

KHASHO

NEWS

5th Edition



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- > Experian data thief sentenced to 15 years
- > AFU stings Eastern Cape DOE official
- > The NPA empowering our youth
- > Specialised Tax Unit prosecutors trained

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National Prosecuting Authority
South Africa

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Letter from the Managing Editor

This edition of Khasho follows the Youth Month theme, "Accelerating youth economic emancipation for a sustainable future". As we all know, the South African youth continues to bear the brunt of unemployment. The Leadership Corner of this edition reflects on the NPA's trajectory in unlocking career pathways aimed to benefit youth through its recruitment campaign in the past three years. Over and above the normal Public Education and Awareness campaign which is part of the NPA's strategy targeted to equip members of society including youth with skills and information they need to make better decisions through their lifetime; the NPA dedicated its resources to the education of the South African youth during this youth month period and took part in a variety of dialogues and outreach offerings, focused on the youth. There are articles in this edition that bring you insight on the work that the NPA does to empower youth.

The NPA does its bit to contribute to the empowerment of youth and the little that we do in the organisation is a step in the right direction. Read an article in this edition about the Investigating Director, Advocate Andrea Johnson who took time in the spirit of June 16 to address this year's annual Johannesburg Inter-School Forum attended by nearly 100 students from various schools across Gauteng under the banner "Citizenship for Well-Being".

The cumulative impact of these educational drives by the NPA helps individuals to have more options and to make better decision that help them avoid criminal activities.

Khasho also took time to interview some of the young NPA employees to find out what it means for them to be youth in the employ of the NPA. We trust that you will be informed and kept intrigued by all articles in the edition.

Don't forget to share your views and inputs about Khasho on this email address: Khasho@npa.gov.za.



Leadership Corner

Following the advent of democracy in 1994, the new democratic government declared 16 June as National Youth Day and June as Youth Month. This year National Youth Day and Youth Month were celebrated under the theme: "Accelerating youth economic emancipation for a sustainable future". As 2023 marks the 47th anniversary of the June 16 Soweto and other related uprisings, NPA plans to unlock learning and career pathways are afoot. Echoing this sentiment, we elevate a significant contribution made through the organisation-wide youth recruitment campaign in the past three years.

To advance Government Policy on youth employment, the NPA has maintained its Aspirant Prosecutor Programme, a flagship programme which serves as a feeder programme for aspiring prosecutors. Through this programme, 327 Aspirant Prosecutors were appointed for 2023/24 financial year. Of these

Aspirants, 96 are youth (aged 35 years old and below). For the same period, a further intake of 51 members who are youth was made through the Administration Internship program, a fully-fledged Youth program.

At the same time, we need to continue to assert the needs and interests of the youth serving in various positions within the organisation. The NPA has recently concluded a study to determine the institutional capacity for prosecutions and investigation of Complex Corruption, Organised Crime, and Commercial Crime Cases. The outcomes of the study predictably found a need to improve generic and technical capabilities for both prosecutors and investigators, particularly from the age of 40 and below. The NPA capacity-building initiatives need to be developed beyond training courses towards on-the-job skills transfer e.g., mentoring, coaching, job pairing, and any other forms.

JUSTICE PREVAILS AFTER STEPSON AND HIS CO- ACCUSED WERE SENTENCED TO LIFE IMPRISONMENT FOR MURDER AND TENDER FRAUD

Henry Mamothame
RCM: North West Division

The High Court of South Africa; North West Division sitting at the Vryburg Regional Court, sentenced Joel Tuma Phatudi (40), and Lebogang Archibald Serei (40), to life imprisonment for the murder of Serei's stepmother, Kgomotso Serei. They were sentenced to a further 35 years on two counts of robbery, possession of a firearm, and possession of ammunition. The sentences will not run concurrently and two of their co-accused were acquitted on all charges.

Evidence led in court by Senior State Adv from the Tax Unit, Adv Cain Nontenjwa, revealed that the incident occurred on 25 May 2017 at the business premises of the deceased, where she owned a funeral parlour. It emerged that Serei had instructed one of her stepmother's employees to lock all doors except the garage door. This he said before this employee noticed three men standing not far from the business premises.



The three suspicious men later entered the premises through the garage door wearing balaclavas and they ordered the cashier to kneel on the floor before wrapping her face with a cloth. They then demanded her cellphone before proceeding to the deceased, who was also inside the premises. One of the men was identified as Joel Tumo Phatudi and he was identified as the culprit who turned the gun on to the deceased and shot her in the head. The three then took two cellphones and a handbag belonging to the deceased before fleeing the scene.

Adv Cain Nontenjwa had this to say about the case:

I credit much of the success of this case to Detective Sergeant Lesley Kgatisang, for his excellent investigative work that revealed that Lebogang Serei had approached one of the employees to find him a hitman to murder his stepmother. He also managed to track a witness who refused the proposition to confirm that he was approached by the employee to execute the murder. The same employee also confirmed that Lebogang gave him money to deliver to Phatudi, after the funeral of his stepmother.

I had to implore the court not to deviate from the prescribed minimum sentence as there were no compelling circumstances to do so. Judge Samkelo Gura, agreed with the state and indicated that the two murdered the deceased to take over her business. He further remarked on the intentions of Lebogang to inherit the business following his father's passing. This case is one of the most heartbreaking cases I have had to work on. Serei's actions were heartless as he orchestrated the murder of a person who raised him from the age of five as her own child.

The Director of Public Prosecutions in the North West Division, Dr Rachel Makhari, together with Provincial Commissioner, Lieutenant General Sello Kwena, lauded Adv Nontenjwa and Detective Sergeant Lesley Kgatisang for a collaboration that resulted in a successful conviction.

EXPERIAN DATA THIEF SENTENCED TO 15 YEARS

By Phindi Mjonondwane
RCM: Gauteng Local Division

The Johannesburg Specialised Commercial Crimes Court, sitting in Palm Ridge Magistrates' Court sentenced Karabo Phungula to 15 years imprisonment for fraud, theft and contravention of the Electronic Communication and Transaction Act.

Phungula was charged for fraudulently obtaining enriched consumer records valued at over R2 million and business records of almost R2 million in May 2020. More than 27 million South African consumers and 750 000 businesses were affected by his unlawful conduct, whilst Experian suffered prejudice as they were fined R5 million by the National Credit Regulator. He impersonated Tebogo Mogashoa of Talis Holdings (Pty) Ltd, by opening an account with Experian in order to access data that he would ordinarily not have access to.

Experian is a registered credit bureau with the National Credit Regulator and its main business is to receive reports or investigate credit applications, credit agreements, consumer payment history or patterns, or consumer credit information relating to consumers or prospective consumers as well as compiling and maintaining data and issuing reports concerning consumers and businesses.

Phungula is a qualified Information Technology (IT) technician and was a sole director of a company called Hi-Pixel Communication (Pty) Ltd. On 04 May 2020, Experian received an enquiry from Phungula, pretending to be "Mogashoa" from Talis-Holdings, stating that he needed enriched data of approximately 23,452,535 consumer information and 727 000 business records. Between 24 to 27 May 2020, "Mogashoa" successfully logged onto Experian Secure File Transfer Protocol (SFTP) for the account Talis-Holdings and downloaded consumer and business information. Experian subsequently invoiced Talis Holdings and investigations revealed that neither Talis Holdings nor Mogashoa (who was employed as a CEO) had ever engaged Experian for its services.



Senior State Adv Phuthi Matabane

Khasho spoke to Adv Matabane about the case: How were these crimes uncovered?

Experian became suspicious when they issued an invoice and engaged with Talis-Holdings. They discovered that they could have been defrauded and launched an investigation through which Phungula was traced through a contract he had previously signed with Compuscan Purchasing Data.

What impact did Phungula's offences have on Experian and ordinary citizens?

Phungula's conduct had far-reaching consequences for the data services company, Experian, which incurred financial loss and suffered reputational damage. Phungula stole the identity document of the businessman who was authorised to have the information. Stealing personal information of their best client led Experian to suffer reputational loss with the client in question. Breach of data has exposed some personal information of almost 24 million South Africans, which left them vulnerable to possible fraud or identity theft.

What went into building a solid case for the state?

Firstly, ensuring a solid evidence trail that linked the accused to the misrepresentation, using electronic evidence to prove that the application to access the information held by Experian was generated by the accused.

The accused had followed a very similar modus operandi in the past. Using available evidence, the state was able to prove that the accused committed a similar offence in the past.

The testimony of the witnesses who provided crucial information and insight into the defendant's actions was also instrumental in securing the conviction. Cooperation between the NPS and the DPCI ensured that relevant evidence and witness testimony was obtained correctly.

The specific offences were identified at the inception of the case and the investigation was guided and focused.

A SIGH OF RELIEF FOR PROSECUTORS

By Lumka Mahanjana
RCM: Gauteng Division-Pretoria

For a period of 10 years from 2013 to February 2023, Adv Cornelia Harmzen and Ms Marie Jonker were attending court hearings frequently, trying to get justice for three foster children aged, 4, 6 and 9 years old who were victims of heinous sexual crimes committed against them by their foster parents and four other relatives.

Though the defense tried every trick in the book to delay the matter, it was finalised at last, and the foster parents aged 69 and 70, together with two relative couples aged 43 and 49 as well as aged 39 and 49 were sentenced to 12 life terms and 95 years direct imprisonment collectively by the Pretoria North Magistrates' Court on 16 February 2023. This was after the six were convicted of 20 counts of sexual offences against children on 18 May 2022. The charges included rape, compelled rape, indecent assault, sexual grooming as well as forcing a child to witness sexual acts.

Adv Harmzen and Ms Jonker had this to say about the case:

We feel relieved that the case has eventually been finalised, especially because the victims thought no one believed them. Therefore, securing the sentence meant that the justice system believed the children will be helpful as they will now be embarking on their journey towards healing". Moreover, finalising and securing this sentence proved that the wheels of justice are turning, though slow sometimes but, they surely turn.

However, this victory did not come easy because they experienced lots of challenges. Having child witnesses comes with its own challenges because children forget, especially when the matter took as long as this one did.



Ms Marie Jonker & Adv Cornelia Harmzen

When asked what lessons they learnt from prosecuting this matter:

Adv Harmzen:

I realised that to be a prosecutor is as much of a calling as it is to be a doctor or a teacher, if you are interested in your work and victims, you stick to the basic rules of prosecutions and be true to yourself and conscience then there is nothing that can stop you.

Ms Jonker's advice to young prosecutors when faced with similar circumstances while prosecuting a matter:

I would like to tell them that it is important to have perseverance, not to give up, do research and ask for guidance and always remember why you are doing what you are doing.

“
The Director of Public Prosecutions in Pretoria, Adv Sibongile Mzinyathi said, a decade of misery for the children and a decade of frustration for the prosecutors finally paid off. Through their hard work and dedication, the two prosecutors were finally able to breathe sighs of relief.



TWO LIFE TERMS HANDLED TO A YOUNG MAN WHO BRUTALLY KILLED HIS ELDERLY MOM AND NIECE OVER DRUG MONEY

Phaladi Shuping
RCM: Free State Division

Senior Prosecutor, Mpoti Chalale admits that the case against Mohau Emmanuel Makhetha (24) will be one of the cases he will never forget considering the brutality shown by the accused in killing his 63-year-old mother and 3-year-old niece over drug money in July 2020. The gruesomeness, according to Chalale, was difficult to ponder, considering that the mother was regarded as a pillar of strength and support by other family members.

"The accused was taking drugs with his friends and when they ran short, he decided to go home to ask for money from his mother. He got home, locked the kitchen door from inside, put the key in his pocket and went to his mother, who was sitting in the sitting room and asked for money. Locking the door was a clear indication that he was not going to let his mother go out if she does not give him money.

"He asked for money from his mother, who was carrying his niece on her back, and she told him she does not have it. He started screaming at her and the mother, when she saw anger on her son's face, tried to get out of the house through the kitchen door, but it was locked. The young man took out two knives from the cupboard and stabbed his mother multiple times. He left the knife stuck at the back of his mother's neck. His mother was lying dead in a pool of blood when the niece started crying. Makhetha, irritated by the niece's cries, took out the other knife and stabbed her several times. He left a knife stuck on the baby's head", said Chalale.

Chalale requested the Thaba Nchu Regional Court Magistrate, Marinda Marx not to deviate from the



Senior Prosecutor Mpoti Chalale

minimum sentence prescribed by law, because none of the factors presented by the accused's lawyer were substantial and compelling for imposition of a lesser sentence. The defense requested the court not to impose a life sentence for each count of murder because the accused spent two years in custody and drugs played a role in commission of the crimes, but Chalale would hear none of it, because "the accused opted not to apply for bail and at 22, he was too young to be old enough to differentiate between right and wrong".

"The accused is standing before court pleading for mercy, but he failed to show his mother and niece any mercy. He was the only man staying in the house and his defenceless mother and a young niece were expecting protection from him, but instead he is the one who brutally killed them in their own home where they were expecting to be safe. The community is also looking at the court for protection and imposition of an appropriate will be an indication that the courts will not tolerate such barbaric acts", said Chalale.

Makhetha tried to commit suicide twice after the incident, by hanging himself and stabbing himself on the chest and went to sleep, hoping that he would bleed to death, but failed on both occasions. He re-arranged the scene to make it look like there was a housebreaking. He even went to an extent of taking his mother's clothes off, to make as if she was raped.

"The version of housebreaking was impossible because there is no way that people could break into the house, stab a defenceless woman and a child over twenty times, and leave a man who was strong enough to defend himself. Secondly, there were footsteps of somebody who walked over the blood but none of them were going out of the house. There was also no sign of forced entry", said Chalale.

SPRINGBOK REGIONAL COURT SENTENCES FOUR MEN FOR THEFT OF ESSENTIAL INFRASTRUCTURE

Mojalefa Senokotsoane
RCM: Northern Cape Division

The proliferation of infrastructure crimes continues to cripple the backbone of the country as it affects all that is important in its development, its economy, and most importantly the lives of its citizens. As part of the NPA's strategy to fight against essential infrastructure crimes, the Regional Prosecutor Mr Basil Kock, recently prosecuted four men who were found guilty and sentenced accordingly by the Springbok Regional Court. The four accused Marlo Bock (33), Luwane Vaughan (35), Lorenzo Thomas (32), and Andre Bezuidenhout (35), were sentenced to 15 years of direct imprisonment for theft of telecommunications copper, after they were charged with the theft of Ferrous or Non-Ferrous Metal(s) which form part of Essential Infrastructure, according to the provisions of Sections 155(2) and 264 of the Criminal Procedure Act 51 of 1977.

It is alleged that during the period from August 2020 until September 2021, in Nababeep, a small mining town outside Springbok in the Northern Cape, the accused stole 440 meters of Telkom copper cables worth R30 000. The four accused were arrested and tried through meticulous investigation by the South African Police Service guided by the prosecutor, Basil Kock.



Regional Court Prosecutor Basil Kock

During their trial, the prosecution led by Regional Court Prosecutor Basil Kock, called eight witnesses to prove its case against the accused. These witnesses included accomplices who committed the theft of a copper cable with the accused, witnesses who assisted with the burning of the copper cables, transporters of the copper cables to various scrapyards, and the individuals who purchased the stolen copper. The state further called an expert from Telkom, who testified that it was indeed the property of Telkom that was stolen. He further explained the extent to which the theft of the copper cables interfered with the service of telecommunication to the residents of Nababeep.

Regional Court Prosecutor Basil Kock had this to say about the case:

In aggravation of sentence, I asked the court not to deviate from the prescribed minimum sentence. I argued and emphasised the seriousness of the offence as well as the fact that the offence was not only prevalent, but also on the increase. I further alluded to the fact that this offence did not only harm the local community but that it was turning into a national crisis. That the impact was not only on the essential services but the economy as well, and the fact that taxpayers were paying to restore these services. I also submitted that the only way people like the accused, as well as would-be offenders, would be deterred from committing these types of offences, was for the courts to impose stiff sentences.

The court agreed with all the submissions made by the state. The court highlighted the economic impact that these types of offences have, not only locally, but nationally. The court found that there were no substantial and compelling circumstances to deviate from the prescribed minimum sentence. All four accused were subsequently sentenced to 15 years of direct imprisonment. Accused 3 was serving a 2-year sentence for stock theft, so the court ordered that the sentences should run concurrently.

AFU STINGS EASTERN CAPE DOE OFFICIAL



Luxolo Tyali
RCM: Eastern Cape Division

The High Court of South Africa, Eastern Cape Division, sitting in East London has granted the NPA's Asset Forfeiture Unit a preservation order against a vehicle bought for a senior Eastern Cape Department of Education (ECDOE) official as gratuity for awarding a tender for the supply of Personal Protective Equipment (PPE). The order was made against a Mercedes Benz V-class, purchased through intricate transactions involving three deals initiated by a payment of R328 000 paid by the supplier, Siggibo Makupula, of Kups Trading, towards the purchase of the vehicle for ECDOE Chief Director for Supply Chain Management, Marius Harmse.

Harmse is responsible for the department that signed off on the tender that resulted in Makupula being paid R4 million by ECDOE on 31 August 2020. Makupula used R328 000 of the funds to pay a deposit on a new Mercedes V Series from Ronnies Motors. A second payment of R305 000 was also received by Ronnies and, according to their records, it was a second part payment for Makupula's Mercedes V-Class.

Makupula later cancelled the purchase and Ronnies refunded his money, minus penalties. Although the payment of R305 000 actually came from Harmse's bank account and not from Makupula, it was refunded to Makupula.

During December 2020, Harmse presented a Mercedes Benz V-Class for service at Star Motors in Qonce. This Mercedes was actually registered in Makupula's name but was in Harmse's possession throughout this period. Harmse intimated to the salesperson, Mike Msimango, at Star Motors that he wanted to trade in the second Mercedes and Msimango found a suitable Mercedes V-Class (the third Mercedes) and facilitated the trade in.

Harmse then informed Star Motors that his 'business partner' would be buying the second Mercedes from him directly and Harmse would then use the money to purchase another Mercedes. The balance owing for the third Mercedes was R573 000 and this amount was paid to Star Motors by Makupula, effectively settling the balance on the third Mercedes for the benefit of Harmse.

The third Mercedes was then registered in the name of Elanore Harmse, who is married to Marius.

The second Mercedes was then given back to Makupula who promptly gave it away as a gift, for no value, to his cousin, Thanduxolo Dabi, who also works for the ECDOE.

In April 2021, Harmse presented the third Mercedes at Star Motors and asked Msimango to sell it on his behalf. Msimango was also asked to find a replacement V-Class for Harmse. Msimango found a suitable V-Class in Johannesburg, and sold the third Mercedes and used the proceeds to purchase the fourth Mercedes.

The fourth Mercedes was still registered in Msimango's name and not in Harmse's and in his possession when it was seized by the SAPS on 17 November 2021. Harmse alleged, however, that he was the lawful owner of the fourth Mercedes.

From the evidence available, the R328 000 that Makupula paid, ostensibly as a deposit for the first Mercedes, was laundered through all the above transactions until it was embedded in the fourth Mercedes, which was purchased for Harmse's benefit and enjoyment. This is obviously a conflict given the fact that the R328 000 actually comes from a tender that Harmse's department had signed-off.

The preservation application was opposed by Harmse and Msimango.

The granting of this preservation order is part and parcel of the law enforcement agencies' unwavering efforts to fight against corruption in the government sphere and it goes to show that not only are the law enforcement agencies making headway in this fight, but they are doing it together, with smooth cooperation between the diverse units.

The AFU then proceeded to obtain a forfeiture order, by default, against the motor vehicle since it is an instrument of money laundering and corruption. During the Preservation Application the AFU focused on the R328 000 that was embedded in the motor vehicle as a gratuity. As the evidence progressed, and the opposition version was brought to light, it became clear that the vehicle itself is an instrument of the offences and was liable to forfeiture in its entirety.

The opposition failed to enter their appearance to oppose the forfeiture order in time and the AFU managed to obtain the order by default. The opposition has already indicated that they will apply for the Rescission of the Forfeiture Order.



Adv Anthony French

Adv Anthony French had this to say about the case:

Kups Trading

We forged ahead despite the apparent difficulties with the evidence. The prosecution was not proceeding due to investigations that were still ongoing and the fact that they were not yet confident enough in their evidence to authorise the arrest of the suspects. Therefore, the

AFU was 'on its own' in this matter when it applied for its preservation order. Head-Office communication had also stated that the case was not strong enough and the prognosis for victory was poor.

However, the EL AFU, under the guidance of Dr Ndzengu, took up the challenge and proceeded with the case. The matter was extensively opposed, being delayed by various interlocutory applications to strike out affidavits and the the filing of further affidavits. These were all substantively dealt with until the preservation application was successfully argued.

The challenge in this matter was that the evidence was a little bit complicated than normal as it involved a complex money laundering scheme with the purchase and sale of four different motor vehicles, with money flowing through transactions until it was embedded in the final vehicle which was at the time preserved. Unravelling and explaining the evidence in order to get the go ahead to proceed required a lot of meticulous work.

Explaining the evidence in court was also challenging as presiding officers, who were handling multiple motion court applications, needed to be led through the evidence until the pattern of criminality became clear to the court.

The R328 000 embedded in the vehicle and and systematically laundered proved that the scheme was well planned and executed. This meant that the vehicle itself was an instrument that had been specifically chosen to be used to commit the money laundering and hide the corruption.

ASSET FORFEITURE UNIT

Alternative Dispute Resolution (ADR) settlements

ABB
R2.5bn



Value of freezing orders in corruption and related matters
R570m



1630 freezing orders
R12.4bn

The AFU obtained **521** completed confiscation and forfeiture orders to the value of **R495m**



Recoveries in corruption matters **R2.83bn**



Value of recoveries (not including corruption matters)
R240m

AFU Performance for the past 5 years

2098

Confiscations and Forfeitures
R4.54bn



REPAID to victims
R31,5 million



PAID into CARA
R3.1bn

3 LIFE TERMS AND 66 YEARS IMPRISONMENT FOR TWO SERIAL MURDERERS

Monica Nyuswa
RCM: Mpumalanga Division

The Evander Regional Court convicted and sentenced two Mozambican nationals, Felisberto Joad Mahache (26), and Tahir Mhenambe (29), to 3 life terms and additional 66 years imprisonment each, following their conviction on three counts of murder, three counts of kidnapping, three counts of robbery with aggravating circumstances and three counts of defeating the ends of justice. The pair was charged along with Ngenzeni Emmanuel Sibiyi (32), who passed away during trial.

During the period between May and July 2018 the accused would target motorists travelling in areas surrounding Perdekop, Standerton and Amersfort and rob them of their vehicles. The trio would further rob their victims of their cellphones, stab them to death, dump their bodies in a nearby veld and drive away in their vehicles. The victim's families reported their loved ones missing as they did not know that they were killed. The first victim left his home on 21 May 2018 in his vehicle to Newcastle in KwaZulu-Natal, and his family never heard from him again until his lifeless body was found on the R50 road between Standerton and Leslie. Another victim went missing in June 2018 and his lifeless body was found next to the road between Amersfort and Perdekop a month later. This continued until July 2018 when the accused hijacked a third victim whose body was found with multiple stab wounds next to the road between Standerton and Perdekop.



Senior Public Prosecutor Moizelle Carstens

During police investigation, a task team was assigned and two vehicles belonging to the deceased were found locked in garages in Piet Retief and Dagga Kraal respectively. This led to the arrest of the accused.

In the state's case, the pair denied their involvement and the allegations levelled against them. Senior Public Prosecutor Moizelle Carstens, relied purely on circumstantial evidence. Victim Impact Statements compiled by the victim's family members were produced in aggravation of sentence. They detailed how losing their loved ones affected them and they further indicated that all deceased were bread winners when they were brutally killed. The court found the accused guilty on all counts and were sentenced accordingly.

What makes this case different from any other case you dealt with in the past?

Due to the COVID-19 pandemic, the state had a problem in securing services of a foreign language interpreter. Also, the delay in obtaining DNA results impacted on the speedy finalisation of the matter.

Any additional information you want to share with us?

I am pleased with the sentence meted out by the court as the accused were convicted on all counts and sentenced accordingly.



FACEBOOK RAPIST GETS LIFE AND 8 YEARS IMPRISONMENT

Natasha Kara
RCM: KwaZulu-Natal Division

Social media platforms now dominate the world, with almost everyone having access to the World Wide Web at their fingertips. However, therein lies dangers that can have dire consequences for the unsuspecting victims. This case, which was finalised at the Eshowe Regional Court, is an example of just that. Khasho spoke to the prosecutor, Sithembile Mngoma.

Tell us a bit about yourself

I was born in a small town called Ixopo, in a rural area called Mandilini under the Sisonke District Municipality. I have been with the NPA for about 13 years as a Regional Court Prosecutor, after being with Legal Aid South Africa in Empangeni. I studied for my LLB degree at the University of KwaZulu-Natal (Westville).

Why did you choose a career in prosecution?

I chose prosecution as a career because I wanted to serve my country in the reduction of crime, and to defend the victims of crime, especially our women and children. I have since learned from my years of prosecution that prosecution is not a career but rather, a calling.

Tell us about the case?

The complainant is a woman from the rural outskirts of Eshowe. She received a 'friend request' on Facebook from a person called MaKhumalo, who introduced herself as a female. This was actually the accused, Bhekani Mlaba, pretending to be a woman. They continued chatting on Facebook and the lady eventually promised to fund the complainant to start a business. She was going to give her R10 000. The complainant was delighted as she was unemployed. They then planned to meet in person. The complainant borrowed taxi fare from a neighbour and headed to Melmoth to their agreed meeting place.

The complainant requested that they exchange phone numbers so that they could speak as she travelled, however MaKhumalo said they should continue chatting on Facebook



because her phone had a defective speaker. The complainant alerted MaKhumalo when she was nearing the meeting spot, and MaKhumalo indicated that she had accidentally broken her leg and couldn't come through to meet her, but she was going to send her male relative to fetch her. Mlaba then met with the complainant pretending to be MaKhumalo's relative. He suggested that they take a shortcut through the bushes, and the complainant agreed. On their way, he produced a knife and raped her. He then gave her two choices: either he kills her or she agrees to pretend to be his girlfriend. She chose to save her life and agreed to pretend to be his girlfriend. He took her to a homestead where he introduced her as his fiancé. She was afraid of the family members (as they shared the same surname as Mlaba); and therefore did not disclose to anyone about her status. After a few days, Mlaba took her to another homestead where she formed a bond with a lady from this family. She eventually told the lady that she was being kept against her will. The lady, in turn, alerted her uncle, who then called the police and Mlaba was arrested.

What evidence did you secure for the state's case?

I used the evidence from the complainant, the lady to whom the first report was made, the uncle who summoned the police, the police who apprehended Mlaba, a medical doctor and the J88. Mlaba was charged with rape, kidnapping and assault GBH.

What has this case taught you?

This case has shown me that while social media has its advantages, it also has an extremely dark side. Clearly desperation can make people open themselves up to trouble.

What advice do you have for them?

People are desperate, people are poor, so criminals can easily manipulate their socio-economic conditions. People must not be gullible, especially when it comes to social media.

DETERMINED PROSECUTOR ENSURES A FITTING SENTENCE FOR R KELLY MURDER'S CHARGES

Eric Ntabazalila

RCM: Western Cape Division

Death of state witnesses, change of residential addresses by key witnesses, accused repeatedly changing his legal representatives and untraceable defense witnesses did not deter a determined prosecutor from ensuring that Raymond Kelly, is sent to prison for a long time.

Raymond Kelly, known as R Kelly, has been sentenced to an effective 34-year imprisonment following a marathon trial. He was convicted for the murder of Brendon de Wee, who was stabbed 36 times during an argument at Strydersfontein Farm, Beaufort West, on 12 July 2015. The accused was also convicted for the murder of Griet Plaatjies, after he stabbed the elderly woman 9 times in the yard of her Prince Valley, Beaufort West property. She also sustained a rib fracture after he attacked her on the evening of 31 December 2015. His girlfriend, Regina Saayman, also suffered at the hands of Kelly as he severely assaulted her with a sjambok and kicked her on the evening of 11 September 2017.

Prosecuting the case proved to be a challenge, but one of the Beaufort West Regional Court prosecutors, Hyron Goulding, was determined to ensure justice for the victims of the crimes committed by the accused.

Hyron Goulding had this to say about the case:

This trial was delayed for various reasons, among others, the fact that the accused changed legal representatives,



Regional Court Prosecutor, Hyron Goulding

the accused needed defense witnesses who could not be traced, some of the state witnesses passed away, the main state witnesses changed addresses and there was great difficulty in tracing them.

For a period of six months, on a weekly basis, I reminded the investigating officer to search for the main witnesses. I asked the investigating officer to approach the local radio station in Beaufort West as well as the local media to assist us to trace the main witnesses. After several attempts, we managed to trace them. We wanted these state witnesses because there was only one witness in each of the murder cases. The evidence of the main witnesses would ultimately result in a verdict of innocence or guilt.

In aggravation of sentence, I argued that the accused has many previous convictions for offences involving violence, robberies, and assault. It's clear from the evidence before the court, as well as the accused's previous convictions, that he uses violence to resolve conflict. It is also clear that the accused was not rehabilitated following previous sentences imposed on him by the different courts, and that is the reason why he is again before the court for offences involving violence.

Kelly did not show any remorse despite all the overwhelming evidence against him. He has maintained his lies to prove his innocence despite the watertight evidence against him. So, it is clear from the nature of the three charges above that the accused is not only a danger to strangers but also to his loved ones like his girlfriend. This accused is a danger to society, and should be permanently incarcerated.

The state is satisfied that justice has been served and that this violent accused was removed from society. The community of Beaufort West is now happy that justice was done.

THREE ACCUSED SENTENCED TO 15 YEARS EACH FOR DEFRAUDING JSE TRUSTEES AND SAMANCOR FOUNDATION

Mashudu Malabi Dzhangji
RCM: Limpopo Division

The Mokopane Regional Court convicted and sentenced Dimakatso Prudence Ramakgole (34), Seatile Pauline Senoamadi (44) and Motsiri Peter Ramahlarerwa (58), to 15 years direct imprisonment each for defrauding the Johannesburg Stock Exchange (JSE) trustees and Samancor Foundation of funds amounting to R278 million. The accused operated in their capacity as ABSA bank employees in Limpopo and Gauteng when they accessed the portfolios of the JSE trustees and Samancor Foundation without authorisation.

Adv Sammy Mogoshi had this to say about the case:

What were the challenges you encountered in this case?

The matter was complex involving an amount of R278 million. The case docket was so voluminous and I had to peruse each document to grasp the crux of the allegations before I could produce a charge sheet. I am stationed at Specialised Commercial Crimes Unit (SCCU) in Pretoria and the matter was heard in the Regional Court Mokopane. The matter was enrolled prior to the establishment of the SCCU in Polokwane. Travelling between the two provinces was a challenge, considering that the Regional Court in Mokopane starts operating from as early as 08h15, which requires one to be ready by then. The accused were legally represented by very experienced defence counsels, and it is always a challenge when one is not prepared. During trial, the entire country was affected by the COVID-19 pandemic, movements were restricted so it was a huge challenge to bring the accused to court.

What were the strategies used to link the accused to the offence?

As a specialist prosecutor, one must keep abreast with the development of the law and equip oneself with recent case law. The matter was initially investigated by the forensic investigators from ABSA and as the complainants in the matter, their involvement had to be monitored so



they do not overstep boundaries according to the police. There are some investigations that are to be performed by the SAPS and DPCI. In all banking transactions, the first document to be analysed is the bank statement, which will show you the route that the money travelled. In addition, the bank employees are given credentials that they use to access the bank system (username and password). Such credentials are not supposed to be shared, since each employee will be held accountable for the transactions that were performed using specific credentials. In this case, the accused suggested that their credentials were compromised. To dispel such version, I requested video footage of the transactions as all the banks are equipped with monitoring cameras. The footages confirmed that during the time of the transactions the accused were the ones working on their respective workstations.

How did you finalise the case?

The case was a marathon trial which began in 2020, placed between 2 to 3 consecutive days at a time. About 24 witnesses testified and several documents were distributed to prove the fraud allegations against the accused. Initially, five accused were arrested and prosecuted, however, at the close of the state case, evidence only linked the three accused. The other two were discharged in terms of Section 174, though on technicality. I am however satisfied with the overall trial proceedings.

Which advice can you give to prosecutors dealing with similar offences?

Fraudsters research properly before they execute their plans. In most instances, they leave a trail of evidence behind. It is of utmost importance to read and know the elements of the offence when you produce a charge sheet or indictment. Where you are not certain, always enquire to be certain. Preparing your cases thoroughly is very important as it will enable you to anticipate the next move of your opponent. Working with experienced presiding officers is a blessing; I am indebted to the presiding officer, Mr Nicolaas G Pretorius.

ESSENTIAL INFRASTRUCTURE, 2022/23 FISCAL YEAR REPORTS

Adv Basil Marishane
SCCU

South Africa continues to have a spike of offences relating to the theft of copper cables and damage to Essential Infrastructure. Despite, the Republic of South Africa imposing the six months ban on the export of copper, with effect from 01 December 2022 to 31 May 2023 the country continues to struggle with the scourge of copper theft and damage to essential infrastructure offences. The impact is greatly felt by citizens and businesses. Further, the offences put severe strain on the economic activities of the country, which also affects employment rates.

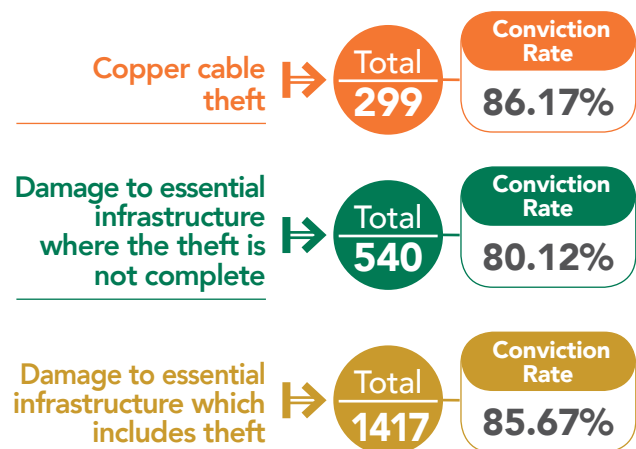
Different multi-disciplinary structures, viz: National Non-Ferrous Metals Crime Combatting Committee (NNFMCCC), Eskom Priority Committee, Economic Infrastructure Task Teams (EITT) etc., are established to address the scourge of these offences and the co-operation among all stakeholders, including the NPA, is critical. While pro-active measures, such as effective policing and security measures must be utilised to stop and prevent commission of this offences, effective prosecution with maximum sentences imposed must also be used as measure to deter offenders from continuing with the offences.

NPA has set its target for court performance rate for conviction in copper theft and essential infrastructure cases at 80%. The Organised Crime component of the NPA, under the leadership of Organised Crime National Co-Ordinator, Adv Elaine Moonsamy has been tasked to oversee and address all matters impacting on



the prosecution of these matters. In dealing with the statistics, the cases are classified into three groupings. They comprise of copper cable theft where there is no damage to infrastructure, secondly, damage to essential infrastructure where theft is not complete and, thirdly, damage to essential infrastructure with theft.

The conviction and finalisation are reflected as follows for the 2022/23 financial year:



The figures are national statistics for all the courts combined.

The provisions of section 51(2) of the Criminal Law Amendment Act 105 of 1997 which prescribes minimum sentence of fifteen (15) years imprisonment are applicable in specific offences involving theft of copper and/or damage to essential infrastructure/material forming part of essential infrastructure committed in contravention of Criminal Matters Amendment Act 18 of 2015. In the cases to be presented below derived from different clusters nationally, the NPA managed to secure minimum sentence imprisonment during the financial year. The charges involved tampering with Essential Infrastructure in contravention of provisions of section 3 of Criminal Matters Amendment Act 18 of 2015.

The following accused were sentenced to a term of 15 years imprisonment:

(1) Trevor Mandzuidza, Boksburg North CAS: 138/5/2022, in April 2022,

(2) Washington Khoza and others, Springfontein CAS: 21/06/2021, in May 2022,

(3) Shepherd Ndou, JHB/Florida CAS: 299/12/2020, in June 2022,

(4) Mphuthumi Maphuma, Mount Road CAS: 483/5/2019, in July 2022,

(5) Mzwakhe Mhlanga, Nigel CAS: 114/5/2021, in July 2022,

(6) Sydney Nkiwane, JHB/Moffat View CAS: 183/8/2021, in July 2022,

(7) Edwin Netsheni, Kempton Park CAS: 433/2/2022, in August 2022,

(8) Ali Shaibu and others, JHB/Florida CAS: 397/5/2020, in August 2022,

(9) Siphелеle Guga, Mount Road CAS: 306/08/2021, in September 2022,

(10) Mojalefa Mhaya, Kroonstad CAS: 559/12/2021, in September 2022,

(11) Mario Sabeka, Kaunda/Orkney CAS: 45/12/2021, in September 2022,

(12) Siphwiwe Radebe, Moffatview CAS: 141/1/2020, in October 2022,

(13) Daniel Masenya, Hercules CAS:429/10/2021, in October 2022,

(14) Msizi Mkhize, Mayville CAS: 299/12/2020, in October 2022,

(15) Bulelani Kayine, Scenery Park CAS: 105/7/2021, in November 2022,

(16) Thabiso Dlamini and other, Heidedal CAS: 195/11/2021, in Nov 2022,

(17) Lewis Sithole, Springs CAS: 180/3/2022, in November 2022,

(18) Arthur Sithole and other,

Midrand CAS: 7/3/2022, in November 2022,

(19) Thandolwethu Mdoda, Mount Road CAS: 182/7/2021, in November 2022,

(20) Nhlanhla Khumalo and other, Brighton Beach CAS: 37/11/2022 in January 2023,

(21) Janaid Oliphant, Mount Road CAS: 487/7/2021 in February 2023,

(22) Philile Dzanibi, Brakpan CAS: 214/7/2021,

(23) Antonia Macuacua, Boksburg CAS: 229/12/2019 in March 2023,

(24) Happiness Moyo and other, Brixton CAS: 72/1/2020 in March 2023,

(25) Fortune Ndlovu, Douglasdale CAS: 379/08/2019 in March 2023,

(26) Thabo Nxade, Orlando CAS: 235/6/2020 in March 2023,

(27) Lorenzo Thomas and 2 others, Nababeep CAS: 75/09/2020 in March 2023 and

(28) Lincoln Pienaar, Klapmuts CAS: 32/09/2021 in March 2023.

While the NPA has managed to perform within the set targets, a lot is still required to be done to successfully prosecute syndicates involved in the commission of these offences. Aspects such as proper financial investigations still impede the prosecution of these offences, however, the Organised Crime component will utilise its resources with other relevant stakeholders to fight the offences.



STRUCK-OFF CONSPIRACY THEORIST SOLICITOR JAILED FOR CONTEMPT

Legalfutures, UK

25 May 2023

Posted by Neil Rose

A struck-off solicitor who issues “spurious applications and claims” in the names of “innocent litigants” has failed in his appeal against a 12-month prison sentence for contempt.

Lord Justice Coulson said the scale of the harm inflicted on the justice system by Edward William Ellis “cannot be underestimated”, and, following the failure of his appeal, he “must commence his term of imprisonment immediately”.

Coulson LJ said the ex-solicitor was “apparently convinced that politicians, judges, the government, and the Ministry of Justice, together with all those who work for them, are corrupt and that their decisions are, without exception, fraudulent”.

Mr Ellis was struck off as a solicitor in 2013 but continued to market himself as an “equity lawyer”.

Coulson LJ said the modus operandi of Mr Ellis was to recruit innocent litigants, “some with grievances against the justice system, some desperate for any help no matter from what source, and others just bewildered by a process that they do not understand” and, in the guise of helping them, issue “spurious applications and claims in their name”.

Those applications and claims “inevitably fail, which is presumably the appellant’s intention all along, because (despite the fact that they are nonsensical) their failure allegedly shows that the legal system is corrupt”.

Coulson LJ went on: “In this way, innocent litigants find themselves in more trouble than they were if they had refused the appellant’s offer of ‘help’ in the first place.”

On the impact of his behaviour, the judge said: “He knows what he is doing. He is persistent. His determination to disrupt the justice system, and to interfere in cases in which he has no personal involvement whatsoever, appears limitless.

“I find myself wondering what such persistence and determination might have achieved had they been directed towards a sensible or cogent end.

“The harm caused is high. A very large amount of judicial time and effort has had to be wasted on the appellant and his various applications. That is detrimental to the needs of genuine litigants.

“At a time when the resources of the court service are so stretched, the scale of the harm done cannot be underestimated.”

Delivering judgment in *Ellis v Solicitor General* [2023] EWCA Civ 585, Coulson LJ said Mr Ellis was the subject of a general civil restraint order (GCRO) imposed by the High Court in 2018. It was extended in 2020 and 2022.

Mrs Justice Cutts imposed a committal order of nine months’ imprisonment on Mr Ellis, suspended for two years, in April 2021, following nine breaches of the GCRO.

Two applications in other people’s names in the following year contained phrases mentioned by the GCRO as indicating that they came from Mr Ellis.

Mr Justice Kerr ruled that the contempts “bore the character of a criminal rather than a civil contempt” and “only a sentence of immediate custody was justified”.

He imposed a sentence of six months in prison for these two contempts, and a further six months by activating the previous suspended sentence of nine months.

This was stayed pending the ex-solicitor’s appeal. Coulson LJ said Mr Ellis had issued an “incomprehensible” appeal notice and described his conspiracy arguments as “absolute nonsense”.

Had he been the judge at first instance, he said, “I would have activated the entirety of the nine months suspended sentence”.

Despite giving it “active consideration”, Coulson LJ said he would not be increasing the prison term to 15 months.

“I would dismiss this appeal which means that the appellant must commence his term of imprisonment immediately.” Lewison LJ agreed.

In 2018, the Court of Appeal refused permission for Mr Ellis to appeal against a suspended prison sentence handed out for conducting litigation in breach of the Legal Services Act 2007.

COUPLE FACE COURT FOR ALLEGEDLY KEEPING WOMAN AS SLAVE AT MELBOURNE HOME

Husband and wife accused of using coercion and threats to keep woman in servitude in their Point Cook home

*Australian Associated Press
Thu 25 May 2023 04.53 BST*

A couple accused of keeping a woman as a slave in their home in Melbourne's west for 10 months has faced court.

A 44-year-old man was charged in November last year with possessing a slave and using coercion and threats to cause another person to enter into and remain in servitude.

Last month federal police laid a further charge of exercising control over a slave.

The same three charges were filed against his 29-year-old wife on 6 April.

It's alleged the couple kept a woman in domestic servitude at their Point Cook home between January and October last year.

The couple on Thursday faced the Melbourne magistrates court, where the woman's lawyer, Payne Wu, said he had not yet determined if he was also acting for her husband.

Commonwealth prosecutor Zoe Hough said their alleged victim was a vulnerable adult, who would not be required to give evidence at a committal hearing against them.

But the court heard other witnesses may include people who interacted with the alleged victim at a hospital or medical centre she attended.

Federal police allege they received a report from a healthcare provider, concerned that a woman was exhibiting indicators of human trafficking.

The couple's home was searched in late October.

Wu said he hoped to reach a decision on representing the man in the next week or so.

The man told the court he believed he and his wife already shared the same lawyer, but would find another if needed.

Both are on bail. The man appeared by video-link wearing a blue jumper in a white-walled room, while his wife appeared from inside a car.

Their case was adjourned for a further committal mention on 19 June.



ADV ANDREA JOHNSON APPEALS TO LAW ENFORCERS TO BE INNOVATIVE IN THEIR FINANCIAL INVESTIGATIONS

*Sindisiwe Seboka
ID Spokesperson*

The Investigating Director for the NPA's Investigating Directorate (ID), Adv Andrea Johnson, says law enforcement agencies need to be innovative in their investigative processes and utilise alternative remedies to make a greater impact on crime in South Africa.

Adv Johnson addressed a three-day Financial Investigations Training for Law Enforcement Agencies (FITL) in South Africa that kicked off on 17 April 2023 and was hosted by the United Nations Office on Drugs and Crime (UNODC) held at the Protea Hotel in Menlyn, Pretoria.

The workshop's main aim was to allow Law Enforcement Agencies (LEA) to have a clear conceptual understanding of financial investigations methodologies, illicit money flows, money laundering and proceeds of crime investigations.

The workshop also aimed to expose LEA to new tools and methods for tracing the proceeds of crime and uncovering illicit financial flows. LEA is also introduced to sources of information and the use of comparative data to trace, locate and link organised criminals, their associates, and proceeds of crime with its illicit sources.

According to Adv Johnson, the National Risk Assessment (NRA) should be a guideline in the actions of LEA while understanding the concept of beneficial ownership in the sense of identifying role players in criminal syndicates. She said that while it is important to access the right information and ask questions to the right people, LEA needs to understand the financial intelligence generated from the Financial Intelligence Centre (FIC).

"The financial intelligence from FIC can be utilised to develop an investigation plan, guide a prosecution strategy, and focus on an output that even looks at the broader picture of corruption, money laundering, and any other financial offences. It also assists us with asset recovery because the systems at the FIC are set out to generate so much information," said Adv Johnson.

More importantly, the workshop seeks to equip LEA with skills in tracing crime proceeds and how money laundering and asset forfeiture activities have developed in the Southern African region. Subsequently, the training also intends to assist in conducting financial investigations, gathering evidence and the use of applicable legislation to



Adv Andrea Johnson

disrupt, remove and seize the proceeds of crime and cripple serious and organised crime.

Law enforcement agencies that attended the workshop include the South African Reserve Bank (SARB), Special Investigating Unit (SIU), South African Revenue Service (SARS), South African Police Service (SAPS), FIC and the NPA. While Adv Johnson cautioned investigators not to make the mistake of attaching FIC products to their docket, Executive Manager for Compliance and Prevention at FIC, Christopher Malan, committed the FIC to be a shared service for LEA in conducting investigations. He said in addressing the difficulty of following the money through investigative means, they have moved from intelligence to forensic evidence.

"We are here, we have no agenda other than to assist you to do your work well. South Africa has struggled historically to follow the money through investigative means. AFU has slightly been successful in this regard. We have a challenge in linking the ultimate proceeds through the mechanisms of corporate functions and complex structures and trusts," according to Malan.

Malan also maintained that their financial products should assist law enforcers in linking juristic persons to the natural persons behind the crime committed. In further fields, Johann Willemse, a Senior Financial Investigation Specialist at UNODC with 30 years of experience, stressed on the difficulty and the need to follow up on illicit flows of cryptocurrencies and cross-border money transfers.

Willemse also identified Gauteng, Western Cape, and KZN as areas of interest for foreign criminals settling in South Africa. He said that perceptions around South Africa may be reasons why fugitives settle in SA. Important enough, Willemse said that the proceeds of crime in SA are normally spent on fixed and moveable property, building fixed property on tribal land, settling debts and habits, and etc.

"Some of these proceeds are spent on school fees for children, livestock, register assets under family, renting luxurious cars and apartments, just to name a few," said Willemse.

According to Willemse, most of the facilitators of money laundering include banks, brokers, lawyers, accountants, pastors, PEP's, estate agents, second-hand car dealers, family and friends, business associates, currency exchanges and remitters, and lastly law enforcement officials.

NPA

MAINTENANCE

Awareness

CAMPAIGN



On 18 May 2023, the Sexual Offences & Community Affairs (SOCA) Unit in collaboration with the Communications Unit launched the NPA Maintenance Awareness Campaign during a national webinar aimed to educate the public about maintenance legislations, processes to be followed and the role of the NPA in the maintenance system. To reach a wider audience, the webinar was hosted on Microsoft Teams, livestreamed on the NPAs YouTube and Facebook pages. During Child Protection Week in June, the units, once again, collaborated and hosted a Twitter Space as part of the ongoing awareness campaign on Child Maintenance.

The maintenance section within SOCA unit focuses on providing maintenances services. The maintenance section comprises of Senior Maintenance Prosecutors (SMPs) stationed at the NPA regional offices and head office to implement the SOCA Maintenance mandate. The section is also responsible for stakeholder management and educating the public about the role of the NPA in the maintenance system.

Khasho spoke to the SMPs that presented during the webinar and Twitter Space to find out more about Maintenance matters.



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WHAT IS MAINTENANCE?

- It is the provision of support by one person to the other
- It is a common law duty of support which has been legislated
- Maintenance includes the provision of:
 - accommodation;
 - education;
 - food;
 - clothing and
 - medical care
- **The concept of Maintenance is protected by different legislations i.e**
 - Maintenance Act, 99 of 1998
 - Constitution of the Republic of South Africa, 1996
 - Children's Act, 38 of 2005
 - Domestic Violence Act, 116 of 1998
 - Reciprocal Enforcement of Maintenance Orders Act, Act 80 of 1963
- **Section 28(1)(b) of the Constitution**
 - every child has a right to family care or parental
- Section 161(1) of the Children's Act gives the court the powers to make a contribution order towards maintenance of a child
- DVA defines economic abuse as a means of domestic violence



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THE ROLE OF THE NPA IN MAINTENANCE

- Section 4(1)(a) of the Maintenance Act, any public prosecutor to whom the DPP has delegated the general power to institute and conduct prosecutions in criminal proceedings in a particular magistrates' court shall be deemed to have been appointed as a maintenance officer of the corresponding maintenance court.
 - Section 4(1)(b): the NDPP shall in consultation with the Minister issue policy direction w Section 4(1) (b): the NDPP shall in consultation with the Minister issue policy direction with a view to:
 - Establishing uniform norms and standards to be observed by public prosecutors in the performance of their functions as maintenance officers under this Act;
 - Building a more dedicated and experienced pool of trained and specialised maintenance officers
 - As a response to above: We have SMPs within SOCA unit to combat GBVF & specialist prosecutors in maintenance: NPS;
 - Exercise /Perform functions, duty or power under the Maintenance Act (e.g investigate, prosecute, recovery etc.);
- Effecting a fair and uniform maintenance application of maintenance nationally
- Committed to giving high priority to the rights of children (section 28(2) Constitution);
- To ensure the right of every child to a standard of living which is adequate for the child's physical, mental, spiritual, moral and social development;
- Take all appropriate measures in order to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child – in line with the Convention on the Rights of a Child article 27;
- Perform functions provided for by in the Maintenance Act not only where children are involved but also in respect of all citizens deserving of maintenance in terms of the law, to achieve social, economic justice and equality;
- Participate in Policy / Review of legislation submission to SALC in the maintenance system law reform process;



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WHO IS LIABLE TO PAY MAINTENANCE?

- There must be a **legal duty** to maintain-Section 2(1) of the Maintenance Act 99 of 1998
- The main requirement is the means test that is the person who is liable to pay maintenance must have the means to pay.
- There must be a need for maintenance on the part of the person who seeks maintenance
- Both parents are liable to pay maintenance towards their children
- Grandparents towards their grandchildren (grandparents can be joined in an enquiry only once the parent is unable to pay maintenance See Petersen vs Maintenance Officer Simons Town and others 2004(2)56(CPD) the court extended the common law duty of support to include paternal grandparents
- Collateral: brothers and sisters and half-brothers and half-sisters
- Legal adoption-Children's Act 38 of 2005 Section 242(2) and (3)(including customary adoption (Maneli vs Maneli, South Gauteng High Court, Johannesburg, Special Review No: 19/07 Reprtable)
- Spouses (including customary marriages) –section 7 of the Divorce Act
- Once the Court makes an order for token maintenance or rehabilitative maintenance in divorce cases
- Where a maintenance order does not stipulate when it will be of force and effect, the age of majority of a child -18 years (Children's Act 38 of 2005(Section17) will not suspend the operation of an order.



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WHAT IF I DO NOT KNOW THE WHEREABOUTS OF THE PERSON RESPONSIBLE TO PAY MAINTENANCE?

Even if you don't know the whereabouts of the respondent you must still go to the maintenance court.

Each of our Maintenance courts has Maintenance Investigators (MI) whose responsibility is to trace the whereabouts of the respondents.

The Maintenance Clerk will need all the necessary information about the respondent, please give as much information as possible this will assist during investigations.

The file will then be taken to the Maintenance Officer for further investigations.

The Maintenance Officer will instruct the Maintenance Investigator to conduct the investigation to try and trace the whereabouts of the respondent.

You must at least provide some of the following information:

- Last known address of the respondent
- ID number or date of birth and their full name
- Last workplace of the respondent
- Their cell phone number or email address
- Their social media account

Any of the above information will enable the MI to trace the respondent's whereabouts.



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CAN A MAINTENANCE AGREEMENT (VERBAL OR WRITTEN) OUT OF COURT BETWEEN THE PARTIES BE ENFORCED IN A COURT OF LAW?

The Maintenance Act 99 of 1998 provides for written and verbal agreements in section 6.

Section 6 provides :

Section 6(1) (c) of Maintenance Act 99 of 1998 provides for written and verbal agreements.

- (1) Whenever a complaint to the effect—
- (a) that any person legally liable to maintain any other person fails to maintain the latter person;
 - (b) that good cause exists for the substitution or discharge of a maintenance order; or
 - (c) that good cause exists for the substitution or discharge of a **verbal or written agreement in respect of maintenance obligations** in which respect there is no existing maintenance order,

has been made and is lodged with a maintenance officer in the prescribed manner, the maintenance officer shall investigate that complaint in the prescribed manner and as provided in this Act.

The act provides that these written and verbal agreements can be substituted or increased or varied by the court taking in account the previous agreement between the parties. A respondent can similarly apply for the discharge of the written or verbal agreement by requesting a discharge order of court.

It should be noted that it is recommended that parents conclude their written or verbal agreement by making such agreement an order of court to provide more legal certainty and civil enforcement.

Other types of written agreements that can be enforced by courts including the children's court is section 33(3) Parenting Plans that also provides for maintenance in the parenting plan. It is recommended that parenting concluded between the parents that was compiled by attorneys and mediators be registered with the Office of the Family Adv or taken to a children's court to be made an order of court.

To enforce parenting plans it is recommended that the parenting plan be endorsed by a magistrate in chambers or a children's court magistrate to be made an order of court.



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MAINTENANCE AND ANCILLARY ORDERS

(Types of orders that a maintenance court can make):

- Before the enquiry - make an **interim maintenance order**
- If there is no maintenance order in force, the court can make a **new maintenance order**. This new order may include an order for payment by way of a stop order or similar facility at a financial institution. It may also include an order for the payment of medical expenses, including an order requiring the person to be maintained to be registered as a dependent at a medical scheme of which the person legally liable is a member.

The court can also include an order for **the lying-in expenses** of the mother (this is the expenses incurred by the mother in connection with the birth of the child and includes maintenance for the child from the birth of the child to the date of the enquiry)

- Where there is an existing maintenance order, the court can make an order **substituting** the existing order
- **Garnishee order** - Whether it is a new or a substitution order, the court can make an order directing the employer to make on behalf of the employee, periodical payments from the moneys at present or in future owing or accruing to the latter person as may be required to be made in accordance with the maintenance order. The order will thus have the effect of an emolument attachment order
- Make an order by **consent** (where parties agree and consent in writing, their presence at the enquiry will not be necessary)
- Make an order by **default** (where the person legally liable to pay maintenance fails to attend the enquiry)
- Orders for the **recovery of arrear maintenance** in terms of section 26 of the Act



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MAINTENANCE LIABILITY AFTER DEATH

When a person against whom an order of maintenance was granted is deceased, his maintenance obligation will be pursued in terms of law of Wills and Estate.

In Estate law, deceased estate will be open for 30 days for inspection for creditors and debtors to forward their claims against and in favour of the estate and maintenance claim should also be included at that stage because estate is not yet wound up, its intact, and that will be a claim to be brought against the estate executor, then there will be a

certain sum from estate capital to be set aside to discharge the estate indebtedness to the maintenance recipient.

Then if the estate has been wound up, then any person who has a claim against the estate must apply for rescission to have the estate to be reopened and that the application will be against the Heirs for undue enrichment. In that application, the applicant will have to prove overpayment to the Heir and payment will be in accordance to the amount proved as overpayment because this a claim for monies paid and not owed.



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WHAT INFORMATION OR DOCUMENTS ARE NEEDED FOR A MAINTENANCE APPLICATION?

- An identity book (green book with your photo) or passport or drivers' licence and immigration permit
- Certified copies of the child/children's birth certificates
- Latest three months bank statement
- Three months proof of income(payslip) or a signed letter from the employer confirming your income
- Physical/work address of the person responsible for paying maintenance money
- List of your income and expenditure
- Full name of parent/person responsible for paying maintenance money
- Copy of Decree of Divorce (in the case of divorce)



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WHAT ARE MY OPTIONS IF THE PERSON RESPONSIBLE TO PAY MAINTENANCE NO LONGER COMPLIES WITH THE ORDER?

A maintenance order can be enforced either by way of –

- Civil execution:
 - Attachment of emolument – from the salary of the respondent;
 - Attachment of debt – from any money owed to the respondent by a third party;
 - Warrant of execution against property.
- Criminal prosecution.

It is recommended that Civil Execution be opted for, as with this process the chances of the arrear maintenance being collected and paid to the applicant is highest, and success in a relatively short period of time is possible. An emolument attachment should be done as soon as the respondent falls in arrears, alternatively attachment of debt (including monies held in investments, annuities and savings) be applied for. A warrant of execution may be issued, although the applicant in the matter will be responsible for all costs. Application for enforcement of a maintenance order must be made at the Court in the area where the applicant is residing.





Adv Nokukhanya Gcwabaza
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WHERE DOES ONE APPLY FOR MAINTENANCE?

Section 3 of the Maintenance Act 99 of 1998 as amended provides that every Magistrate's Court is a Maintenance court within its area of jurisdiction. The court that will have jurisdiction to hear a maintenance matter is the court in which the person to be maintained resides AND or the

court in the area in whose care the person to be maintained resides, works, or carries on business. The applicant must go to the Family section of their local court where they will be directed to the Maintenance section and a Maintenance Officer will assist them with their application.



Ernst van Rensburg
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WHAT IS FUTURE MAINTENANCE ORDER?

A maintenance beneficiary may apply for future maintenance order in a maintenance court under the following circumstances:

- Where the maintenance payer failed to pay the maintenance
- When the court can draw the inference that the maintenance payer will not be able to meet maintenance payments in the future
- Where future maintenance claims of a minor child are threatened, whether the maintenance payer is in arrears or not.

- The purpose of a maintenance order is to attach a lump sum of money that belongs to the maintenance payer. This money is normally paid over to the Master of the High Court and placed in the Guardian's Fund. In most cases the pension fund of the maintenance payer will be attached for future maintenance payments upon resignation, retrenchment or retirement of the maintenance payer from his/her employment, but any other form of lump sum may be attached. The Master of the High Court will be ordered to administer the money that was paid into the Guardian's Fund and to make maintenance payments to the maintenance beneficiary from the money that was attached in terms of an existing maintenance order.



**The right of every child and the
 responsibility of every parent**



SPECIALISED TAX UNIT NATIONAL TRAINING FOR PROSECUTORS

*Adv Simphiwe Mthethwa
Specialised Tax Unit*

In an endeavor to empower and equip newly appointed prosecutors to effectively prosecute complex tax cases, the Specialised Tax Unit (STU) held a week long National Training for prosecutors in March 2023. The Specialised Tax Unit Training Committee was constituted in August 2022, with a clear mandate to draft a training plan for the component and plan the STU National Training. The training was attended by over 75 STU prosecutors from all NPA regions across the country.

The Special Director of Public Prosecutions at the STU, Adv Trish Matzke said that the main objective of the training was to train newly appointed prosecutors on how to guide investigations and draft complex tax charge sheets. "The unit has prioritised the continuous training of legal personnel, specifically the newly appointed prosecutors to equip them to effectively prosecute complex tax cases," she said.

The training was presented by experienced South African Revenue Service (SARS) Tutors from the SARS Training Academy on topics such as VAT, Income Tax, PAYE, Tax Practitioner Responsibility, Company Income Tax, Trusts, and Liquidations.

The symbiotic training relationship between the NPA and SARS dates many years, and the STU Training Committee, in collaboration with SARS, will continue with this venture to capacitate both the NPA prosecutors and SARS investigators in resolving tax administration challenges and improve voluntary tax compliance. This further demonstrates that the STU, under the leadership of Adv Matzke, is committed to strengthen

collaboration with SARS as envisaged in the Memorandum of Understanding between the NPA and SARS.

The training was also used as a networking session to allow new STU prosecutors to learn more about the STU from senior experienced colleagues. Though the training was formal, there were fun team building activities in between the training sessions which the attendees thoroughly enjoyed. On most days, attendees were divided into groups and had group discussions and presentations on practical case studies.

Amongst the attendees was Adv Kuttullo Kanyanne from the newly established Mpumalanga STU office. Adv Kanyane joined the STU in Mpumalanga on 01 December 2022 from the regional court. "I had no prior experience of commercial and/or tax law, as I was prosecuting mostly rape and murder matters in the regional court. What I appreciated about the training was that we as new employees were grouped with much experienced colleagues who were able to guide us through the exercises, and I am grateful that I was given a chance to present on behalf of my group on the last day of the training. Before attending the training, I was already allocated matters in my office to handle and upon my return, I was able to tackle them with newfound understanding and knowledge. I am grateful for having attended the training as it gave me the confidence to continue prosecuting in the new unit without fear, favour or prejudice", he said.

The national training was a resounding success, and the unit is grateful to the leadership of the NPA for making resources available to have training of this magnitude. The training would not have been possible without the STU Training Committee and Mr Shadrack Chauke from SARS. After the conclusion of the national training, positive feedback was received from the prosecutors who attended the national training.

Delinquent taxpayers be warned, your time is over. The STU has unleashed young lions.



Specialised Tax Unit prosecutors attending the training

MANGAKANA RAMOGALE DANCING HER WAY TO LATIN WORLD CHAMPIONSHIPS

Mangakana Ramogale, an Administrative Officer in the Supply Chain Management Unit at head office will be representing South Africa at the World Dance Sport Federation Senior 2 Latin Championships in Rotterdam, Netherlands on 14 October 2023.

Born and bred in Lebowagomo, Limpopo, Ramogale started dancing at the age of 10. Her primary school teachers identified dancing as one of her many gifts. Her late sister, Annah Ramogale inspired her to take dancing lessons to perfect her skill. "I will forever be indebted to her. I developed the love for dancing just looking at her practicing basic steps at home, that's when I realised that's what I wanted to do. Since then, I have worked hard to enhance my talent and ambitions as a professional dancer of note. My participation in dancing competitions distinguished me from my peers," said Ramogale.

Ramogale has been participating in district and provincial dancing competitions for more than 20 years. She has represented the Limpopo province on numerous occasions and has been recently nominated to represent the Gauteng Province at the Interprovincial Senior 2 Latin Championships. Future qualifier competitions that she will be participating later in the year in are as follows: Championship League and South African National Championships that will be held in the Western Cape, Kwa-Zulu Natal, Eastern Cape and North West from June to December 2023.

Ramogale always had the desire to participate in global events. It will, however, be her first time participating in a global competition under the banner of the South African Sports and Olympic Committee (SASCOC), which is the national multi-coded sporting body in the country.

"Being selected as a South African representative, fills me with a great sense of pride and responsibility to hold the SA banner and flags high in this prestigious global event which brings together the world's best Latin dancers in the senior category. Participating in the WDSF World Senior II Latin Championships comes with huge financial expenses which require financial assistance for me to participate. I need the necessary financial backup, support, and sponsorships in preparation towards and during events for flight tickets, visas, accommodation, etc.," said Ramogale.



Mangakana Ramogale participating in dance competitions across the country

FAREWELL TO A SERVANT OF THE PEOPLE

Pretty Mabanga & Pfano Chililo
Knowledge Management Team: SMO

It is with mixed feelings that we announce the retirement of our beloved and much appreciated Mr Jan Daniel Schmidt. Schmidt began his career in early 1980 at the Magistrates' office in Aliwal North. In July 1982 to 1987, he was appointed at the Randburg Magistrates' Office, responsible for Civil Courts. He then joined the Pretoria Magistrates' Court responsible for auxiliary services and tasked with introducing the motor vehicle scheme that subsidised cabinet's travelling arrangements amongst others. Shortly after that, he was appointed as Secretary of Departmental Library Committee responsible for, amongst others, restoring old law reports from the 1600s.

In January 1991, he was promoted to Private Secretary at the Minister's Office under Mr Kobie Coetzee, responsible for all incoming mail, cabinet meeting documents, cabinet committee meetings and the distribution of Top-Secret minutes to the Director General, DoJ and NIA, which was part of the portfolio of the Minister. In 1992, Schmidt was appointed as the Personal Assistant and Parliamentary Officer in the Office of the Director-General, Adv JJ Noeth, SC. It was only him and a secretary also fulfilling the role of nodal point with the Ministry and Deputy Ministry and of course privileged to the part of watching and share the discussions at CODESA 1 and 2.

Schmidt worked with Adv JJ Noeth, SC until his retirement on 31 December 1999 and continued in his post with the Acting and later appointed Director-General, Adv VP Pikoli.

One of Schmidt's career highlights was after the swearing in session of the new Ministers in 1994 in Pretoria and to meet Minister Abdullah Mohamed Omar and his family on arrival at the Cape Town International Airport. Schmidt, together with a driver, picked-up Minister Omar at his residence in Cape Town the next day and took him to his office on the 5th floor of 120 Plein Street. Schmidt expressed that this experience remains to be the most privileged moment in his career life and will forever treasure it!

It was in March 2005 when he joined the NPA and after 17 years of service, he retired from his position as Chief of Staff at the Office of the NDPP on 31 August 2022.



Mr Jan Daniel Schmidt

Having worked with many people in higher positions throughout his 42 years of experience, (as a Parliamentary Officer & NPA's Chief of Staff), Schmidt explained what motivated him each day, "I had two reasons to live by and still hold on to these reasons. One; it pays to be kind to people, always be honest and truthful. Two; humility is key, never be too big to your sub-ordinates".

As Chief of Staff, Schmidt highlighted on the lessons learnt from his career and wishes to impart them to his successor: Learn to switch off from work, leave the stress of the office work at the office, never take it home, be proactive, reflect on each day at the office, find innovative ways of doing your job better, Learn to recognise and acknowledge your team, be down to earth, respectful and be willing to learn.

When asked what knowledge he believes NPA needs and is currently lacking, Schmidt touched on Diversity and Change Management. In his opinion, diversity and change management is lacking in the NPA and should be implemented at all levels of the organisation.

Message from Schmidt:

I am proud to say I worked for the NPA; it's really been a great honour. I have met a lot of people over the years, whom I now consider as family and that, on its own is a blessing. With all the support the NPA is currently receiving, I strongly believe it is going from strength to strength and it would be wonderful to see diversity and change management in the NPA.

After retirement, Schmidt plans to spend more time with family and travel gravel roads in the Eastern Cape. He will be remembered as a hardworking, committed, and friendly person. The NPA wishes him good health and the very best in his future endeavors.

MEET THE NEW CHIEF OF STAFF FOR THE OFFICE OF THE NDPP

The office of the NDPP recently welcomed experienced strategist and enterprise risk specialist, Mr Muzikayifani Anthony Madlala as the Director: Administration. Mr Madlala was appointed after the retirement of Chief of Staff, Jan Daniel Schmidt.

Khasho takes the opportunity to get to know him better and to find out how it feels to work for the highest office in the NPA.

Tell us briefly about yourself: I am a third born of five children, originally from Thuthuka village in Margate, KZN. I am married to my beautiful wife Nokwazi Madlala. We have four children, two biological children and two from my late sister. I am a staunch Christian. Here at work most people refer to me as Mfundisi (pastor). I am not ordained though. I love people. My heart always feels for those who are hurting and struggling in one way or another.

Briefly, how do you feel about this appointment and what does it mean to you?

Wow! It means lot. It is such a huge responsibility, but I believe God wanted me to be here. I am not sure exactly how I feel, I am grateful though firstly for the promotion and the opportunity to serve.

You assumed your new position in April. Take us through your experience in this new role:

Throughout my career, having worked as an auditor, strategist, and a risk specialist, I have always been the one asking people questions and guiding. Being responsible for the administration of such an important office is daunting. I had to quickly learn to adapt, unlike in my previous positions where I could plan and follow a systematic plan. Being an administrator, one responds to different challenges all the time, especially in this office. Your to do list for the day changes quickly. Of course, being part of strategic meetings of the organisation and having direct access to ExCo is a big deal for me. But also, this means I cannot switch off, weekend or no weekend, it's the same. The NPA works 24/7.



Director: Mr Muzikayifani Anthony Madlala

What are your immediate and long-term goals for this office?

My predecessor, Danie, as we affectionately call him, has done very well over the years, ensuring that the integrity of this office is kept intact. He managed to do this under different NDPPs and at times under difficult circumstances. I intend to continue where he ended. My second goal is to build and maintain good relations with our stakeholders both internal and external. This position affords me an opportunity to serve not just the people of South Africa, but to serve you the employees of the NPA by being accessible and responsive to your needs. To do this, setting up memorandum tracking and correspondence systems is of paramount importance.

Tell us something that most people don't know about you:

I am a certified auditor. In my short career, I have worked as a regularity auditor, internal auditor as well as forensic auditor.

I would like to thank the NDPP, ExCo and my colleagues within the office of the NDPP for their warm welcome and ensuring that I settle in well.

THE NPA OUTREACH - EMPOWERING OUR YOUTH

The NPA is dedicated to the education of the South African youth and took part in a variety of dialogues and outreach offerings, focused on the youth this year. The

NPA visited schools and honored Youth Month and Child Protection Week.

In June, one such dialogue was to the Bheki Section of Klipgat, where NPA staff members and Thuthuzela Care Centre (TCC) staff talked about the TCC, sexual offences, rape, bail applications, protection orders, bullying and maintenance. Departments and NGOs that took part included the Departments of Correctional Services and Health, the SAPS, the Katlo Development Center (NGO), the Lesedi Youth Care Center (NGO) and Together Mzansi (McDonald's initiative promoting cleanliness).



NPA staff members with Klipgat community members

On 30 May 2023, the NPA visited the Obed More Special School in Brits, to educate learners about their rights, court processes and court preparation services. The learners were also given information about services offered by SOCA, especially the TTCCs.



Obed More Special School learners listening to the speakers

In May 2023, as part of commemorating Child Protection Week, Court Preparations and Community Prosecutions visited St. Endas Secondary School to educate learners about sexual offences and where to get help. They were also educated about the dangers of committing offences at a young age and the consequences thereof/how it negatively impacts their future. The NPA disseminated information material to the learners.



NPA staff members speaking and exhibiting at Endas Secondary School

On 25 April 2023, the NPA in Mpumalanga hosted school outreach awareness programme at Lowveld High School and St. Mark International School in Nelspruit. The campaigns were hosted in partnership with the Department of Education, the Department of Correctional Services, the SAPS, and SANCA. Learners were empowered with information pertaining to the role of the NPA within the JCPS cluster, drug and substance abuse, case reporting, and bullying.



Learners and officials listening to the speakers

On 21 April, the NPA in KwaZulu-Natal hosted a Community Prosecution event in the Umzinto area. The event was aimed at educating learners from Ifafa Primary School and Bongumbhele Senior Primary School on bullying and child protection measures. The event was hosted in partnership with the Department of Community Safety and Liaison, the Department of Health, the SAPS, Lifeline, the Department of Correctional Services, and traditional leaders from the local communities.



NPA staff members and learners of Ifafa Primary School at the Community Prosecution event in Umzinto

On 23 March 2023, to commemorate Human Rights Day, the NPA in KwaZulu-Natal in conjunction with the GCIS, SAPS, Dept of Social Development and Lifeline, hosted an awareness programme at Marklands Secondary School in Chatsworth. Topics discussed were human rights and responsibilities in relation to school violence and bullying. Each department also told the learners about their mandate. The NPA explained our role in the justice system and how we work together with the other stakeholders within the justice system. Members of the NPA from Sexual Offences and Community Affairs (SOCA) Unit represented the organisation.



Marklands Secondary School learners listening to the speakers

On 11 April 2023, the NPA in Limpopo conducted outreach programmes in schools around Thohoyandou. Learners from Mbilwi Secondary School and Mphaphuli High School were taught about bullying, harassment and services provided by the Tshilidzi Thuthuzela Care Centre for victims of sexual violence. Various other schools in Limpopo were also visited in May. This included the Thohoyandou Secondary School, the Khwevha Commercial School, the Nkowankowa Combined Meridian School, and the D.Z.J Mtebule Junior Secondary School.



Learners from various schools in Limpopo attending the outreach programme

NPA VISITS INSTITUTIONS OF HIGHER LEARNING

On 17 May 2023, the NPA participated in a Career Fair Day organised by Wits University. The NPA went there with the aim to recruit law students so that they should opt to join NPA upon completion of their degrees.

Adv Ndiitwani Mutangwa, Senior Public Prosecutor under NPS – Skills Development Unit, engaged with the law students throughout the day. Students found it interesting to have been visited by NPA. It turned out that most of them could not distinguish prosecutors from defence lawyers. They were thoroughly taken through the differences, and they were made to understand that a prosecutor is a lawyer for the victims of crime.



Adv Ndiitwani Mutangwa speaking to Wits University students

The NPA visited the University of Mpumalanga to educate students about gender-based violence and services offered by the NPA to support and empower victims when navigating the criminal justice system. The NPA in collaboration with various partners have set up one stop-facilities called Thuthuzela Care Centres, aimed at reducing secondary victimisation and building cases ready for successful prosecution. Sixty-two centres are currently offering a safe haven for victims of GBV and sexual assault in various hospitals across the country.



NPA Mpumalanga officials with officials from various organisations at the University of Mpumalanga

The NPA in the Eastern Cape visited Rhodes University to raise awareness about career opportunities within the NPA. Students learned more about the Aspirant Prosecutor Programme, an internship programme within the NPA that entails in-service training, which assists law graduates in gaining practical prosecutorial experience.



Ms Bulelwa Makeke and Mr Luxolo Tyali engaging with Rhodes University students

The NPA in the Western Cape hosted an open day at Stellenbosch University to create awareness around the organisation's training programme for law graduates. The Aspirant Prosecutor Programme is an internship programme within the NPA that entails in-service training, which assists law graduates in gaining practical prosecutorial experience. The programme runs for twelve months, after which the completion thereof enables competent candidates to be appointed at entry-level prosecutorial positions in the NPA.



NPA officials from the Western Cape speaking to University of Stellenbosch students

The NPA in KwaZulu Natal attended career expos hosted by Varsity College, UNISA and the University of KwaZulu Natal Student Chapter of the National Association of Democratic Lawyers (NADEL). The NADEL event was attended by the Deputy Minister of Justice, Mr John Jeffrey. Students were given information about career opportunities within the justice system and the Aspirant Prosecutor Programme, an internship programme within the NPA that entails in-service training, which assists law graduates in gaining practical prosecutorial experience.



NPA KZN officials with the Deputy Minister of Justice, Mr John Jeffrey at the career expo

INVESTIGATING DIRECTORATE COMMEMORATES JUNE 16

Sindisiwe Seboka
ID Spokesperson

**STANDING OVATION FOR ADV ANDREA JOHNSON
AT THE JOHANNESBURG INTER-SCHOOL FORUM**



Adv Andrea Johnson addressing pupils

In the spirit of June 16, Investigating Director, Adv Andrea Johnson took some time to address students from various schools across Gauteng. This year's annual Johannesburg Inter-School Forum under the banner "Citizenship for Well-Being" was attended by nearly 100 pupils and hosted by St John's College at the Houghton Estate, a day before the country commemorates Youth Day.

Adv Johnson urged learners to consider putting themselves first and guard against succumbing to societal pressures. "In whatever you do, always consider carefully all the decisions that you make and their subsequent outcomes.

This year's forum explored how student activism can enhance youth welfare in a social and environmental context. The forum also marked the commemoration of June 16, which remembers and celebrates the impact that the youth has made in the transformation of our country.

Adv Johnson elucidates that social obligation versus social apathy in South Africa's social dispensation, is a considerable factor in building an equally cohesive, understanding, and productive society. She described social obligation as somewhat dictating on an individual's aspirations and what they desire to be in a society.

"I ask myself as Adv Johnson, who is obligated to who? And how are we obligated to one another? Are we obligated to one another just because we are forced to be in the same environment? Are we obligated to one another because it's a matter of so what's in it for me?" asked Adv Johnson. According to her, social apathy disregards certain societal norms and values. She pointed a finger of criticism at parents being enablers of gender inequality through stringent traditional gender roles as opposed to equality of persons.

"As parents, we inadvertently create gender inequality among our children. We allow boys to believe that they are more superior than girls, whilst in reality, girls are no less able than boys. I admit we need to do better as parents, as this new generation, teach us to do better. We are different but equal in our own special ways."

Whilst the ID head identified demographic factors such as race, religion, and culture as among contributors of the blatant and worsening inequality in South Africa, she however urged the crowd to start thinking and feeling differently about social issues.

In closing, Adv Johnson concluded by urging learners who are interested in joining the legal fraternity to consider the field of prosecution, this is where you will get the opportunity to become the mouthpiece and lawyer for the people. It's not about money, it's about a feeling of selfless servitude that money and status can never buy", said Adv Johnson.

**ID MEMBERS PARTICIPATE IN "FREEDOM IS COMING
TOMORROW" DANCE CHALLENGE**



ID members participating in the dance challenge

"Reliving the spirit of 1976 youth in times of uncertainty in South Africa". This was the theme under which the NPA's Investigating Directorate (ID) commemorated its youth month campaign on 14 June 2023 at the unit's headquarters in Pretoria, Gauteng.

ID members, among them senior prosecutors, investigators, and corporate support staff gathered briefly for a performance and dance challenge of Sarafina's "Freedom is Coming Tomorrow" while dressed in their different high school uniforms.

The campaign was aimed at cultivating a culture of belonging and encouraging social cohesion among officials in the workplace. Additionally, it took officials down memory lane back to their high school days.

ID Head, Adv Andrea Johnson, thanked all the members who attended the event, indicating that their participation showed an appreciation for what happened in our past. She was grateful that many turned out to celebrate and commemorate the day as this showed recognition and respect for what the brave youth of 1976 fought for. "We thank you all for showing up and taking a break from your busy schedules. It shows respect and acknowledges the values and the spirit behind June 16. In a highly pressurised and stressful work environment such as the ID, it is through such gatherings that employees revive the spirit of youth, resilience, and diligence. It is important for members to sometimes take a bit of a break and have fun", said Johnson.

Youth month

2023 marks the **47th anniversary** of the June 16 Soweto and other related uprisings. Following the advent of democracy in 1994, the new democratic government declared 16 June as National Youth Day and June as Youth Month. This year National Youth Day and Youth Month is celebrated under the theme: **"Accelerating youth economic emancipation for a sustainable future"**.

Khasho asked some young NPA employees what it means for them to be youth in the NPA.



Nthabisen Serumula, Web & Graphic Designer, VGM

We are changemakers as NPA youth, capable of shaking the present while building a better tomorrow. As a Graphic Designer, I play an important role in shaping public perceptions of the NPA. It is my responsibility to provide the NPA with a crucial tool for creating a visual identity, expressing the NPAs values, mandate, and services through timeless artworks that will serve as the NPA's representative in all forms of corporate communication. Among my responsibilities, I design infographics that convey complex statistics and information in a more effective and concise manner. By doing so, the public will understand the work of the NPA and perceive it positively.



Itumeleng Matshidiso, Administrative Clerk, Northern Cape Division

Being part of the NPA provides a sense of community, purpose, and direction for young people. NPA offers opportunities for personal and professional growth. The organisation helps youth gain valuable skills, experiences, and knowledge that can be applied both in their personal and professional lives. Overall, being part of the NPA brings a positive and rewarding experience for young people.



Tebatso Mhlongo, District Court Prosecutor
Springs Magistrates' Court, Gauteng Division: Pretoria

To me Youth Month is about celebrating all the young achievers who are leading in different industries & creating opportunities as well as opening doors for other young people. It is also about empowering other young people who are out there, especially the ones who are from disadvantaged families.



Kholofelo Mogotlane, Communication Officer,
Investigating Directorate

Being a young person in the NPA means a lot of opportunities and learning. In fact, it is a dream come true and a fantastic opportunity to work in the legal fraternity. I hope I too can positively assist in the fight against corruption and crime in South Africa.



Anathi Tyabashe, Aspirant Prosecutor, Nelspruit District Court

I feel honoured to be a young person working for the NPA as young people have skills, enthusiasm and innovative ideas to bring in a working environment and they work hard to flourish and build a resilient workforce for the future. I will not rest until justice, peace and freedom is achieved in our society at large. I vow to help the NPA achieve its goals. My message to young people is that crime does not pay, instead, it complicates your life. Many young people are in prison because of crime.



**Kgopa Phara Edwina, District Court Prosecutor,
Groblersdal Magistrates' Court, Limpopo Division**

Being youth in the NPA means being part of an organisation dedicated to upholding justice, fairness, and the rule of law. It means protecting the rights of individuals and society through the proper application of the law. I am proud of being a public prosecutor for a well renowned organisation. It also means having the opportunity to contribute to the development of a better future for our country. As young people, we bring fresh ideas and energy that can help to drive positive change within the organisation and the communities it serves.



**Daren Lee Carolissen, District Court Prosecutor,
Beaufort-West Magistrates' Court, Western Cape Division**

Being youth in the NPA has been a journey which involves fusion of old court norms and procedures, with newer understanding of the law as the law is constantly changing. However, as a prosecutor – nothing I do is possible without the support and guidance of my senior colleagues, and for those open-door policies I am forever grateful. To be in a space where the workload is stressful and intense, but the colleagues are supportive, is perhaps one of the best parts of the job currently – as often younger people are expected to do a lot of work, without having a supportive work environment or proper compensation.



Nosipho Makana, Western Cape Division

To be youth in the NPA means my future as a young adult is alive with possibilities. It means the possibility of being an agent of change in my community and provides me with a platform for personal development. I can acquire knowledge and skills that I will utilise in the future as the new generation of prosecutors. Being a youth in the NPA means that I stand as a beacon of hope for those who will come after me and inspire and set an example. As youth, I bring a vibrant approach to problem solving methods to the issues that our communities deal with daily, and I become part of the solution.



**Nhlanhla Dlamini, District Court Prosecutor,
Klerksdorp CPP, North West Division**

To be young in the NPA means that the manifestations of those who sacrificed their lives and their time in the struggle for liberation materialised. It brings about great sadness to know that it had to get there, but it is that very reason that makes it honourable. To balance the scales, to represent and to be outstanding.

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