sogutshe Royal House, visited Makause Combined School in Phola. The initiative aimed to educate learners about their rights, safety, and well-being, with a focus on preventing abuse, neglect, and exploitation.

On 10 June 2025: The NPA in Uptington, through its Community Prosecutor, partnered with key stakeholders to visit schools in the ZF Mgcawu District as part of Child Protection Week.

09 June 2025: The NPA took part in an event at Centurion College in Hillbrow, themed "Working Together in Ending Violence Against Children." District Court Prosecutor Mangiwe Makhohliso and Court Preparation Officer Selaelo Phooko represented the NPA.

Court Preparation Officer Amanda Nxumalo, based at Eshowe Magistrates' Court, attended an event at Vuma Youth Centre Hall where she addressed about 60 community members about social ills.

NPA KwaZulu-Natal officials took Child Protection Week activities to Grey's Hospital Pediatric section in Pietermaritzburg, interacting with mothers as well.

05 June 2025: As part of Child Protection Week, the



02 June 2025: The Western Cape Director of Public Prosecutions, Adv Nicolette Bell, led from the front as prosecutors and staff members marked Child Protection Week in the region. This UNICEF backed week is aimed at raising awareness against abuse, exploitation, neglect and all forms of violence towards children. NPA staff raised awareness outside the court building and in some instances took to the streets to raise awareness against the scourge of child abuse.



The NPA in KwaZulu-Natal observed Child Protection Week with a series of engagements. Court Preparation Officer, Seneliso Sibanda based at Empangeni Magistrates' Court visited Musawenkosi Place of Safety where she interacted with children, educating them about various issues. This engagement was in collaboration with Lifeline. Another Court Preparation Officer, Victoria Griffiths, based in Northern KZN, visited Battlefields Primary School where she educated learners about the work of the Court Preparation Unit of the NPA. In another engagement, officials from Port Shepstone Thuthuzela Care Centre (TCC) hosted an awareness session at the TCC. The NPA team used the platform to educate people about the work of the TCC as well as children's rights.



The NPA Court Preparation Officers from Welkom Court visited Welkom Preparatory School. The visit aimed to empower learners with essential protective skills, educating them about the different role players in the criminal justice system and the services provided by the NPA.



30 May 2025: The NPA in collaboration with the South African Police Service, Teddy Bear Foundation, Crises Centre and Tsakane Child Welfare visited Phumlani Primary School in Tsakane. Learners were educated about their rights and responsibilities and the services each stakeholder renders to the community. Court Preparation Officer, Thando Mbatha shared information about court preparation services offered by the NPA and educated them about the Child Justice Act.

Court Preparation Officers (CPOs) from Welkom Court hosted a Drug Awareness Campaign at Leboneng Special School for Learners with Disabilities, where students gained vital insights into the serious dangers of drug use. Through engaging sessions, they learned how drugs can harm not only their physical health but also derail their dreams and future opportunities.

The NPA visited Sediba Sa Thuto Primary School in Mamelodi East. Learners were educated about their rights and responsibilities, Gender-Based Violence (GBV), rape and bullying. Senior Prosecutor from Mamelodi Magistrates' Court, Anne-Marie Bendeman also shared information about court processes, the role of the NPA and the Child Justice Act.



26 May 2025: The NPA's Court Preparation Unit in KwaZulu-Natal took part in various Child Justice Month activities. Court Preparation Officer Nokuvela Mlotshwa visited Linpark High School in Pietermaritzburg, where she spoke to students. In an event held at Dundee Magistrates' Court, Court Preparation Officer, Victoria Griffiths emphasised the importance of protecting children from all types of abuse.

23 May 2025: The NPA, represented by Court Preparation Officer, Lebogang Lebese, attended a child protection event. The event, themed "Working Together Against Any Violence Against Children," was coordinated by Rata Social Services in partnership with MYDO Youth First and the Gauteng Department of Social Development.

The NPA in Mpumalanga participated in the Career Expo hosted by the Emalahleni Local Municipality. The event at the Emalahleni Recreation Resort brought together over 510 Grade 10-12 learners from local high schools.

The NPA, in partnership with various government departments and organisations, took 36 learners from seven local schools on a court tour at Heidelberg Magistrates' Court. The learners had the opportunity to learn about court proceedings, their rights, and responsibilities, and were encouraged to speak out against any form of abuse.

The NPA in Mpumalanga conducted an outreach programme at Imemeza Secondary School and Ebhudlwani Primary School in Emgwenya, Nkangala District. The initiative aimed to raise awareness of legal processes, promote respect for the law, and highlight the consequences of engaging in criminal activities. During the visit, Regional Communication Manager, Monica Nyuswa, and Senior Maintenance Prosecutor, Advocate Mokgadi Makata, led engaging and informative sessions.



29 April 2025: The NPA Court Preparation Unit in KwaZulu-Natal collaborated with other stakeholders such as SAPS, NPOs, as well as CPF members, in conducting a crime awareness campaign in the Ntuzuma Magistrates' Court. The campaign, which targeted young boys, aimed at educating them about the repercussions of engaging in criminal activities. Court Preparation Officer, Senziwe Mtetwa represented the NPA at this event.

17 April 2025: The NPA in Mpumalanga, together with Masisukumeni (NGO), conducted an awareness campaign at Slindokuhle Special School at Mangweni in Nkomazi. The visit aimed at educating learners about the services offered by the NPA and to emphasise that people living with disabilities have equal access to the justice system. This initiative reflects the NPA's commitment to ensuring that all members of society, including people living with disabilities, are empowered with information. Prosecutor Minenhle Siyothula, Advocate Lindokuhle Ntsele, and Ms Lizzy Mhlongo engaged learners and teachers on various topics.

11 April 2025: The Office of the Director of Public Prosecutions in the Western Cape organised training on child justice and harmful sexual behaviour by children. It was focused on prevention of crime and the role prosecutors can play through their approach to children in conflict with the law. Jelly Beanz, an NGO focusing on the welfare and wellbeing of children.

Part of the training focused on how prosecutors interacted with children and the use of a therapy dog. The training was for all advocates at the DPP office who deal with children in conflict with the law. The office hopes to drive new mechanisms and programs to address diversion particularly, Schedule 3 diversions. The aim is also to streamline and speed up the processes within the division and stakeholders.





To drive a renewed sense of urgency and action in protecting children's rights and improving their wellbeing, this year's theme "Working Together in ending Violence Against Children", emphasizes the importance of working together to create a safer and more supportive environment where all children have a fair chance in life.

**WORKING TOGETHER
IN ENDING VIOLENCE
AGAINST CHILDREN**

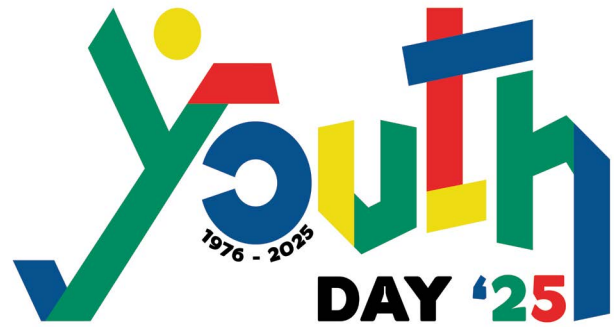
NPA JOINED FORCES WITH SAFER SOUTH AFRICA FOUNDATION IN BUILDING SAFER COMMUNITIES

Moloko Brian Rabapane

Communications Officer: Mpumalanga Division

As part of reaching out to the community and improving access to its services, the NPA in Mpumalanga, with its ongoing partnership with Safer South Africa Foundation, recently held a successful three-day educational session with learners from Mthombo Secondary School, in a programme called *Communities and Justice*. The objective is to educate the youth about different role players within the criminal justice system and the role of communities in assisting law enforcement authorities to uphold the rule of law. More than 120 learners participated in the programme.

The NPA's dedicated team of prosecutors, the Communications team, accompanied by a Court Preparation Officer, visited the school and conducted interactive sessions. The State Advocates, Beauty Cibangu and Antoinette Nkosi, led an engaging and informative session by addressing learners about the role of the NPA within the justice cluster regarding case reporting, bullying, Thuthuzela Care Centre Service, domestic violence, substance abuse, and teenage pregnancy. Furthermore, the Court Preparation Officer, Nomfundo Mokoena, taught learners about the court environment.



Skills for the changing world – Empowering youth for meaningful economic participation.

On the second day, the same group of learners visited the Nelspruit Magistrates' Court for a practical session on what was lectured to them. The NPA Prosecutors took different roles of court officials, demonstrating to learners a moot court that included a magistrate, state prosecutor, defense attorney, the accused, and witnesses. The initiative was widely praised by educators and learners alike. It reflected the NPA's commitment to community outreach and education, particularly in vulnerable and under-resourced communities. By collaborating with key partners, the programme highlighted the importance of interdepartmental cooperation in promoting safety, justice, and the rule of law in South Africa.

The same group was given an assignment to complete in order to assess their understanding, after which they would be awarded certificates by the Safer South Africa Foundation. The Provincial Department of Education, Community Safety, Security and Liaison, Correctional Service, and South African Police Service are also part of the programme.





NPA's dedicated team of prosecutors, the Communications team, accompanied by a Court Preparation Officer conducting interactive sessions with learners of Mthombo Secondary School in Mpumalanga

LIMPOPO DPP OFFICE HOSTS OATH-TAKING CEREMONY FOR ASPIRANT PROSECUTORS

*Chegofatso Maabana
Communications Officer: Limpopo Division*

The DPP Limpopo office recently held a formal oath-taking ceremony for a new group of Aspirant Prosecutors. The event marked a significant milestone in their legal careers, signifying their official entry into the prosecutorial profession.

DPP, Adv Ivy Thenga, warmly welcomed the Aspirant Prosecutors and delivered words of encouragement and endorsement. She emphasised their authority to operate in lower courts and underscored the importance of upholding the Constitution and the rule of law.

Deputy Director of Public Prosecutions, Adv Adam Mohlala, also addressed the new recruits. He reaffirmed the NPA's commitment to integrity and justice, strongly condemning all forms of corruption and unethical conduct within the legal profession.

As part of the proceedings, the Aspirant Prosecutors recited the oath of office and signed the formal delegation from the DPP, signifying their acceptance of the responsibilities entrusted to them. The ceremony concluded with an interactive session where the Aspirant Prosecutors had the opportunity to engage with senior officials and ask questions about the legal profession and the role of the NPA, in the justice system.

This event not only welcomed new legal professionals into the fold but also reinforced the NPA's commitment to building a just, accountable, and ethical prosecutorial service.



DPP, Adv Ivy Thenga and DDPP, Adv Adam Mohlala with Aspirant Prosecutors during the oath taking ceremony

STRATEGIC COLLABORATION YIELDS RESULTS FOR NPA SPECIALISED TAX UNIT (STU) IN KWA-ZULU NATAL

Khethukuthula Sangweni
Communications Officer: KZN Division

The NPA's Specialised Tax Unit (STU) has been in existence since 2003, and it has the sole and exclusive mandate to prosecute complex tax-based offences. It was concluded that there had to be a mutual co-operation to enhance the country's capacity to prosecute criminal activity, promote tax morality and collect state revenue, thus giving rise to the Memorandum of Understanding (MOU) between the National Prosecuting Authority (NPA) and the South African Revenue Service (SARS) in February 2003. A revised MOU was signed in 2019.

Due to the specialised nature of the tax legislation and the cases being forwarded to the STU from SARS, it was determined that to achieve successful prosecutions, there was a need for a close working relationship with the South African Police Service (SAPS). Consequently, a MOU was developed and agreed upon between SARS and SAPS.

The MOU led to the establishment of four STU within the NPA and the restructuring of the investigative capabilities within SARS to form the SARS Criminal Investigations Unit (CI), thus making SARS a major stakeholder. The units originally had a standard staff complement of 1 Deputy Director of Public Prosecutions (DDPP), 2 Senior State Advocates (SSA) and 4 State Advocates (SA), a National Coordinator at the National Prosecutions Service (NPS) Head Office. Around 2007, a work study was conducted which saw an increase in the creation of dedicated tax prosecutor posts in the STU's.



In executing its mandate, the STU is guided by the principles espoused in the mission statement of NPA and SARS.

Focus on the STU KZN

The purpose of the STU-KZN is to prosecute tax-related offences emanating from the SARS CI-division. The key element of the STU's operation is its methodology in which an advocate is involved in a case by guiding the investigations from inception to finalisation.

The successes over the years include:

- a) The finalisation rate being maintained, which SARS regards as success in the implementation of the STU's.
- b) Excellent interaction between investigators and prosecutors which results in direct access, better investigations and prosecutions.
- c) Lengthy sentences imposed which serve as a high deterrent factor.
- d) Recovery of funds through successful prosecutions.
- e) The STU in KZN has maintained a constant conviction rate of 100% for 2 years, this is attributed to the strength in its specific STU methodology as well as skilled staff.
- f) In the previous performance cycle 2023-2024, the STU in KZN finalised 22 cases with a 100% conviction rate.

During the 2023-2024 cycle, an amount of **R18 761 983.98** was recovered on behalf of SARS by STU-KZN. This revenue collected by the STU for SARS will benefit all South Africans, and the economy. Tax remains a crucial aspect of life for all citizens. Tax offences have far-reaching implications on the fiscus. The 100% conviction rate is attributed to a proper screening of new cases in accordance with the case selection criteria, a thorough preparation of cases and cooperation, and guidance to investigations in terms of the Prosecutor Guided Investigation (PGI) initiative.

The confiscation and removal of illicit cigarettes through the prosecution of such cases has also positively impacted on the community. STU-KZN is currently busy drafting a manual for the Section 234 project which will be rolled out to the lower courts, and another manual for illicit cigarettes that is underway.

The STU-KZN has instituted several successful prosecutions, and strategic interventions are resulting in more tax offenders being sentenced to direct incarceration. The focus has broadened to money laundering investigations and early identification of potential cases.

NPA PARTNERS WITH DOJ AND OTHER STAKEHOLDERS FOR HUMAN RIGHTS MONTH

Phindi Mjonondwane

RCM: Gauteng Local Division

The NPA participated in the Department of Justice and Constitutional Development's Civil Society and Non-Government Organisations (NGO) engagement, which was led by Minister Mmamoloko Kubayi and Deputy Minister Andries Nel. The event, themed "Collaboration and Partnership to Advance Access to Justice," was held at the University of Johannesburg Soweto campus which brought together several stakeholders from the justice sector and civil society.

Representatives from the NPA included Adv Andrew Chauke, the Director of Public Prosecutions (DPP) at the NPA's Gauteng Local Division (GLD), alongside senior prosecutors from his office. The event also served as the official launch of Human Rights Month, setting the stage for discussions on expanding access to justice, with a focus on strengthening the Criminal Justice System to better serve all South Africans.

In her speech, Minister Kubayi emphasised the state's constitutional obligation to ensure that access to justice is extended to everyone, especially the poor and vulnerable people. Deputy Minister Nel echoed the Minister's sentiments, underscoring the department's ongoing efforts to modernise the Criminal Justice System. "We are currently reviewing existing legislation and introducing technological solutions that improve communication between the South African Police Service, the NPA, the Judiciary and the Department of Correctional Services to ensure more effective and efficient justice delivery," the Deputy Minister said.

Following both the Minister and Deputy Minister's speeches, Advocate Chauke participated in a panel

discussion, engaging with representatives from various justice sector stakeholders and community members of Soweto. The discussion highlighted a range of issues, including the NPA's approach to complex cases, particularly those involving sexual offenses such as rape. Answering questions on issues of bail, the DPP shared the challenges faced by the NPA in handling such cases, especially when it comes to decisions about whether suspects should remain in custody, noting that it needs to be balanced with the need to protect the interests of vulnerable victims especially children, and the challenges posed by overcrowded prisons. He explained that while most offenders in sexual violence cases are kept in custody, "there are isolated instances where suspects may be granted bail, but most of them are kept in custody."

An important segment in the discussion also focused on the NPA's approach to supporting victims, particularly in cases of Gender-Based-Violence (GBV) and human trafficking. The DPP highlighted the importance of a victim-centered approach, with particular emphasis on the NPA's effort in providing comprehensive support throughout the judicial process.

A "Victim-centric approach is a cornerstone of the NPA," stated Advocate Chauke. The NPA ensures that victims receive the necessary support and protection throughout their trials, "with services such as those provided through the Thuthuzela Care Centre (TCC) model. These centers play a crucial role in helping victims navigate the legal process, offering counseling and preparing them for testimony." Additionally, he explained that the NPA plays a vital role in combatting Gender Based Violence and Femicide (GBVF) through effective prosecution, specialised units and efficient case flow management, prioritising sensitivity, support and justice for victims.

The engagement was also attended by senior members of the NPA, including the Deputy Director of Public Prosecutions (DDPP) Jacqueline Drotsky, Senior State Advocate Tshimangadzo Mbodi, Westrand Chief Prosecutor Lynn Wessels and Senior Public Prosecutor in Protea, Malesela Lamola. Their presence highlighted the leadership's commitment to addressing the challenges facing the criminal justice system and ensuring that the NPA continues to serve the public with integrity and dedication. As the country observes Human Rights Month, a commitment in advancing human rights, protecting vulnerable individuals and ensuring equal access to justice remains a priority for the NPA.



Minister Mmamoloko Kubayi, Deputy Minister, Andries Nel, DPP, Adv Andrew Chauke, Deputy Director of Public Prosecutions (DDPP) Jacqueline Drotsky, Acting DDG, Ms Bulelwa Makeke, Senior State Advocate Tshimangadzo Mbodi, Westrand Chief Prosecutor Lynn Wessels and Senior Public Prosecutor in Protea, Malesela Lamola with the community of Soweto and other stakeholders during the event

RECENTLY LAUNCHED GBV COURT PREPARATION ROOM PROVIDES RELIEF FOR VICTIMS

Eric Ntabazalila

RCM: Western Cape Division

The recently launched Gender-Based Violence court preparation waiting room for witnesses at the Mitchells Plain Magistrates' Court, is providing relief to GBV and domestic violence victims who previously had to share the small corridors of the district and family court waiting areas with their abusers and their families.

This facility, the first of its kind, became a reality after Court Preparation Officer, Zine Bandla, observed that victims and witnesses in Gender-Based Violence and domestic violence-related matters, often appeared uncomfortable in the small corridors of the district and family court waiting areas, where they shared the space with the accused and respondents. She raised concerns with the Deputy Director Court Preparation, Laura Baartman, and then Mitchells Plain Magistrates' Court Senior Public Prosecutor Nonzuzo Jela, who approached the Department of Justice (DOJ) with the vision of creating a witness waiting room for victims and witnesses affected by Gender-Based Violence and domestic violence. The DOJ shared this vision and found it to be a good one in ensuring the rights of victims to feel protected within the Criminal Justice System are upheld.

The purpose of the room is to provide witnesses and complainants of GBV and domestic violence related violations with a safe space to wait where they could feel free from intimidation from the accused and their family members.

The waiting room has been helpful in dealing with a serious challenge that the state has been facing. The NPA has noticed a concerning increase in requests from complainants for withdrawals of GBV and domestic violence-related matters. Complainants would master the courage to come to court and open a case. During the criminal justice process, the Court Preparation Officer would provide court preparation services and on the court date, some complainants would either not appear in court or request a withdrawal, despite support services made available to them and their families during and post-trial.

This created challenges for prosecutors. The NPA Policy Directives does not allow prosecutors the withdrawal of a case any longer, unless authorised by a delegated senior public prosecutor or control prosecutor which is often not well received or understood by complainants.

Baartman and Mitchells Plain Magistrate, Senior Public Prosecutor, D Johnson saw an opportunity to utilise the room to address the NPA's directive on GBV and domestic violence-related cases and the challenges it holds for prosecution. The proposal was discussed with Acting Chief Prosecutor, Nandy Moodley, who supported the initiative instantly. The pilot project was presented to the DPP, Adv Nicolette Bell last year, and she supported it and requested all other courts within the division to roll out a similar pathway as the Mitchells Plain pilot project.

During its infancy phase, the NPA realised that complainants withdrew cases only to reapply, as they left the court without any means of empowerment or being aware of localised services in their communities, which address and provide services in GBV and domestic violence-related spheres within communities. The pilot project was properly implemented last year and named "The NPA Stakeholder Collaboration: GBV and DV Referral Pathway". In collaboration with the Department of Social Development, the SAPS, the DOJ, the judiciary and NGOs such as Mosaic and Mitchells Plain Opposing Abuse, and the Mitchells Plain Thuthuzela Care Centre, the NPA developed a GBV and DV referral pathway to assist complainants and their families with specific localised services, and intervention plans where a withdrawal with a prospect of real change is possible, to ensure the best interest and protection of GBV and domestic violence complainants.

SUCCESS STORY OF THE NPA STAKEHOLDER COLLABORATION REFERRAL PATHWAY

As much as many women find courage and strength to leave their abusive partners after realising that people within the Criminal Justice System and localised services within their communities do care, the biggest milestone in this year was the success stories of males who entered the court system and discovering that they had people who believed them when they relate their own stories of being victims of abuse at the hands of women.

However, upon receiving services through the NPA Stakeholder collaboration referral pathway project, the story of Shuaib January, demonstrated that stakeholders care about all cases of gender-based violence and that every victim regardless of gender will receive equal services. January's cases involved him having a protection order against his wife and she against him with maintenance hearings for their five children. Allegedly, his wife had him falsely arrested and in the process, he also lost his employment. He was on the verge of giving up because he felt demoralised by her alleged lies and constantly wanting to have him arrested for things that

were false. He was well supported by the localised services of Mitchell's Plain Opposing Abuse but, like many complainants, he too wanted to withdraw the case against his wife but the NPA Senior Public Prosecutor, Johnson, believed in his story and refused to withdraw the matter and encouraged him to continue with the case. January, through his perseverance and ongoing support from Mitchell's Plain Opposing Abuse, finally received victory when the court found him not guilty of any of the allegations made against him by his wife, and in fact found

that his wife was the abuser on this matter. He was further vindicated when his employer gave him his job back. Upon sharing his story, January expressed his gratitude towards Mitchell's Plain Opposing Abuse and Johnson for believing in him when he did not believe in himself. Many of the survivors that attended the event echoed the same sentiments towards the other localised services such as Mosaic, DSD and the officials at Department of Justice, SAPS and the NPA.



The team that made the project included members from the NPA, DOJ, Mitchell's Plain Network Opposing Abuse, MOSAIC, SAPS, TCC and the Department of Social Development.



From Left to right: Deputy Director Court Preparation, Ms Laura Baartman, Sgt Shane Samuels, Senior Magistrate, Ms Cecelia Hendricks, center: Chief Magistrate, Mr Samuel Maku, Brigadier Brian Muller, right: Constable Enrich Nicke and Senior Public Prosecutor, Mr Darrin Johnson.



NPA and the Judiciary who contributed to the success of the



Left to right: Mrs Shahida Abrahams, Mr Shualib January and Mrs Mareldia Soday (Manager of Mitchell's Plain Opposing Abuse)

A LEGACY OF SERVICE- CELEBRATING WENTZEL ENGELBRECHT'S 47 YEARS OF DEDICATION TO JUSTICE

By Lindiwe Mabasa

The NPA recently bid farewell to one of its most distinguished servants, Wentzel Engelbrecht, whose remarkable career spans an incredible 47 years of unwavering service as a public servant and advocate for justice. Over the decades, Engelbrecht has exemplified resilience, commitment, and a deep passion for the law, leaving a lasting imprint on South Africa's judicial system.

Born in Port Nolloth on 28 January 1960, in the far north of the Northern Cape, Engelbrecht's journey into public service began at a young age. Growing up in a small coastal town, he demonstrated an early eagerness to make a difference in his community. His childhood education began at Port Nolloth Primary School, where his thirst for knowledge was apparent. He completed his Matric at Springbok High School in 1977, a significant milestone that set the foundation for his lifelong career in public service.

Engelbrecht joined the NPA in 1978, fresh from his high school graduation, starting as a clerk with an eagerness to grow. His duties included working as a receiver of revenue clerk, clerk of the court, and assistant in civil court matters. Additionally, Engelbrecht often stepped in as a prosecutor, managing postponed cases when the South African Police Service (SAPS) prosecutor was unavailable. This early exposure to the workings of the NPA sparked his passion for justice, and he remained within the organisation ever since.

However, in 1978, Engelbrecht was called away for mandatory military service, a two-year commitment that would last until 1980. Upon completing his service, Engelbrecht returned to his duties with the NPA, initially working as a Revenue Clerk in Douglas. It was here that fate intervened, giving him a fortuitous opportunity to



SPP, Wentzel Engelbrecht flanked by his colleagues

step in as a prosecutor when an emergency arose. The prosecutor scheduled for a case involving a drug-related matter went into labour, and the magistrate unexpectedly appointed Engelbrecht to take over the case. He consulted with the absent prosecutor while she was still at hospital and, with guidance from SAPS, managed to secure a conviction. This experience marked the beginning of his illustrious career in the courtroom.

In 1981, Engelbrecht's talent was recognised, and he was appointed as a prosecutor in Bloemhof. His new responsibilities included prosecuting cases in Wolmanstad, Leeudoringstad, Christiana, Schweizer-Reneke, and Ottosdal. This role allowed him to hone his skills and develop a deep understanding of the law, and before long, he was transferred to the Relief staff in 1983, where his commitment and hard work led to further recognition.

By 1985, Engelbrecht's legal journey took another significant turn as he was appointed as a Magistrate in 1985, a position that further solidified his passion for the judicial system. He also served as an acting part-time magistrate in Keimoes, balancing his professional duties with his personal life. "While my career was flourishing, so was my personal life," Engelbrecht chuckled, remembering the year he tied the knot, marking another milestone in his journey.

Engelbrecht's dedication to his craft was unwavering. In 1988, he pursued formal education in law, earning a Diploma Juris, which opened new doors in his career. His knowledge and qualifications led to his promotion as a Regional Court Prosecutor in 1989, where he worked until 1994. His reputation as a skilled and committed prosecutor led to his appointment as an Acting Senior Prosecutor for the Upington Cluster in 1995, a post he held until he was formally appointed to the position in 1997.

In 2006, Engelbrecht's career reached new heights when he was transferred to the Organised Crime Component (OCC) in the Upington Cluster, where he served as a Senior Public Prosecutor (SPP). This role involved handling complex cases involving organised crime, and Engelbrecht's expertise in this area quickly made him an invaluable asset to the NPA.

His leadership and dedication to the craft earned him a promotion in 2016 as Senior Public Prosecutor (SPP) for both the Upington Cluster and the Organised Crime Component, a position he held until his retirement. "I leave the NPA with a full heart," Engelbrecht remarked, reflecting on his 42 years of service. "It's been a privilege to mentor young prosecutors, and I can proudly say that,

together with other seniors, we've trained those who will carry the baton forward."

As he prepares for retirement, Engelbrecht looks back on a career marked by achievements, challenges, and profound fulfillment.

"The future of the NPA is in good hands," he said, with a sense of satisfaction as he looks forward to his new life as a pensioner. "I'm grateful for the journey, and I know I've made a positive impact."

Engelbrecht's words of advice to up-and-coming prosecutors carry the weight of his vast experience. "Work hard and equip yourselves as much as possible," he counseled. "Never expect to be spoon-fed, and most importantly, always be yourself. Refuse to be easily influenced. Uphold the NPA's mission by prosecuting without fear, favour, or prejudice. Integrity is your compass, and never stop learning because, as I've learned, there's always something new to grasp."

With his retirement, the NPA loses one of its most dedicated members, but Wentzel Engelbrecht's legacy of service, mentorship, and passion for justice will continue to inspire generations of prosecutors to come.



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