

KHASHO

1st Edition

NEWS



FEATURED INSIDE

- > 4 life terms and 87 years for serial rapist
- > Manaka punished for his evil deeds
- > Ground breaking sentence
- > Monitoring of serious corruption cases



National Prosecuting Authority
South Africa

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Letter from the Managing Editor



Ms Bulelwa Makeke
Chief Director:
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Khasho makes a comeback after a long hiatus and we hope to make it more relevant and informative than it has been before. What we have come to realise is that we need to continue to find alternative ways (both traditional and ground-breaking) to reach all our prosecutors and NPA staff members, especially those who are not on the NPA digital networks.

The Leadership Corner gives us an opportunity to hear leadership nuggets and insights from various leaders in the organisation and therefore, in each edition we will feature a short message from a different leader.

We will continue with the regular spread of profiles of prosecutors and their cases, as a learning and sharing platform about various aspects of the law. You will read in this edition about a rapist who was sentenced to 5 life terms and a further 988 years direct imprisonment in a ground-breaking case. We also feature the long trial and sentencing of a former top cop who looted a slush fund wherein the Asset Forfeiture Unit and Investigating Directorate successfully obtained a confiscation order against the accused and many other examples of great prosecutorial work.

I remind you of the dedicated e-mail address available for contributions to Khasho - khasho@npa.gov.za.

We hope that you will enjoy reading various articles provided in this edition.

Best wishes!

Leadership Corner



Adv Rodney De Kock
DNDPP: NPS

but also sharing perspectives from other prosecutorial jurisdictions around the world to gain insights from various international experiences, identify common challenges and learn ways to address these challenges, share and promote good practices. We may find from these insights that our own practices are on par and even superior to international standards. In this regard, the NPS team at head office sources these international reports, news and case studies

We welcome the return of Khasho after a very long time, especially the enhanced approach to not only profile the work of prosecutors through their voices,

to share, and colleagues are also welcome to share with us through Adv Jannie Schutte at Ops Management.

This is in keeping with our objective to remain at the cutting edge of developments in prosecutions, and our active participation in the International Association of Prosecutors (IAP) where the NDPP is an executive member, is attestation of our commitment to be relevant and informed.

I congratulate all the prosecutors for the great service they provide to the public every day as they deliver justice to victims of crime.

This is particularly significant at a time we find that we need to share more information that will inspire public confidence, especially as it relates to key crime types such as fraud and corruption, gender-based violence, as well as serious and violent crimes. The current 6-months priority initiative to focus on state capture and corruption has started to yield fruits with several cases declared for investigation and prosecution by the Investigating Directorate. We will showcase our interventions and prosecutorial successes more, profile service excellence which contributes to public confidence and demonstrating that impunity is no longer a given. It is therefore very important for us to share our work with the public, but also internally as we inspire one another to do better in the way we provide the service of delivering justice.

4 LIFE TERMS AND 87 YEARS FOR A SERIAL RAPIST

Monica Nyuswa
RCM: Mpumalanga Division

The Secunda Regional Court convicted and sentenced Isaac Zakhеле Mahlangu (40) from Standerton to 4 life terms and 87 years imprisonment for multiple counts of rapes, theft, assault and kidnapping he committed between 2014 and 2017.

These heinous crimes continued until January 2017 after he raped his last victim whom he had given a lift.

When she reported the rape ordeal to the boyfriend, it transpired that the boyfriend was with her at the time she was offered a lift and recorded the accused's vehicle registration as they left. The matter was reported to the police and Mahlangu was traced and arrested. Buccal DNA samples were taken and linked him to 8 other rapes that were reported from 2014 to 2017.

I was so relieved when the sentence was handed down and the families of the victims were happy with our efforts even though things were difficult because of the Covid 19.

Credit must also go to the investigating team for their dedication and endless efforts to track down the accused. Several case dockets were opened and later regarded as undetected due to the fact that the perpetrator was unknown.



Prosecutor Phumzile Nkosi

Mahlangu was actually a second time offender. In 2002 he was convicted and sentenced to 10 years imprisonment for rape of an adult. This was used in an argument for the aggravation of sentence.

Shortly after he was released from prison, he started his raping spree using different vehicles to pick up his victims from the hiking spots as he was a mechanic. He would use his client's vehicles as an instrument to commit the offences hence the delay in arresting him.

All victims were very happy and satisfied when the accused was convicted and duly sentenced. I am so glad to have prosecuted the accused and restored the dignity of all the complainants."

The acting DPP Mr Sonja Ntuli

"The scourge of violence against women and children is unacceptable. This case sends a clear message that the law will take its cause irrespective of how long it takes to bring a perpetrator to book.

I am grateful to the prosecution team and for the collaboration amongst the stakeholders for ensuring that the prosecution of this matter resulted in convictions and the heavy sentence that was imposed by the court.

Women and children of this country must feel free to walk in the streets and to travel without fear of being harmed and violated by any man who has no respect for them.



FORMER TOP COP SENTENCED TO 10 YEARS IMPRISONMENT FOR LOOTING “SLUSH FUND”

Sindisiwe Seboka
Investigating Directorate Spokesperson

This case was on the roll for 8 years, because of the original prosecutor's involvement in two other high-profile matters. The trial only started in July 2015. The matter was handled in somewhat of a relay manner, because I took the matter over from a former colleague who resigned in 2017, after having done the ground work for the case since 2011.

I was best placed to take over the case as our matters overlapped and the same forensic report was relied upon in this matter. I was initially roped in to lead the evidence of the forensic auditor in this matter. However, when my colleague resigned, I was brought in to ensure that justice prevails and that prosecution takes place without fear or favour.

One of the challenges I experienced is that since prosecutors draft indictments differently, I had to work with a matter that I did not initiate.



Advocate Arno Rossouw

I was furthermore bound by the further particulars provided by the previous prosecutor, but through careful assessments and lots of working around the classified documents provided which I needed to succeed in this matter, which I did not have. I managed to get a conviction. The accused was eventually convicted of corruption in November 2019 and sentenced on 9 December 2020. The best part of the case is that even through the difficulties encountered, the case was finalised and the accused sentenced.

The cherry on top is that on 30 September 2021, the Investigating Directorate and Asset Forfeiture Unit obtained a confiscation order against Solomon Lazarus, an order premised on the successful criminal conviction. Cooperation within the NPA has been vital to score this victory, adds Advocate Arno Rossouw. Six years later I closed this lengthy case, and now I can completely focus on the initial case which was assigned to me 6 years ago.



A GROUND-BREAKING SENTENCE

Lumka Mahanjana
RCM: Gauteng Division: Pretoria

A state advocate based at the DPP Pretoria, Advocate Pieter Willem Coetzer, found himself faced with one of the most horrific matters in October 2020, after having been at the DPP office since 2010.

However, the very same matter received a ground-breaking sentence where the accused, Sello Abraham Maponya (33), was sentenced to 5 life terms and 988 years direct imprisonment for 72 counts of rape, housebreaking and robbery with aggravating circumstances collectively. Initially, Maponya was charged with a total of 101 counts in respect of 54 dockets

When asked what went through his mind when he received the dockets,

Adv Coetzer said he immediately realised that he was dealing with a serial rapist matter and the perpetrator was probably one of the most prolific serial rapists in the history of our country. It was evident that his actions destroyed the lives of many people, he added. He often raped the victims in front of their children, sisters, mothers and husbands after breaking into their houses. His youngest victim was 14 years at the time of rape.

In approaching the matter, Adv Coetzer, said, in order to ensure a successful conviction of all counts faced by Maponya he needed to study the dockets carefully to ensure that Maponya was properly linked to each offence as they were many dockets. He compiled a spreadsheet to help him keep track of all the information. The accused was mostly linked only via DNA, and on a few other dockets, he was linked via fingerprints.

Prosecuting this matter, Adv Coetzer said he faced challenges, firstly, consulting with so many victims and ensuring that they receive the necessary court preparation was a challenge as he was unable to consult with all of them before trial. Secondly, the defence objected to the admissibility of DNA evidence which in turn led to the leading of a lot of unnecessary evidence.



State Advocate, Pieter Willem Coetzer

Midway through the proceedings, Maponya terminated the mandate of his legal representatives after 17 state witnesses testified. However, after the new defence, legal representation came on record, the defence made a host of Section 220 admissions in terms of the Criminal Procedure Act of 51 of 1977 (meaning a document was therefore drafted in terms of the provisions of this section wherein the accused in essence admitted all the allegations against him. After making the Section 220 admissions, both the state and the accused closed their respective cases without tendering further evidence.)

Thereafter, Judge Masopa considered the evidence of the 17 witnesses who had already testified as well as the Section 220 admissions and subsequently convicted Maponya.

When asked how he felt after the sentence was handed down after working on the matter for almost a year, Advocate Coetzer, said, he felt relieved that Judge Masopa handed down the harshest penalty available in our law. But, he said he also felt sad for the victims because what Maponya took from them can never be restored.

Is there another ground-breaking case you are working on? "Yes, I am currently preparing to prosecute a serial murder and rape case that will start next year January. The accused kidnapped and murdered a number of victims. In most instances he demanded ransom money from the victim's families, but still murdered them after the ransom was paid".

The DPP, Advocate Mzinyathi, is looking forward to more successful prosecutions and ground-breaking sentences. "I pride myself to have members such as Advocate Coetzer, as part of the DPP Pretoria team and there are many like him", he added.

MANAKA PUNISHED FOR HIS EVIL DEEDS

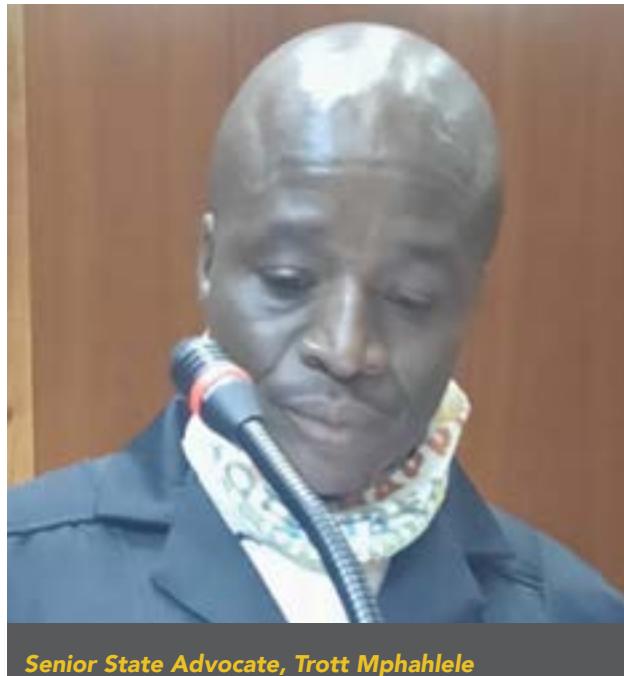
Mashudu Malabi-Dzhangi
RCM: Limpopo Division

11 June 2021, Aubrey Manaka, 29, was sentenced to eight years for house breaking with intent to rape, life imprisonment for murder, life imprisonment for rape and 15 years for robbery with aggravating circumstances after he pleaded guilty to all four counts by the Limpopo High Court: Polokwane Division.

Sexual and gender-based crimes should be systematically considered in our investigations and prosecutions so that the court responds to such crimes in a consistent and methodological manner. Sexual and gender-based crimes are most serious crimes which not only destroy the immediate victims of such horrendous crimes, but shatter the family unit, communities and society.

It is past time to stand firm in the face of such a scourge and declare that such crimes should no longer be accepted as inevitable consequences of war and conflict.

They should be universally seen as most serious crimes, which are no longer tolerated; that their perpetrators will be held accountable. The stigma and shame traditionally attached to such crimes must be transferred to their rightful owners: the perpetrators, not the victims. I have seen so many corpses, but this case had sucked



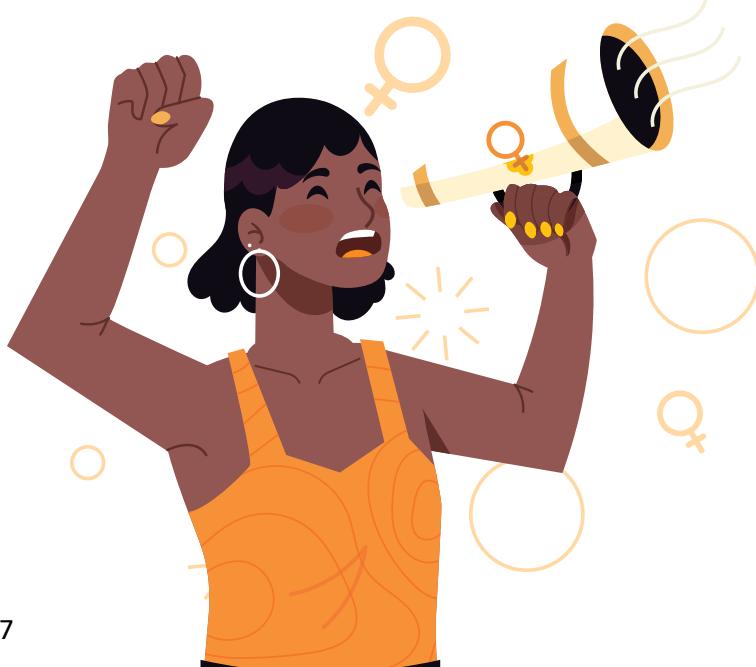
Senior State Advocate, Trott Mphahlele

my blood. I was sick with these horrible deeds, brutal manner where a young girl was killed having a bright future to change her family background.

On 28 July 2021, Manaka made an application for leave to appeal the sentence. He argued that the sentence was too harsh. The state opposed the application for leave to appeal. The application was dismissed.

Investigating Officer Captain Magezi John Nkuna' views: In this case I was working very closely with prosecutions. We had followed a chain of evidence and packaged the exhibits. At the end we worked well and got a conviction.

ELIMINATION OF VIOLENCE AGAINST WOMEN



TWO LIFE TERMS FOR RAPING AND KILLING EX-WIFE

Luxolo Tyali
RCM: Eastern Cape Division

The Sterkspruit Regional Court sentenced Alpheus Mgijima Gaga (42) to two life imprisonment terms after convicting him on charges of rape and murder of his ex-wife, on 4 June 2021.

This was one of the most gruesome cases I have ever dealt with in my life. The victim's body was already decomposing when she was found but, despite having DNA samples extracted from her, the results came negative. I was only left with circumstantial evidence to rely on. The doctor's evidence helped a lot as he managed to find evidence of what he termed "hard" evidence of sexual penetration before the deceased was killed.

I faced a task of proving everything as accused denied all allegations against him. The further challenge I faced was that when I got the case, its docket had already been missing so I got copies from the defense and used them. I had no original documents but I told the investigator I will not withdraw the case, I will proceed with copies but only requested duplicate crime scene photos from Local Criminal Record Centre.

My witnesses were very good despite that they had consumed some liquor. They assisted me a lot to secure conviction with their evidence.



The accused came with a version suggesting that the deceased might have been killed by someone else and dumped into that pit toilet. I used some skills and experience to destroy such a version and got some admissions as well.

This case taught me that women should always see early signs of abuse in their relationships, as I gathered that the deceased dumped her ex-husband after enduring some period of abuse at his hands. Men should learn that women deserve protection from them rather than victimisation.

What hurts me most was that, after the deceased's death, her 3 young children had to live with her grandmother. The latter passed on before we could even finalise the case and children then stayed with their aunt. The youngest of them stays at her convicted father's place with his mother. These children will now grow without their mother at the very young age when they need her most.



REGIONAL COURT PROSECUTOR SIPHO NKONZO SECURES A LIFE SENTENCE OF A RAPIST

Natasha Kara
RCM: KwaZulu-Natal Division

uMzimkhulu Regional Court Prosecutor Sipho Nkonzo secured a life sentence for a 34-year-old man convicted of the rape of a 16-year-old girl. In addition, the man was also sentenced to five years imprisonment for kidnapping, a fine of R5 000 or 3 years imprisonment for sexual assault and a fine of R3 000 or 3 years imprisonment for assault. Both the victim and the man hailed from the Ngwagwane area in uMzimkhulu.

This conviction was secured in the absence of DNA evidence with the victim as the only witness.

Khasho spoke with Mr. Nkonzo about this successful case as well as his passion for prosecution.

1. Tell us a bit about yourself?

I studied at the University of Transkei and graduated with a B.Proc degree in 1997. I have 19 years of service with the NPA and my career began at the DPP Mthatha. I joined the KwaZulu-Natal team in 2012 at the Verulam Regional Court.

2. Why did you choose a career in Prosecutions?

I am a firm believer that the laws of the country need to be upheld and we as Prosecutors have an obligation and a responsibility to protect victims of crime. It is an honour to be tasked with this responsibility. Every day I strive to make it a point that justice is seen to be done to victims of crime, and I am very passionate about what I do.

3. Briefly tell us about this case

The man was in a relationship with the victim's friend. At some point, his house was broken into and he suspected



Mr Sipho Nkonzo

his girlfriend of the break-in. He went to her house to confront her; however, she was not there and the victim was there instead. He confronted the victim about the housebreaking, and her denials angered him as he believed that she and his girlfriend were responsible. He then forced the victim back to his house where he assaulted her with a stick, hoping she would confess to the break-in. He kept the victim against her will for the entire weekend, raping her throughout. He eventually released her on the Monday.

4. This matter was finalised in the absence of DNA and with a singular witness. Explain?

The young victim in this matter was the only witness. Even though DNA samples were taken, I had to proceed with the matter in the absence of same due to the delay in the SAPS analysing these samples. Another challenge was that the victim was highly traumatised and therefore very emotional during consultation, this made me doubtful if she would handle the pressure of cross examination. However, the victim did a great job under cross examination and she was very confident in her testimony. She testified via an intermediary and through the CCTV camera system. The court found her testimony to be consistent, thus securing the conviction.

5. Do these crimes ever hit home?

Yes, they do. I am a husband and father to my two children, when prosecuting cases of this nature, I am very mindful that the victim's ordeal can also be that of my wife or my children. While I rely on the facts of a case to ensure a successful prosecution, I personally try my level best to ensure that the victims of crime get the justice they deserve. Cases of rape and murder appear daily on our court rolls here at uMzimkhulu.

6. What message do you have for victims of abuse?

They should not be silent when confronted with abuse. They must speak up because there are so many facilities available to them to get their story out and ensure that justice is done. Their silence will kill their self-esteem, and the act of abuse whether sexually or otherwise, will inevitably compromise their well-being.

PROACTIVE WORK OF PROSECUTOR SECURES HEAVY SENTENCE AND FORFEITURE OF MILLIONS IN THE SECOND LARGEST COCAINE BUST IN SA

Eric Ntabazalila
RCM: Western Cape Division

The Vredenburg Magistrates' Court sentenced three Bulgarian men to 60 years imprisonment and their assets worth R46.5 million were forfeited to the state. This successful arrest, conviction and sentencing follows one of the biggest drug busts in South Africa where 973 bricks of cocaine with an estimated street value of R580 million were found hidden in the hull of a vessel moored at Saldanha Bay Harbour.

Mario Radoslavov Vasev, Asen Georgiev and Atanas Mihaylov Bikov were convicted for drug dealing and illegally entering South Africa using fake documents.

I reached out to all our law enforcement partners for assistance. I approached Mr Gildenhuys of Cape Nature and our counterparts in the US Embassy, in the hope that they have dealt with Myanmar nationals and that they could assist us with an interpreter. I sent emails and messages reaching out for assistance.

"I went as far as considering a virtual hearing for the interpreter. Fortunately for us, the day before the next court appearance, I received confirmation from Mr Desha that the Myanmar Embassy was sending two officials to court," said Advocate Heeramun.



Accused appearing in court

After securing the Burmese interpreters, the defence approached Advocate Heeramun as they wanted to "talk" to her with a view to resolve the matter. The accused abandoned their application for bail and sent her a plea proposal.

After rigorous and lengthy negotiations, a S105A plea and sentence agreement was reached in respect of Vasev, Georgiev and Bikov. The state withdrew charges against the other accused. Ultimately Georgiev claimed responsibility for the cocaine and that he recruited Vasev and Bikov.

This is the second largest cocaine seizure in South Africa. The Toledo matter in Knysna had just over 1 million kgs and the current matter, the Windward had an approximate quantity of 972kgs. We finalised this matter in a matter of 3 months.

It is a clear example of an international organised crime syndicate in operation. The illegal trade in narcotics is a prevalent and serious offence. It has ties to gangsterism and other crimes and therefore has a huge negative effect on social economic circumstances of communities as a whole. This in turn has an effect on the economy of the Republic of South Africa. Narcotics is not only endangering users lives, but destroys families and is a huge contributor to other crimes. There is therefore a huge outcry from national and international communities.

"The Organised Crime Component and Asset Forfeiture Unit of the National Prosecuting Authority, once again set the benchmark for a massive forfeiture. We are very pleased with the outcome," said Advocate Heeramun at the conclusion of the court proceedings

AFU SAVES LESOTHO GOVERNMENT MILLIONS IN A MULTI-MILLION FRAUD SCHEME

In a case of a good example of international cooperation in criminal matters between different organs of state, the Asset Forfeiture Unit (AFU) worked with other law enforcement agencies to save Lesotho Government approximately R25 million that was in FNB, Absa, Capitec and Standard Bank accounts in South Africa. The Central Bank of Lesotho and the Ministry of Finance were allegedly defrauded of approximately R50 million by officials who purported to pay for services rendered to the government whereas the money was for their own personal gain.

Lesotho Asset Forfeiture Unit and Lesotho Mounted Police requested the assistance of AFU, The Hawks and Financial Intelligence Centre when they established that officials from Ministry of Finance have allegedly siphoned approximately R50 million from state coffers through a well-orchestrated scheme in which they inflated and diverted payments meant for suppliers to themselves and their companies which had not rendered any services to the state.

AFU investigator Oddie Mradla, investigated the flow of money and discovered that R31 million was transferred into the South African banks and found out that at least R25 million was still available to be preserved. Advocate Bishum Somaru launched two urgent applications in the Free State High Court on behalf of the AFU, to freeze the bank accounts and both preservations were granted.



Oddie Mradla and Advocate Bishum Somaru

The first preservation order was in relation to R18m that was in different South African banks and the second preservation order of approximately R7,3m related to the monies that were paid into individual accounts of the officials accused of being involved in defrauding Lesotho government.

"We brought an urgent preservation order of R18 million because we did not want the money to be moved around. Further investigation of the flow of money revealed that there was another R7,3 million that was paid into the personal accounts of the officials who are allegedly involved and were also applied for this money to be preserved and the order was granted hence we have two separate orders. The forfeiture order relating to R18 million was granted on 24 March 2022 as it was unopposed. The money will be transferred back into the coffers of Lesotho government. We will apply for forfeiture of R7,3 million soon and we are hopeful that it will also be granted", said Somaru.

During the investigation, Mradla further established that fictitious companies were registered with Companies and Intellectual Property Commission (CIPC) in South Africa and fraudulent payments were made into those accounts including accounts of two attorneys. Some of the proceeds were allegedly used to buy high value vehicles in South Africa and they were subsequently exported to Lesotho. Some of the funds were allegedly paid into two attorney trust accounts for purchase of fixed property.

Seven officials from Lesotho Ministry of Finance are currently facing charges of fraud and money laundering in Maseru Magistrates' Court.

KEEPING TABS ON SERIOUS CORRUPTION CASES

Various monitoring groups and case prioritisations are in place. In most instances, some of the cases in one group are also part of another group. The cases are being monitored monthly by the Anti-Corruption Task Team (ACTT) EXCO at which the National Head of DPCI and the National Director of Public Prosecutions mutually chair. The ACTT consists of 15 different government departments. Cases to be adopted onto the ACTT Priority Case list are considered at monthly meetings by the ACTT Case Management meeting where the cases are discussed according to criteria set by mutual agreement of the departments to the ACTT EXCO. These criteria were revised in 2020 and include considerations on:

- i) Crime type which must be corruption related
- ii) Monetary value involved
- iii) Persons / officials involved (prominent influential persons, procurement officials. Law enforcement officials, etc)
- iv) Government Priorities / National Interest / Risk factors (Defined vulnerable sectors such as municipalities or

TASK FORCE TO HANDLE STATE CAPTURE CASES

The NPA established a Task Force to coordinate the NPA's response to the recommendations and findings made by the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State.

The Task Force is a multi-disciplinary committee chaired by Adv Rodney De Kock, DNDPP NPS. It includes:

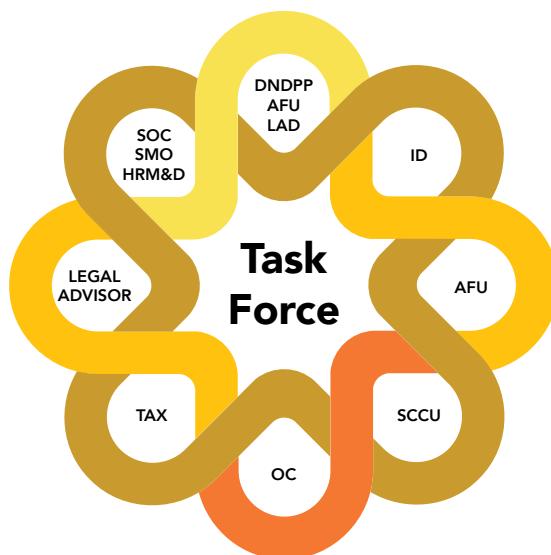
1. DNDPPs responsible for the Asset Forfeiture Unit (AFU) and the Legal Affairs Division (LAD)
2. Investigating Directorate (ID): Head of ID, Head of Operations, Head of Investigations and Sector Heads
3. Asset Forfeiture Unit (AFU): Special Director and Head of Investigations
4. Special Commercial Crimes Unit (SCCU): Special Director, Deputy Directors of Public Prosecutions (DDPP) or regional heads of the SCCU from those Divisions where matters have arisen;
5. Organised Crime (OC): National co-coordinators of the Organised Crime,
6. Tax and the Operations Management Component; the official responsible for the monitoring of Anti-Corruption Task Team and Priority Corruption statistics;

Health sector, racketeering matters, procurement / financial systems, complexity)

Some of these groups include the following (those with dedicated inter-departmental focus groups monitoring progress are underlined):

- ACTT Priority Cases
- Currently 266 cases on list with 311 projects / legs involved; 144 of 266 have been finalised of which 55 resulted in convictions of 91 persons/entities; 137 active cases; 73 in court of which 19 partly heard
- Fusion Centre cases – related to COVID
- At the end of March 2022, the SCCU has finalised 18 trials consisting of 17 convictions with another 61 of these cases in court involving 126 accused persons
- A Task Force has been established by the NPA, led by the head of the NPS, to ensure a coordinated approach to the investigation and prosecution of matters related to the Zondo Commission. Steps to address such matters are also contained in a six-month priority plan to ensure the necessary impetus
- Inter-Ministerial Task Groups – North West Intervention
- Consist of 51 cases of which 13 in court and 15 finalised
- Organisation for Economic Co-operation and Development (OECD) cases
- 13 cases under investigation
- Top Ten Government Officials in each Province to ensure an improvement on the current 37 convictions achieved in comparison to the 97 convictions achieved in 2019; before COVID impacted. However, even though the general court performance declined, we read and hear a lot of all the corruption in the public sector and need to prioritise these cases.

7. Legal Advisor in the Office of the National Director, responsible for research and legal support;
8. Strategy, Operations and Compliance (SOC): representative who can second relevant colleagues from Strategy Management Office (SMO) and Human Resources Management and Development (HRM&D) as and when required.



BE AWARE OF THE NEW CYBER CRIME ACT

The Act came into operation on 01 December 2021.

Prosecutors should prepare and be ready for dealing with the new Act – especially the offences provided for in the Act e.g.

- Offences related to electronic communications. The Cybercrime Act creates many new offences. Some are related to data, messages, computers, and networks. Examples include:



Hacking - an attempt to exploit a computer system or a private network inside a computer. Simply put, it is the unauthorised access to or control over computer network security systems for some illicit purpose



Unlawful interception of data - unlawful interception of data meaning the acquisition, viewing, capturing or copying of data of a non-public nature and making that data available to a person, other than the lawful owner.



Ransomware - a type of malicious software designed to block access to a computer system until a sum of money is paid. Although ransomware is usually aimed at individuals, it is only a matter of time before business is targeted as well.



Cyber forgery and uttering - the passing-off of false data or a false computer program with the intention to defraud.



Cyber extortion - cyber extortion is the act of cyber-criminals demanding payment through the use of or threat of some form of malicious activity against a victim, such as data compromise or denial of service attack.

- Theft of incorporeal extending the common law definition of theft,
- Prosecution of certain offences require written authorisation by the Director of Public Prosecutions,
- Sections dealing with aspects of jurisdiction,
- Aggravated offences in terms of section 11 of the Act,
- Chapter 4 dealing with search and seizures, and
- additional powers granted to SAPS

Training is being provided to prosecutors, especially those in designated areas where most of these crimes will be destined for trial such as SCCU and regional courts. Additional funding was received from the CARA funds for training and some international experts from law enforcement agencies in other countries, have also offered assistance in the training of prosecutors.

A copy of the Act is available on the Intranet for your information. Further formal notification will follow as soon as the Government Gazette is published on the sections to be put into operation, as well as the dates of implementation.



NEARLY ONE MILLION VICTIMS OF CRIME ABANDON TRIALS EVEN WHEN SUSPECTS ARE IDENTIFIED AMID DWINDLING FAITH IN JUSTICE SYSTEM AND LOGJAM IN THE COURTS

Jake Ryan: *The Mail*

England & Wales

The number of crime victims withdrawing cooperation has been rising year-on-year since 2014-15 when it accounted for just under 7% of all offences. The level now stands at 21.8% – or 945,000 cases – in the year to March 2021.

Victims' groups have blamed the logjam in the courts system. While the crown court backlog stood at 37,000 cases before Covid-19, it reached 59,000 in July. And there were almost 400,000 outstanding cases in the magistrates' court system.

Diana Fawcett, chief executive at Victim Support, said: 'The reasons behind this are multiple and complex, but we do know from working with victims of all types of crimes that the long waits for trial and their negative experience of the criminal justice system, which have been exacerbated by the pandemic, may be contributing to this. Victims are now waiting up to four years to get justice in some cases.'

A survey carried out by Victims' Commissioner Dame Vera found a third of victims would not report a crime again because of poor experience with the police. Of those who made it to court, just half said they would attend again. 'The message from my recent victim survey was clear: victims want to be treated fairly and respectfully, and be provided with clear, timely and accurate information,' said Dame Vera.

'UNRELENTING PRESSURE' ON PUBLIC PROSECUTORS ENHANCES RISK FOR MISTAKES AND INJUSTICE

Michael Ramsey: *World Associated Press*

Western Australia

State prosecutors are overworked with no downtime, raising the potential for burnout, mistakes and injustice for victims and the criminally accused, the head of Western Australia's public prosecution office has warned.

The Director of Public Prosecutions, Amanda Forrester SC, has not pulled any punches in her five-year term when it comes to presenting each edition of her office's annual report. Her latest report details how the adverse effects of workload stress and burnout had become identifiable in staff.

71.3% of cases in 2020-21 were dealt with in five days or less, trials which lasted 10 days or longer increased from 16% to 35%. The time it took for a criminal case to reach trial in the Supreme Court was 53 weeks in 2020-21 instead of a target of 28 weeks. In the District Court criminal cases took 54 weeks before they started, compared to a goal of 32 weeks.

Such is the strain on workers at the ODPP an office therapy dog, with support from the Attorney General, was brought in which raised morale and productivity.

For the second year in a row, Ms Forrester called out the WA Police Force for a "significant decline" in the quality of the briefs being handed to her office to prosecute. "This leaves the ODPP in the invidious position of either absorbing additional workload to remedy deficiencies in cases, or to discontinue the cases. Given the adverse impact of the latter course on victims of crime, and the consequent potential risk to the community, ODPP staff are going to considerable additional effort to assist investigators to conduct their roles, which detracts from the ODPP staff performing their own core tasks."

One solution the public prosecutors are pursuing is to create a small team which will identify cases listed for trial which could be resolved at an early stage to reduce the workload on other staff members.

New Appointments

Recently, President Cyril Ramaphosa made ten important permanent senior management appointments in the National Prosecuting Authority.

A new head of the Investigating Directorate, two new Special Directors of Public Prosecutions, five permanent Directors of Public Prosecutions and two permanent Chief Directors.

This is the first time in more than ten years that the NPA has the full leadership structure appointed on a permanent basis. With its complete new leadership team in place at the national and provincial levels, the NPA is now well-placed to continue driving the implementation of its current strategy and related efforts to rebuild the rule of law in South Africa.



Advocate Andrea Johnson
Head of the Investigating Directorate (ID)



Adv Karen van Rensburg
Special Director of Public Prosecutions: Strategy, (SOC) Head Office



Adv Trish Matzke
Special Director of Public Prosecutions: General Prosecution and Tax; National Prosecutions Service (NPS) Head Office



Adv Nicolette Bell
DPP Western Cape Division



Adv Navilla Somaru
DPP Free State Division



Dr Rachel Makhari-Sekhaolelo
DPP North West Division



Mr Livingstone Sakata
DPP Northern Cape Division



Adv Nkebe Kanyane
DPP Mpumalanga Division



Ms Salome Baloyi
Chief Director: Strategy Management Office



Ms Hanika Van Zyl
Chief Director: Financial Management

NPA MAPS ITS WAY TO DEALING WITH STATE CAPTURE

*Phindi Mjonondwana
RCM: Gauteng Local Division*

The NPA held its strategic planning session at Kopanong Conference Centre, Benoni from 08 to 09 February 2022 under the theme "Restoring credibility through effective prosecution of corruption". In attendance, senior management and regional heads of the NPA.

The main aim of the strategic session was to reflect on the effectiveness of the NPA's six months priority implementation plan, threats, opportunities as well as to reflect on the two Zondo Commission reports. Action plans for the priorities with timelines, activities/roles and responsibilities were developed and the Anti-Corruption Task Team (ACTT) will continue to ensure that work emanating from the Zondo Commission is coordinated and prioritised.

The priorities are:

-  Expediting high-profile corruption cases nationally and provincially
-  Stronger focus on serious violent and organised crime and crimes that disproportionately undermine public safety
-  Capacitating the NPA through recruiting and developing crucial additional skills and expertise
-  Enhancing staff morale and well-being

The Director of Public Prosecutions in the Gauteng Division: Pretoria, Adv Sibongile Mzinyathi welcomed guests and attendees, followed by Adv Anton du Plessis, head of DNDPP: SOC who outlined the purpose of the meeting.

The NDPP, Adv Shamila Batohi took to the podium for her opening address and was quick to remind attendees that there was a need for the NPA to make a demonstrable impact as the whole world, in particular, South Africa was yearning for action and consequences against those accused of State Capture. "We don't want to be part of an era that failed South Africa, the time is now, lessons from the Zondo Commission are soon to become a legacy project for the NPA," she said.



The National Director of Public Prosecutions, Adv Shamila Batohi delivering her opening address



NPA members during the session

The first day was marked with reflections and presentations from esteemed guests and from various stakeholders within the Criminal Justice System. On the list was the Minister of Justice and Correctional Services, Ronald Lamola, who did the keynote address, reflecting on the NPA's role in response to the Zondo Commission report. In his address, Honourable Lamola said that justice must be seen to be done in matters from the Zondo Commission.

"This is a battle for the survival of our country and South Africans want to see those implicated in state capture accounting for their actions. To achieve that, we are aware that the NPA will need resources and we want to assure the NPA that our support is guaranteed in terms of engagements that must take place between my office and the National Treasury and any other engagement that seeks to promote the reconfiguration of our country and nation. As we celebrate 25 years of the Constitution, in your journey to prosecute those implicated in the capture of our State, uphold the law as required by the Constitution and the NPA Act".

On the second day, the Head of the Hawks, General Godfrey Lebeya, the Director-General (DG) of the Department of Justice, Adv Doc Mashabane joined the meeting virtually reminding attendees about the importance of collaborations,

sharing of skills and resources for the success of the journey of fighting corruption. He further said the NPA should guard against placing all its focus and resources in the fight against corruption. He reminded the NPA not to lose the broader meaning of what justice should be doing, citing that organised crime is a serious challenge and cannot be extricated from corruption. We should also focus on other crimes like murder, gender-based violence, hijackings, robberies, etc. After his message of support, attendees used the Question and Answer session (Q&A) and raised concerns about the safety and security of prosecutors. The DG said that plans are afoot to relook into security and facilities management contracts with the aim of improving safety and dealing with challenges regarding employees' parking space.

The last day was set aside to consolidate the previous two days' deliberations into a draft document. The NPA Strategy office led the process of finalising the draft document that will clearly indicate where the NPA is going, what it seeks to achieve and how it will be achieved in the coming financial year.

Accessing ITHALA

In July 2021, we introduced the new Ithala intranet site as a new interactive resource hub to improve internal communication within the organisation and to increase team engagement and staff morale. This is a platform where you can quickly and easily access various documents, policies, circulars, news, etc.

The easy to navigate menu allows you to access Microsoft Teams for virtual meetings, make calls, chat with other colleagues and plan your calendar.

In addition, you can also access other apps such as YouTube and Zoom to stay connected.

Another exciting offering is that members can access Ithala on their cellphones, which guarantees that members stay connected and informed of new business developments on the go.

Please see below how to access Ithala on your cellphone and on the laptop/desktop:

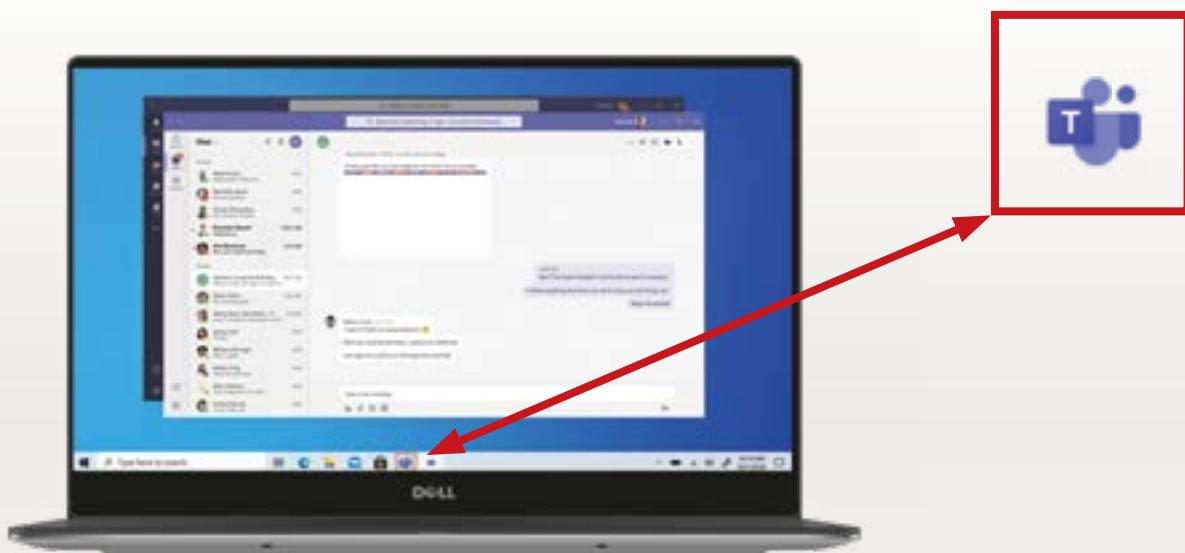
How to Access Ithala on the cellphone



Use the link below to access the Webconnect application portal
Link: <https://webconnect.npa.gov.za/>

- Step 1** You will be requested to enter you username\email.
- Step 2** You will be requested to enter you Password.
- Step 3** After signing in, you land on the below page and you should click on the "NPA Intranet (Ithala)" app.
- Step 4** You'll then be redirected to the below Ithala page to be authenticated on Ithala and you will be required to input your username and password (These are the same details you use to log into your NPA account)
- Step 5** After getting authenticated, you will be redirected to the Ithala intranet below.

How to Access Ithala on the laptop/desktop



The image shows a side-by-side comparison of the Microsoft Teams interface and the Ithala intranet landing page. On the left, the Microsoft Teams sidebar is visible, featuring icons for Activity, Chat (with 38 notifications), Teams, Calendar, Calls, and Files. The 'Ithala' icon is highlighted with a red box and a red arrow points from it to the Ithala logo on the right. The right side shows the Ithala intranet landing page with a banner about taxi violence and a sidebar with various menu items.

Step 1 Start Teams, tap the Teams icon or in Windows, click Start Start button > Microsoft Teams.

Step 2 Sign in with your Microsoft 365 username and password.
You will be requested to enter you Password. (These are the same details you use to log into your NPA account)

Step 3 Click on the Ithala icon on your right panel, you will then be redirected to the Ithala intranet landing page

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