

KHASHO

NEWS

10th Edition



FEATURED INSIDE

- > Sex worker's killer sentenced to life and declared a dangerous criminal
- > Life imprisonment for double murder
- > Life imprisonment for serial rapist
- > NPA celebrates Heritage Day



National Prosecuting Authority
South Africa

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Letter from the Managing Editor

Heritage Day has become one of the most celebrated events in the NPA around the country. The theme for this year's Heritage Month was "Celebrating the lives of our heroes and heroines who laid down their lives for our freedom". The theme highlighted the Resistance and Liberation Heritage route program, which commemorates, celebrates, and conserves South Africa's road to independence. The month also included a social campaign called "Our history, Our Story, Our Heritage". The campaign encouraged citizens to honor, celebrate, and commemorate those who fought for liberation, and to use cultural diversity to foster unity and nation building. It is heartening to see NPA officials, as diverse as they are, partaking in this very important cause. Page 20 to page 27 of this edition showcases the level of participation in this year's Heritage Day.

As usual, we take pride in sharing the work of prosecutors in courts around the country. This is Khasho's way to show our appreciation of their efforts and passion that is often demonstrated in various courts, daily. Read more about our successful cases in this issue.

We are very pleased to have provided the Leadership Corner to the Former Acting Deputy Director General She writes to

give a bird's eye view of the NPA as she reflects on her role over the past twelve months.

The latest successful progress by South Africa's multi-disciplinary team working hard to get the country off the FATF Greylist is significant. While the country is not out of the woods yet, such progress is worth recognition. To this end, we share the update through a comprehensive media statement that was issued by National Treasury. Adv Rodney de Kock, DNDPP for NPS and leader of the law enforcement team, gives us a high level comment, especially about the outstanding Immediate outcomes related to investigations and prosecutions.

We continue to lose our top-notch prosecutors who have dedicated years of service and commitment to the organisation. It is always sad to say our final goodbyes to these veterans, especially those that leave due to natural attrition, e.g. retirement. On page 18, we bring you an article about one such veteran who is hanging his boots, having spent three decades in the NPA.

Keep those articles coming, we are delighted to be your repository of information!



Ms Bulelwa Makeke
Former Acting DDG:
CS

Leadership Corner

We have come out of the most bruising audit in the 2023/24 cycle and much has been shared of that experience in our various other internal platforms and meetings. The audit outcome is reported comprehensively in the Department of Justice and Constitutional Development (DoJ&CD) annual report 2023/24. As you are aware, the NPA is Programme 4 of the DoJ&CD and is audited as part of the overall Justice Vote. In as much as NPA received a qualification with respect to a few performance indicators, the overall impact to the Vote was not as devastating as it could have been and fortunately, the DoJ received an unqualified audit outcome.

Out of the audit process, a series of activities were engaged as part of the "Lessons Learnt Report" co-ordinated by the audit team, consisting of key SOC members and core business units, mainly the National Prosecutions Service. A large group of governance co-ordinators from all the divisions, role players from the Department of Justice (IJS, ICT, Court Administration and Internal Audit) converged for a technical workshop on 02 – 04 September, to thrash out all the audit-related issues and to work on an action plan to address them, in order to be aptly prepared for the next cycle that will be upon us very soon.

A key intervention that was discussed at length during the audit workshop, relates to identifying and implementing mitigation plans against the risk of the use of the Electronic Case Management System (ECMS) as the main source of performance reporting for the NPA. The NPA leadership made the strategic decision to report performance through ECMS, with the full understanding and acceptance of the pertinent risk of an audit qualification in the short term. However, it is abundantly clear that continuing with a manual performance capturing and reporting system is not sustainable for the long term and that the ongoing risk had to be curtailed.

A similar technical audit workshop was organised for the Asset Forfeiture Unit (AFU), for 05 – 06 November 2024, following challenges that were picked up in the audit regarding provisions and asset registers.

With the audit action plans that are currently in place, which are being consistently monitored for effectiveness, we are hoping to turn the corner in the 2024/25 audit cycle.

HUSBAND AND THREE HITMEN SENTENCED FOR DOUBLE MURDER

Mashudu Malabi-Dzhangi
RCM: Limpopo Division

The Limpopo High Court in Polokwane sentenced Stanley Thabo Leshabane (58), Mbekelezi Ndodo Buthelezi (28), Emmanuel Thembelani Dlamini (33), and Bhekizenzo Sfiso Phiyose (36), to life imprisonment on two counts of murder and Ndodo was further sentenced to three years on two counts of possession of firearms and one year for possession of ammunitions. On 10 October 2020, the deceased persons, a Chartered Accountant, Makoena Mabusela-Leshabane and her business partner, Tebogo Mphuti were shot and killed while seating inside a Mercedes-Benz by hitmen hired by Makoena's husband, Stanley Leshabane. The two deceased had gone to the Polokwane Industrial area, near Zune Street to inspect a property when they were found.

Khasho spoke to Adv George Sekhukhune about the case:

How did different stakeholders assist in securing conviction?

The investigating team led by Captain Richard Boshomane went the extra mile in obtaining evidence regarding CCTV footages, cellphone records, vehicle tracker records and ballistic evidence. They ensured that the witnesses were present during trial. The state also involved the service providers (Vodacom, MTN, and Cell C) regarding the cellphone records which formed crux of the evidence, the personnel from the service providers assisted the prosecution in deciphering the evidence in court. Lastly, the vehicle tracker experts testified in the proceedings pertaining to the movement of the deceased and accused's cars. Both the cellphone records and vehicle tracker report were voluminous and rendered the trial marathon.

What were the challenges that you encountered when prosecuting the case?

The case was very complex, and it was centred around circumstantial evidence. The CCTV footage was difficult to deal with due to the fact that other footages were taken from tollgates. The GPS coordinates could not pinpoint specific destination where the accused were picked up from in Gauteng to Limpopo as they were staying in squatter camps. Furthermore, it was established that the firearms that were recovered from accused two (Ndondo) did not fire the cartridges that were found at the crime scene.



How was the husband of the deceased linked to the murder?

The husband, Stanley Leshabane requested to make a statement to the police regarding the incident. It transpired that the content of the statement amounted to a confession. The statement of the accused was ruled admissible by court after trial within a trial was conducted. Two of the accused's friends testified that the husband informed them that he wanted to kill the deceased as they had marital problems. One of the witnesses was called by accused two (Ndondo) and he informed them that he was from Polokwane, and he murdered the wife of Leshabane.

How did you secure conviction?

The prosecution started by leading evidence pertaining to tower location, incoming and outgoing calls, and spider web of the accused. The state also led evidence of vehicle movements of the deceased and accused, the evidence established that cellphones of the accused activated various towers from Germiston to Limpopo and tracker report showed that the accused's car was moving parallel with their cellphones. Furthermore, the evidence established that at the crime scene, the cellphone of the deceased and accused activated the same tower.

What have you learnt as the prosecutor of this case?

I have learnt to deal with intrinsic evidence relating to movement of vehicles and complexity of cellphone records. One had to deal with CCTV footage from tollgates and speed camera. Lastly, I learnt to deal with a case that involved complex circumstantial evidence; it was more like connecting the dots from each witness that testified before court.

SEX WORKERS' KILLER SENTENCED TO LIFE AND DECLARED A DANGEROUS CRIMINAL

Phindi Mjonondwane
RCM: Gauteng Division

The High Court of South Africa, Gauteng Division, Johannesburg, sentenced Sifiso Mkhwanazi to six life terms plus 170 years imprisonment for six counts of rape, six counts of murder, six counts of defeating the ends of justice, possession of unlicensed firearms and ammunition and theft. The court further declared him to be a dangerous criminal, citing that the community should be protected from him. Furthermore, the accused was ordered to undergo imprisonment for an indefinite period, with the court stating that he should return to court after serving 30 years of the imposed sentence, for the court to hold an inquiry to determine whether he is still a danger to society or not.

The accused killed six sex workers at his father's workshop between April to October 2022, and concealing their bodies in different locations within the yard of the workshop. He told the court that the offences were committed in revenge of a false rape accusation which resulted in his incarceration for a period of 10 months.



Adv Leswikane Mashabela

Khasho spoke to Adv Leswikane Mashabela

Q What strategies did you employ to build your case and what resources/ tools did you find most Helpful?

A I studied the docket thoroughly, I consulted and sought advice from my colleagues, and did a lot of research on how to present a case of this nature where there was no eyewitness to the incidents, but only relying on circumstantial evidence.

Visiting the scene of crime and consulting the accused's father was also helpful and made it easier to understand the case better. There were more than 500 photos of the scene, I had to scrutinise each single photo, which helped to establish the fact that all the six deceased persons were killed in one room before they were concealed in different locations. I established that studying the forensic reports was crucial, because most of the forensic evidence was discovered in that room, like the accused's underwear, blood stains, used condoms, and fingerprints.

I had a good working relationship with Sgt Mbonambi, the investigating officer. We discussed the case at length, and we were accessible to one another anytime of the day, including at night, just to discuss the case.

Q How will this case impact future prosecutions?

A It paves the way for prosecution of rape cases which do not have complainants and are based only on circumstantial evidence. This case also dispels the perception that sex workers could not be raped. In this case, the accused could not provide any reasonable explanation as to why he killed the victims if he had an agreement to have sex with them. Furthermore, the imposed sentence adds value to case law, as our presiding officers can use this judgement in future to sentence hardened criminals to an indefinite sentence.

Q The accused wanted to enter into a plea and sentence agreement with the NPA, but you rejected his proposal, please share your reasons?

A Accused proposal was not in accordance with the evidence in the docket, and the sentence he proposed was ridiculous to say the least. The accused was only prepared to plea on the murder charges in terms of section 51(2) of act 105 of 1997, saying that he did not plan the murders and that all the killings happened on the spur of the moment after having payment disputes with victims. This was contrary to the evidence that the killings were clearly premeditated and committed over a period, and further committed with the same modus operandi in which the victims were restricted by being tied on their, hands, and feet. It was clear that the way the victims were bounded that the only inference to be drawn was that they did not consent to the intercourse. The accused denied raping the victims and wanted the rape charges to be withdrawn. The accused also did not want to plead guilty on one of the charges of defeating the ends of justice, claiming that he intentionally exposed the body to be discovered, which was clearly not correct because the body was accidentally discovered by the caretaker before the accused could hide it in the yard of the workshop like rest of the 5 bodies. The accused also wanted to be sentenced to an effective 22 years for all the charges, which we felt was too lenient, considering the serious nature of the offences. As a result, his proposal was rejected.

Q Why did the NPA move towards having the accused declared a dangerous criminal?

A Section 286A of the Criminal Procedure Act made provision that if a regional or high court is satisfied that an accused person represents danger to the mental wellbeing of other persons, and that the community should be protected against the accused, such an accused may be declared a dangerous criminal. In this case, the accused not only was a serial murderer and a rapist but also targeted certain sections of members of the community. He was only raping and killing sex workers from Zimbabwe who were speaking Shona and this was done in revenge of what he told his father, that he was unlawfully incarcerated for raping a Zimbabwean sex worker, so, he had done this to punish them. The accused was posing danger to sex workers, who are one of the most vulnerable groups in our society and they needed to be protected against him. According to the psychiatric evaluation report, the accused would not have stopped if it weren't for his arrest. Furthermore, due to his youthful age, he would have probably been a free man in his early forties and who knows, maybe carried on from where he left off.

Q What were the most significant challenges you faced during this prosecution and how did you deal with them?

A Having to convince the accused's father to testify against his own son.

Having to prove the confession statement the accused made to his father during trial within a trial. Accused claimed that because he was obedient to his father, he told him lies about what happened because he knew that he will be punished. I had to calm the accused's father who was angry upon hearing this version.

Having to argue for the conviction of the accused on the rape charges, without leading complainants' evidence, more especially when the accused took advantage of the fact that the victims were sex workers and, that there was agreement to pay for the service, they offered him.

The extensive media coverage on the case placed me under pressure to always prepare myself to avoid any negative comments.

FORMER SECURITY OFFICER SENTENCED FOR COPPER CABLE THEFT

Monica Nyuswa
RCM: Mpumalanga Division

A former security officer, Selby Mhlanya (37), was convicted of stealing copper cables at Witbank General Hospital and was sentenced to 15 years direct imprisonment for damaging essential infrastructure by the eMalahleni Regional Court.

On the evening of 14 January 2023, the accused was posted at the main gate of the hospital for his night shift. The following morning at around 02h00, his colleague heard a strange noise of a saw cutting a pipe and called for backup. When three other colleagues went to investigate, the sound led them to an authorised area inside the hospital. Upon arrival, they opened the steel door and found a 12.5 kg maize meal bag full of copper cable pieces inside and the accused standing there with a saw in his hand. Mhlanya tried to bribe his colleagues by pleading and promising to share the money with them after selling the copper cables. As a result of his offence, the damaged copper cables affected the smooth running of the hospital's activities such as oxygen flow, water and vacuum reticulation.

Mhlanya pleaded not guilty in court and his version was a bare denial. To substantiate the case against the accused, State Prosecutor Maureen Nkosi, presented testimonies of the accused's colleagues who found him in possession of the copper cables. They testified about what they observed when apprehending the accused. Additionally, an affidavit detailing damages caused by the accused worth an amount of R300 000 was presented.

During sentencing, Mhlanya asked for forgiveness. He said he was under financial stress and needed



Prosecutor, Maureen Nkosi

money to pay the school fees for his children. After careful consideration of the evidence, Magistrate JJ Combrink, accepted the evidence of state witnesses and found the accused guilty of damaging infrastructure in terms of Section 51 (2) of Act 105 of 1997. The court found no reasons justifying deviation from the prescribed sentence of 15 years of direct imprisonment. Additionally, in terms of Section 103 (1) of the Firearms Control Act 60 of 2000, the accused was declared unfit to possess a firearm and/or ammunition.

PROSECUTOR MAUREEN NKOSI HAD THIS TO SAY ABOUT THE CASE:

Prosecutor Nkosi pointed out the negligent actions of the accused on that day by placing the lives of innocent patients in jeopardy. The actions of the accused were negligent. He placed the lives of innocent patients in danger. The accused was in a position of trust where he was expected to safeguard the premises and prevent people from performing illegal activities by serving as a first responder in case of emergency. The sentence served as a reminder on the importance of holding perpetrators accountable for their actions as he was accused of misleading the court by the defence.

Moreover, finalising and securing this sentence proved that the wheels of justice do turn, though sometimes slowly but they surely turn. I am pleased with the sentence meted out by the court as the accused were convicted on all counts and sentenced accordingly.

UNCLE SENTENCED TO LIFE IMPRISONMENT FOR RAPING HIS NINE YEAR OLD NIECE

Sivenathi Gunya
Communication Officer: North West Division

The Potchefstroom Regional Court sentenced Daniel Mathuse (33), to life imprisonment for one count of kidnapping and two counts of rape. It is alleged that the incident happened on 27 July 2020.

The victim was nine years old when the offences were committed. The accused and victim are related; the accused is the uncle of the victim. It is alleged that the accused tried to lure the victim away from where she was playing with her brother, but she refused. He then took her by force and later raped her near the dam in extension 6 in Ikageng.

People went to search for the child and found her with the accused after it was reported that her uncle forcefully removed her from where she was playing. The child reported her ordeal to the witness and the accused was subsequently arrested on the same day. The accused pleaded not guilty to the charges in court, but later, after the evidence of the victim was led and the DNA report became available, made a formal admission in terms of Section 220 of the Criminal Procedure Act.

In aggravation of sentence, State Advocate Hansie Morake, argued that the court should give a deterrence sentence to the accused as he violated the rights of a young girl. He further argued that the accused was



Adv Hansie Morake

supposed to protect his niece, instead he sexually assaulted her and took away her dignity and her confidence. He further emphasised the scourge of violence against women and children in the country and insisted that the court must protect the victims. Morake urged the court not to deviate from the imposed minimum sentence of life imprisonment.

The Director of Public Prosecutions (DPP) in the North West, Dr Rachel Makhari-Sekhaolelo, lauded the prosecutor, police service and other role players who ensured that justice was served to the victim. The DPP hopes this sentence will serve as a deterrent to other relatives who violate the rights of children in their households, instead of protecting them and playing the parenting role. The DPP encouraged the community to report any acts of Gender-Based Violence to the relevant authorities.

This is what he had to say about the case

How is this case different from other cases you have prosecuted?

What makes this case different from other cases that I have prosecuted is that the accused was an uncle to the child (female) complainant. The complainant was 9 years old at the time of the incident. The accused is a brother to the complainant's mother. The other thing that was different about this case is that the victim was a child, which made it very difficult for me to get exactly what has transpired and I needed to be patient with her.

What were the challenges you encountered

during the case?

This matter was on the roll during the height of COVID-19. The matter had been postponed several times for DNA report. I was faced with a difficult decision of whether to proceed with a trial without the DNA report or to provisionally withdraw the case pending the DNA test results. The accused was in custody at that time. There was a real risk that the accused would reoffend again and/or interfere with the witnesses if the matter was to be withdrawn. I consulted with the child and was satisfied that she would be a good witness. I took a brave decision to prosecute the matter without the DNA report. The child was very impressive during her testimony, and she withstood the cross examination by the defense. We received the DNA report a month after the child's evidence and it positively linked the accused.

The accused fired his attorney and the matter had to be postponed for a new attorney. At one stage, he went on a hunger strike. The accused was ultimately convicted of all charges and was sentenced to life imprisonment.

How do you feel about the sentence that was handed to the accused?

The sentence fits the crime and it will certainly deter the accused person from committing these types of offences again. The complainant's family is happy that the accused will no longer have access to the child. It also sent a strong message to the community that re-offenders, especially of offences related to GBV are being dealt with accordingly by the criminal justice system.



BREAST CANCER AWARENESS MONTH 2024

1 to 31 October

The incidence of breast cancer among South African women is increasing and it is one of the most common cancers among women in South Africa. It is the most prevalent cancer amongst white and Asian women and the second most common cancer among black and coloured women.

Taking responsibility for Mental Health

While employers and government play crucial roles in protecting and promoting mental health in the workplace, individuals must take proactive steps in caring for their mental well-being.

Strategies to support personal mental health:

- Early detection of the condition can lead to effective treatment and a positive prognosis. About 90% of patients survive for many years after diagnosis when breast cancer is detected at the early stages.
- Regular self-breast examination and regular mammograms are key to early detection.
- Presenting yourself early for treatment may result in more effective treatment, leading to a reduction in pain and suffering and a significant decrease in the loss of life.

The designation of October as "Breast Cancer Awareness Month" in South Africa reflects a nationwide drive by public and private healthcare structures to raise awareness of this debilitating disease across all races and class structures.

LIFE IMPRISONMENT FOR FREE STATE SERIAL RAPIST

Mojalefa Senokoatsane
Acting RCM: Free State Division

The NPA continues to be a leader in the government's quest to have safer communities, by ensuring that perpetrators of crimes against members of the public are prosecuted and sentenced accordingly. The NPA has been at the forefront of ensuring that those who are caught for crimes related to Gender-Based Violence and Femicide are always sentenced to the maximum period applicable for such heinous crimes, particularly against women, children and vulnerable people.

This was more evident when Moeketsi Lebuso (29), from Senekal in the Free State was sentenced to 3 life terms by the Regional Court in Bethlehem, after he was found guilty of three counts of rape. The accused was also facing one count of robbery, as well as two counts of assault with the intent to cause grievous bodily harm (Assault GBH). The accused had on numerous occasions raped women around the town of Senekal.

On 01 November 2016 during day time, the accused and his two friends followed the 37-year-old complainant Victim 1, who was well known to him, from a tavern in the town of Senekal. When they reached a secluded area, they pounced on her and took turns raping her. They attacked her with stones on her head and tried to gouge her eyes out and then left her bleeding and unconscious. The case was opened with the police and investigations to track the perpetrators began. The accused was easily identified by the victim as they are known to each other, DNA also linked the accused to the crime. The accused's accomplices were never found by the police.

On 3 September 2021, a male person was walking home from a tavern with his 43-year-old girlfriend when they were ambushed by the accused. He hit and injured the boyfriend with a panga and was joined by his friends who further attacked the boyfriend. He then took the complainant (victim 2) by force to a certain house where he raped her for the whole night.

On 4 July 2022, the accused was at a tavern and lured the 24-year-old complainant Victim 3 away from the tavern, under the pretext of accompanying her home.



Regional Court Prosecutor, Vusimuzi Arthur Nhlapo

The victim trusted the accused and felt safe with him because they are distant relatives. On the way home, the accused forced the victim to go with him to a different location, where he repeatedly raped her. Also in this case, the accused was easily identified as he is related to the victim and, investigations led by a police forensic team, linked the accused to the crime through DNA.

During his trial, the accused testified that victim 1 was lying as he had paid her R50.00 to sleep with him. He could not tell the court how she got to be assaulted. He testified to the court that he had consensual intercourse with victim 2 as they were in a relationship and that he never attacked the boyfriend. The accused also put it to the court that victim 3 was his girlfriend and they had consensual sexual intercourse.

True to his solemn oath of serving the people of South Africa and to be a reliable people's lawyer, Regional Court Prosecutor, Vusimuzi Arthur Nhlapo, argued to the court that the accused should be sentenced to life imprisonment as he betrayed two women who knew and trusted him with their lives. That he had no respect for people in general and that he should be removed from society. He showed no remorse for his crimes as he continued to lie to the court even after the testimonies of his victims. That he is a dangerous person who doesn't see the repercussions of his actions.

In sentencing, the court agreed with the prosecution and rejected the accused versions on all counts and found him guilty on all counts except the count of robbery. The court found that the accused was not truthful when testifying in court. The court sentenced the accused to 3 life sentences for all rape counts, 4 years and 3 years imprisonment respectively for the assault GBH.

LIFE IMPRISONMENT FOR THE MURDER OF GUESTHOUSE OWNER'S SON

Mojalefa Senokotsoane
RCM: Northern Cape Division

The High Court of South Africa in the Northern Cape Division sitting in Kimberley, recently sentenced Derrick Fyvers (Accused 1) and Marlon Koopman (Accused 2) for murder and robbery. The accused were charged with robbery with aggravating circumstances read with the provisions of Section 51(2) of Act 105 of 1997, murder read with the provisions of Section 51(1) of Act 105 of 1997 as the murder was premeditated, unlawful possession of a firearm as well as unlawful possession of ammunition. The two were arrested after Ashwin Malan, the son of a family that own a well-known guesthouse in Kimberley was shot and killed during an attempted robbery at family's guesthouse.



Adv Almeri Kruger

On the day of the incident, on 8 September 2016, the accused entered the Atlantis Guesthouse in Green Street in Kimberley intending to rob the guesthouse of televisions and a generator. Unfortunately, on that day, the son of the guesthouse owner, Ashwin Malan, was in one of the rooms. When he heard the commotion outside, he went outside and found the accused busy overpowering an employee. Ashwin was then shot four times by accused 1 and passed away at the scene. The accused left the guesthouse without having taken anything other than the life of the deceased. The accused were arrested after intensive investigations by a team of detectives within the South African Police Service. They both pleaded not guilty to all the charges.

After a lengthy trial, the High Court found the two guilty and sentenced accused 1 to 5 years imprisonment for robbery with aggravating circumstances (count1), life imprisonment for murder (count 2), 10 years direct imprisonment for unlawful possession of a firearm (count 3) as well as 10 years direct imprisonment for unlawful possession of ammunition (count 4). The court ordered that counts 1, 3, and 4 run concurrently with count 2, which means an effective life term of imprisonment. The accused was also declared unfit to possess a firearm. The court sentenced accused 2 to 5 years of direct imprisonment in respect of attempted robbery and declared him unfit to possess a firearm.

Khasho spoke to State Advocate Elmari Kruger, who prosecuted this matter.

Who is Advocate Elmari Kruger

"I was born and raised in Pretoria. I am a young, vibrant, passionate advocate for the people with two beautiful children and a very supportive life partner."

How long have you been a prosecutor and state advocate?

I started my career in the NPA as an aspirant prosecutor in Randburg, Gauteng in 2014. I made my way up the ranks in the Kimberley Magistrates' Court in 2015 and was appointed as a junior advocate (SOCA) in December 2021. I was appointed at the DPP office in Kimberley on 01 May 2022.

Have you always wanted to be a lawyer of the people/ or what prompted you to want to be a prosecutor?

My legal career started at Legal Aid Pretoria. It was during my year as a candidate attorney when I realised that I wanted to stand on "the right side of the law", and I was fortunate enough to become an aspirant prosecutor the following year. It was during my aspirant year that my tutor, Mr Baba, enhanced my love for prosecuting.

Please tell us about your latest case, where the accused was sentenced to life imprisonment for killing the son of the guesthouse owner?

The accused were charged with murder that happened during a business robbery. There were no direct eyewitnesses to the murder and the state made a decision to make use of Section 204 witnesses to prove the case. The deceased, Ashwin Malan, was the son of the owner of the guesthouse. He was not supposed to be there on the fateful evening of the planned robbery. The accused planned on stealing televisions and a generator but fled with nothing after the first accused shot and killed the deceased.

Can you please share the details or techniques that you apply when prosecuting such cases?

This case was initially mostly dealt with by my senior, Adv van Heerden, before I was tasked to assist her. She had to take the difficult decision to make use of Section 204 witnesses in this case, which assisted a lot in proving the planned robbery at the guesthouse. Most of the evidence regarding the death of the deceased was circumstantial, but this difficulty was overcome by proper preparation and analysis.

Preparation is key when prosecuting difficult matters. Consultation with witnesses and a good relationship with the Investigating Officer is paramount.

What challenges did you encounter when prosecuting this case?

This matter took a long time to finalise because of the amount of evidence that was presented as well as the overfilled diaries of legal practitioners. It is therefore very important to keep proper trial notes or request a running record in order for the parties to properly address the court on the merits before judgment.

What information can you share with other prosecutors pertaining to prosecuting such cases?

When you prepare for a trial, make sure you are aware of the latest developments in the law pertaining to your matter, especially when it comes to minimum sentences and/or duplication of convictions.

Any word you would want to share with the readers of Khasho?

We all leave a legacy when we depart from this life for the next. As prosecutors, our impact is to improve the lives of other individuals. What a beautiful opportunity we have as employees of the National Prosecuting Authority!

MEET TWO FEARLESS GBV PROSECUTORS

Natasha Kara
RCM: KZN Division

South Africa commemorates the '16 Days of Activism of No Violence Against Women and Children' campaign between 25 November and 10 December 2024. As a prelude to this, As prelude to this, Khasho spoke to two prosecutors in the Director of Public Prosecutions KwaZulu-Natal Division who are among the many at the cold face of matters pertaining to Gender-Based Violence and Femicide (GBVF) and the rape and/or murders of children. Both these Prosecutors



Regional Court Prosecutor, Amelia Lieketseng Mphomane

Amelia Lieketseng Mphomane, who is currently prosecuting at the Ezakheni Backlog Regional Court, started her career in October 2010.

Roughly, how many matters involving GBVF or Rape have you prosecuted?

I have lost count of the matters that I have worked on since I have become a prosecutor, as we deal with this kind of matters almost daily. For example, in the month of October 2024 we had 26 rape matters, 11 of which involved children or minors. In my Prosecuting career, I have also dealt with numerous GBVF CASES.

What motivates you?

I am motivated when victims of crime receive justice. I was motivated to be a Prosecutor following a gruesome incident involving my sister. Prior to me working for the NPA, I worked at Legal Aid South Africa. It was at this time that my sister was raped by someone whilst returning from a sports event in Durban. My sister could not deal with what had happened to her, and the post-traumatic stress she experienced eventually led to her death. She left behind two minor children that I now raise. Thereafter, I felt that I could no longer be an attorney doing defense work. That was when I decided to join the NPA. My sister was not able to receive justice for what happened to her, so I fight for justice on behalf of all the other victims of crime.

Who are the stakeholders you work with and how important are stakeholder relations?

Stakeholder collaboration is vital in the fight against crime. From the beginning when the crime is reported, it is important for the police to work closely with prosecutors so that no stone is left unturned. The doctors that examine victims need to be able to complete the J88 forms correctly and further avail themselves to testify in court. Since resources are always a challenge, good stakeholder relations and support will ensure that we meet our mandates.

What is your message to victims of GBVF?

-My advice is to not stay in an abusive relationship thinking that a person will change. An abusive relationship is not only physical abuse. It can also be emotional abuse, verbal abuse, etc. Please remember that you are not the only victim of the abusive relationship - it negatively affects your children, your relatives, and the other people that are close to you. Do not wait until it's too late to report; speak to someone close to you so you can get help.



Regional Court Prosecutor, Bonginkosi Don Motha

Bonginkosi Don Motha, is a District Court prosecutor who is currently acting as a Regional Court Prosecutor at Madadeni Magistrates' Court. He joined the NPA in 2019 as an Aspirant Prosecutor and has thus been prosecuting for five years.

How many matters involving GBV/GBVF/Rape have you prosecuted?

- I have dealt with numerous (too many to mention) matters involving GBV, GBVF, and matters involving sexual violence throughout the years. The area that I am based in has a scourge of sexual offences which have become the leading matters.

What motivates you?

I am motivated by being able to make a difference in someone else's life. The sight and feeling of someone hugging you and saying thank you is awe-inspiring. This is without any expectation of any public reward, but truly accepting the title of public servants. As prosecutors, we may not always be successful, but we try our utmost best within the lawful parameters to bring fruitful outcomes.

Who are the stakeholders you work with and how important are stakeholder relations?

We work with the Investigating Officers, Social Workers, Medical Practitioners, Court Preparation Officers, and colleagues from the Thuthuzela Care Centre. Good stakeholder relations help to get the matters trial-ready and at the same time there is the care and support offered to the victims of crime.

What is your message to victims of GBVF?

My advice is that they should never give up, and they are not defined by what happened to them. Never keep quiet but report as soon as possible. Trust in the justice system, we are present to protect them and their constitutional rights. Justice is for everyone not only high-profile matters or the wealthy!

Prosecutors should demonstrate the values of the organisation: Show integrity by prosecuting without fear, favour or prejudice. They should also have the required accountability, professionalism, and credibility.

FATF GREYLISTING

South Africa was given one year to implement and fully comply with the FATF recommendations. Of twenty-two (22) recommendations, South Africa has met the required standard of largely addressed in respect of sixteen (16), with only six still outstanding. Of the six, three relate to a sustained increase in the investigation and prosecution of complex money laundering, terrorist financing and unlicensed cross-border money or value transfer services (MVTs), and the other three relate to timely access to beneficial ownership information in relation to companies and trusts and the imposition of remedial action and deterrent sanctions by designated AML/CFT supervisors. The NPA has been making steady progress in meeting the remaining actions, where relevant, and will intensify actions to ensure the prioritisation of key cases and typologies, as requested by FATF. ExCo welcomed the report and pledged to provide resources where necessary to ensure that the remaining six recommendations are implemented over the next four months. Some of these outstanding recommendations are already partially or largely addressed. Adv De Kock is the lead for the Law Enforcement Agencies workstream

1 of 3



national treasury

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National Treasury
REPUBLIC OF SOUTH AFRICA

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MEDIA STATEMENT

FATF GREYLISTING: SOUTH AFRICA'S POSITIVE PROGRESS AS AT OCTOBER 2024

The Financial Action Task Force (FATF) Plenary today announced nine upgrades for South Africa from its 22-item Action Plan, including eight to "largely addressed" and one to "partly addressed". South Africa is now deemed to largely or fully address 16 of the 22 action items in its Action Plan, leaving the country with six outstanding action items to be addressed for the last scheduled reporting cycle, concluding in February 2025.

This announcement was made at a FATF press conference, following the conclusion of its October 2024 Plenary meetings in Paris, France. The FATF Plenary accepted the report of the FATF Africa Joint Group on South Africa's progress. South Africa's progress update is listed on the progress for "*Jurisdictions under Increased Monitoring – 25 October 2024*" (<https://bit.ly/3NH8omc>)

National Treasury is pleased with the progress made by South Africa, as recognised by the FATF in its official statement which highlights that: "*South Africa has taken steps towards improving its AML/CFT regime including by demonstrating a sustained increase in outbound MLA requests, strengthening its AML/CFT supervisory capacity by improving the risk-based supervision of DNFBPs, enhancing its identification, seizure and confiscation of proceeds and instrumentalities of a wider range of predicate crimes, in line with its risk profile, the update and implementation of its TF strategy and increasing relevant authorities TF capabilities on the basis of an understanding of its TF risks, as well as ensuring the effective implementation of targeted financial sanctions.*"

South Africa is now left with one reporting cycle to address the remaining six action items. Three of these relate to demonstrating a sustained increase in the investigation and prosecution of complex money laundering, terror financing and unlicensed cross-border money or value transfer services (MVTs). The remaining three relate to the timely access of beneficial ownership information in respect of companies and trusts, and the imposition of remedial action and dissuasive sanctions by designated AML/CFT supervisors. As noted by the FATF statement:

"South Africa should continue to work on implementing its action plan to address its remaining strategic deficiencies, including by: (1) demonstrating that all AML/CFT supervisors apply effective, proportionate, and effective sanctions for non-compliance; (2) ensuring that competent authorities have timely access to accurate and up-to-date BO information on legal persons and arrangements and applying sanctions for breaches of violation by legal persons to beneficial ownership obligations; (3) demonstrate a sustained increase in investigations and prosecutions of serious and complex money laundering and the full range of TF activities in line with its risk profile."

Nikwama wa Tiko • Gwama la Muvhuso • Nasionale Tesourie • Lefapha la Bosetshaba la Matlotlo • uMnyango wezezimali • Litiko leTetimali taVelonkhe
Tirelo ya Matlotlo a Bosetshahaba • Tshebelelo ya Matlotlo a Naha • uMnyango weziMali • Isebe leNgxowa Mali yeLizwe



MEDIA STATEMENT

Despite the progress that South Africa has made, National Treasury reiterates its previous communication that it made in the last update on FATF greylisting progress on 2 July 2024 ([National Update on FATF Greylisting 2 July 2024](#)) to the effect that it remains a challenge to exit the grey list at the conclusion of the next cycle, as South Africa will need to address all six outstanding action items by February 2025 to do so.

If South Africa is successful in addressing all remaining action items in the next reporting cycle, the February 2025 FATF Plenary will authorise an onsite visit by the FATF Africa Joint Group to confirm their assessment on the progress of all action items. This would happen around May 2025. If the onsite assessment results in a positive outcome, the FATF Africa Joint Group will recommend to the June 2025 FATF Plenary that South Africa be delisted from the FATF grey list. However, if the FATF Africa Joint Group assesses that South Africa has not adequately addressed all remaining action items in February 2025, South Africa will be required to continue reporting back to the FATF Africa Joint Group every four months until all the action items have been addressed. Hence the exit from greylisting will be moved from June 2025 to October 2025, or later.

The interdepartmental committee chaired by National Treasury is co-ordinating the process to exit greylisting, and has been reporting regularly to Cabinet, and the Justice, Crime Prevention and Security (JCPS) cluster. It has provided effective leadership and co-ordination to ensure the upgrading of action items related to outbound mutual legal assistance requests, seizure and confiscation of proceeds of crime, implementation of terror financing strategy and ensuring the effective implementation of targeted financial sanctions. It continues to oversee further progress in at least four of the six outstanding action items, including three related to investigations and prosecutions.

The interdepartmental committee also notes that the action item related to beneficial ownership registries is out of date as it was due in September 2024, as the coverage for both companies and trusts was assessed to be too low by the FATF Africa Joint Group in September 2024. It is incumbent upon all companies and trusts to ensure they have registered accurate beneficial ownership information with the CIPC and Masters Office respectively, in accordance with their legal obligations. **National Treasury calls upon all companies and professional trustee service providers to ensure registration by companies and trusts** they engage (or involved) with **before 30 November 2024**, to significantly increase the coverage in beneficial ownership registries.



MEDIA STATEMENT

Addressing outstanding technical compliance deficiencies

The October 2024 FATF Plenary also approved the upgrade of South Africa's compliance with a further three FATF Recommendations. South Africa now complies or largely complies with 37 of the 40 FATF Recommendations, while an additional Recommendation was deemed to be not applicable to South Africa. This is substantial progress since the 2021 FATF mutual evaluation when South Africa had deficiencies in 20 of 40 Recommendations. Further, South Africa is now deemed to comply or largely comply with all six core Recommendations.

The two Recommendations outstanding are Recommendation 8 on Non-Profit Organisations and Recommendation 32 on Cash Couriers. Both are assessed to be "Partially Compliant". *It is important to note that the process to upgrade the outstanding Recommendations does not affect the process for the country to exit the FATF grey list, as greylisting is a consequence of the assessment of the extent to which a country uses its power effectively.* The fact that South Africa complies with 37 of 39 applicable Recommendations places it in a good position for the next 2026/27 Mutual Evaluation assessment. Further legislation will be introduced next year to strengthen Recommendation 8 and improve the extent of compliance for other Recommendations.

The FATF will soon publish South Africa's 3rd Enhanced Follow-up Report with technical compliance re-ratings report, which will also be made available on National Treasury's website.

Conclusion

National Treasury welcomes the progress made by all agencies in ensuring South Africa now meets 16 of the 22 action items, with only six action items remaining. It emphasises that while South Africa is working hard to address all outstanding action items by February 2025, this remains a difficult challenge. All relevant agencies and authorities must continue to make substantial progress, ensuring that these improvements are indeed both sustainable and effective.

Please note accompanying Annexure on the Action Plan.

Issued by National Treasury

Date: 25 October 2024

HALF OF LAWYERS "REGULARLY USE CREDIT BECAUSE THEY'VE RUN OUT OF MONEY

Nick Hilborne
Legal Futures

Running low: Lawyers turning to credit cards

The proportion of lawyers saying they regularly use credit cards because they have run out of money has more than doubled in a year to almost half, according to a report on financial wellbeing in the legal profession.

It said six out of 10 lawyers felt pressure to spend money beyond their means, a proportion which rose to three-quarters for junior lawyers.

Eight out of 10 junior lawyers worried about money frequently, with "peak financial concerns" felt among solicitors with up to two years of post-qualification experience (PQE).

Wealthbrite, which provides financial skills training, surveyed 500 lawyers for the 2024 edition of *The Financial Wellbeing in Law Review*. Trainees, apprentices and solicitors with up to four years of PQE were referred to as junior lawyers.

One in five lawyers in 2023 reported using credit cards because they had run out of money, in line with the national average of 20%. But the figure for 2024 was 48%.

Researchers commented: "This may be a continued hangover from the cost of living crisis – lawyers are committed to their lifestyles, which have become more expensive. Despite inflation coming down, tax rises and affordability continue to be a concern."

Only a third of lawyers said money worries could affect their performance at work but seven out of 10 reported "at least one sign of poor mental health in relation to their finances that could affect their ability to function at work".

The most frequent sign of poor mental health was anxiety (50%), followed by lack of motivation (23%), sleepless nights (18%) and depression (9%).

Six out of 10 lawyers ranked their confidence with personal finances as average or below, with seven out of 10 juniors saying it was below average.

On the positive side, when asked how much they expected to save in 2024, 49% of lawyers said more than last year and 18% the same.

Researchers said law firms needed to rethink how they engaged their staff on issues of financial wellbeing, with most of those surveyed not having access to financial wellbeing support at work. Of those that did, only three in 10 were actively using it.

"Existing support isn't cutting through, and in a demanding work environment where email fatigue can quickly set in, learning by doing makes the training stand out and the lessons stay in."

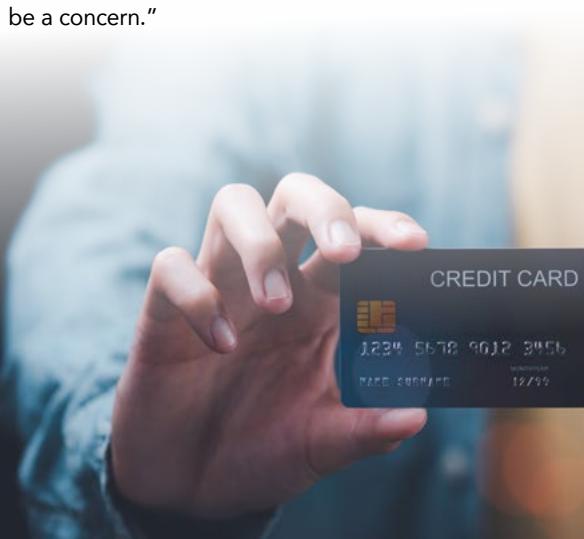
"Real engagement demands new methods of delivery, like workshops, simulations and digital learning platforms."

Researchers said law firms should also adopt a "transparent approach to communications on pay and rewards", moving away from "impersonal emails".

Carla Hoppe, founder and CEO of Wealthbrite, said: "Financial wellbeing isn't just about doing the right thing—it's about survival and success in a hyper-competitive market."

"Stressed, financially insecure lawyers are less productive and more likely to leave. That's a risk no firm should be willing to take."

She added: "The legal profession is at a crossroads. Firms need to create a workforce that is not only resilient but empowered to drive results and impact the bottom line. That starts with financial confidence."



REGULARLY USE CREDIT

BACK TO BASICS TRAINING

*Sivenathi Gunya
Communications Officer: North West Division*

The NPA in the North West together with South African Police Service and the Directorate for Priority Crime Investigation held a back-to-basics training. The purpose of this training is to equip ourselves with knowledge on the subject matter and to unite the above-mentioned law enforcement stakeholders against a common enemy known as crime.

This collaboration is the vision of our Director of Public Prosecutions, Dr Rachel Makhari - Sekhaolelo, who reached out to the heads of both SAPS and DPCI for collaboration. They all agreed to join forces and work together. The Back-to-Basics training is an ongoing project which was developed on 19 August 2022 during a one-day conference between the stakeholders. The project gained momentum with the signing of the "Magalies Accord" The Magalies accord is a memorandum of understanding between the different units in the NPA to also collaborate in the fight against commercial crime and corruption and was aimed at eradicating the benefits of commercial crime and corruption.

The initiative and training has yielded positive results which led to the improvement in relationship between prosecutors, SAPS and DPCI which is demonstrated by the many achievements in crime fighting in the province.



Major General Molefe together with Brigadier Mokgwabane, handing over Back to Basic report 2023-2024 to the DPP

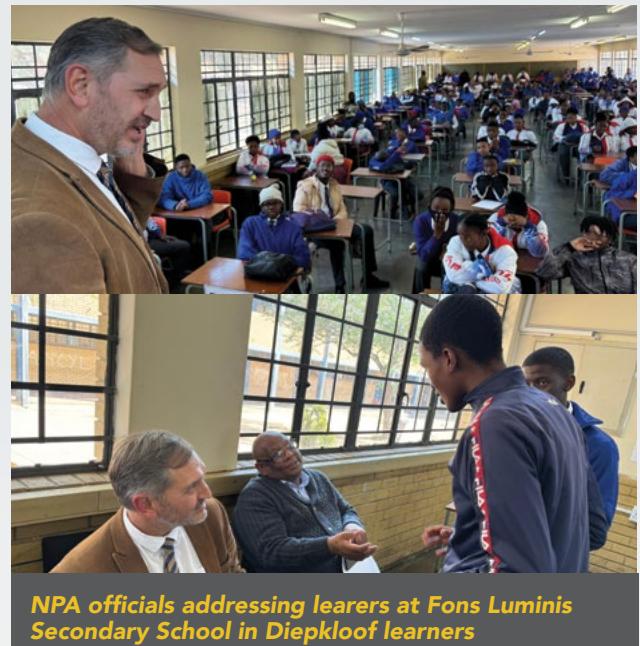
DELIVERING JUSTICE AND INSPIRING CHANGE - NPA'S OUTREACH INITIATIVE

*Abram Mohlatlolo
Gauteng Local Division*

As part of our commitment to delivering justice and promoting positive change in society, the National Prosecuting Authority (NPA)'s South Gauteng Local Division recently conducted an outreach programme at Fons Luminis Secondary School in Diepkloof. The programme featured motivational presentations by Senior Prosecutors Lukas Smit and Leonard Dakile, who addressed various topics which are crucial to the development of the learners.

The presentations covered essential subjects including the Child Justice Act, making informed career choices and the consequences of engaging in criminal activities at an early age. By sharing their expertise and experiences, the prosecutors aimed to inspire and empower the students to make positive decisions that will shape their future.

Through this outreach initiative, the NPA's South Gauteng Local Division demonstrated its dedication to not only prosecuting crimes, but also investing in the growth and well-being of the community, particularly the youth.



NPA officials addressing learners at Fons Luminis Secondary School in Diepkloof learners

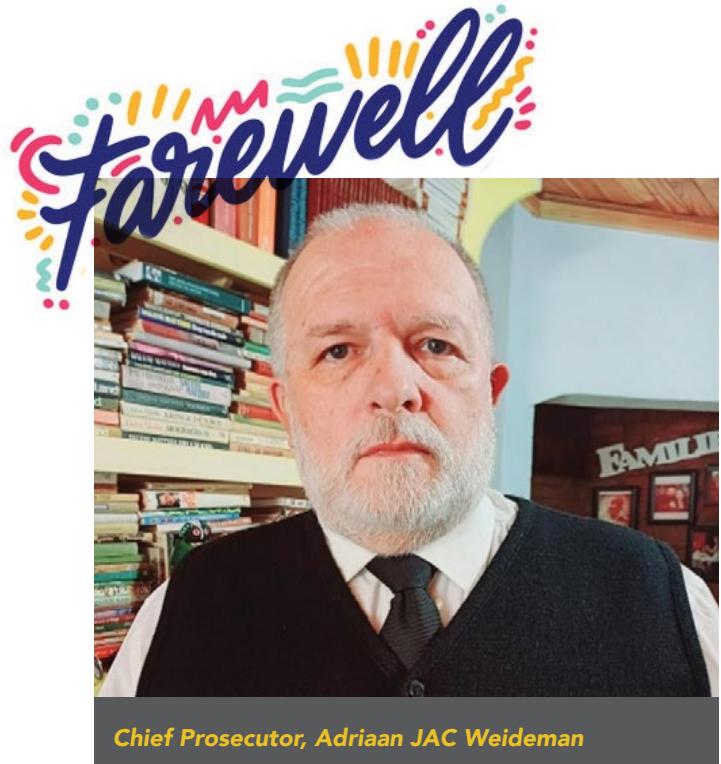
LIFE AND TIMES OF CHIEF PROSECUTOR ADRIAAN WEIDEMAN

Pretty Mabanga
Knowledge Management: SMO

There comes a time when the greats hang their boots and pass the baton to those coming after them to continue the race. Those who, through their experience and contributions, have laid the blueprint from which the next generation of builders will continue to build, like Chief Prosecutor, Adriaan JAC Weideman, who is heading for a well-deserved retirement after decades of dedicated service.

Career Trajectory

He first joined the Department of Justice in December 1979 at the Magistrate Office, Virginia in the Free State where he worked as a Clerk of the Court. He was later transferred to Justice Head Office where he worked in the HR department. At the time, people who studied at the Justice College would be transferred in order to be closer to the college. He later completed his Diploma Juris and B Juris at the University of South Africa studying through the Justice College. After completing his studies in 1985 he worked as a Legal Administration Officer in the Legal Division where he was part of inter alia extraditions and foreign maintenance as well as the Capital Punishment divisions. In 1988, he joined the Director General of Justice to serve as a Parliamentarian Officer in his office, and was later in 1990 appointed as the Private Secretary to the Deputy Minister of Justice. This was when South Africa transitioned to a democratic government with an interim constitution. The Department



of Justice was part of the multi-party negotiations to release the late President Mandela. He then transferred back to prosecution at the Pretoria North Magistrate Office where he served as a District Court Prosecutor, Regional Court Prosecutor as well as a Control Prosecutor in 1993. He was later appointed as a Senior Prosecutor for the Pretoria Magistrates Office In 1996. It was in July 2001 when he was appointed as Chief Prosecutor for the Thohoyandou Cluster. He retired on the 31st of August 2024.

Life at the NPA:

With over three decades at the NPA, 23 years of which he served as a Chief Prosecutor where his job was to manage the Thohoyandou cluster, interact with stakeholders, identify training needs, verifying data, reading dockets, answering decisions as well as giving legal advice. Chief Weideman emphasises honesty and integrity as must-haves for prosecutors. "If you do things in an improper way, you will have a situation where people will not have any regard for what we are doing", he said. He further states that in whatever one is doing, he/she must consider the community because lawyers are for the people in the first place. Chief Weideman, acknowledges that lawyers are human beings and that mistakes can happen. To maintain objectivity, he stressed that prosecutors should "apply their minds, consider the facts and apply the law." He encourages prosecutors to take advantage of the information resources that the NPA has made available such as the Justice College notes, handy hints, etc. With the NPA having many people with expertise in different areas, Chief Weideman urges prosecutors to engage those people to get valuable

insights on how to deal with certain matters. On what shaped him as a Prosecutor, Chief Weideman cited mentorship as a great factor. "We must not underestimate the value of mentorship. I believe one must look, listen and observe," he added.

Advice to those left behind:

Chief Weideman stresses that proper preparation prevents poor performance, stating that prosecutors going to court, regardless of the kind of case they are dealing with, need to prepare. "Make sure that you are prepared for whatever is coming your way." Part of this preparation includes having a strong working relationship with the investigating officer that is based on a shared objective of securing the desired outcome on matters. "I have realised that one of the obstacles in our performance is the relationship between the investigating officer and the prosecutor. I believe if we can strengthen the relationships between the investigating officers and our prosecutors, things will be better.", he added.

Lessons Learnt:

"You must always look up to someone and follow that person as an example. Find someone to look up to. Always ask yourself, 'if this person was tasked to do what I must do now, how would he/she have done that?' Use them as your example in life."

Parting words From Chief Weideman:

I thank the NPA and all my colleagues for what they have contributed to my life over the years to make me the person that I am. I'm not only talking about professional stuff and Prosecutors, but everyone who played a role in my life. There's a lot of people who contributed a lot in my life and I thank all of them. It was a very exciting and wonderful journey that was full of memories.

MENTAL HEALTH AWARENESS MONTH - OCTOBER 2024

MENTAL HEALTH IN THE WORKPLACE

In today's fast-paced work environment, mental health has become a pivotal aspect of employee well-being and overall productivity. The wider impact of poor mental health on both work and society is far reaching. Major mental health challenges, such as depression and anxiety, as well as post-traumatic stress, are not just personal issues; they significantly affect workplaces.

Statistics reveal that depression alone and anxiety account for a staggering loss of approximately 12 billion workdays each year. This translates into decreased performance, increased absenteeism, and higher staff turnover rates.

Taking responsibility for Mental Health

While employers and government play crucial roles in protecting and promoting mental health in the workplace, individuals must take proactive steps in caring for their mental well-being.

Strategies to support personal mental health:

- Learn stress management techniques: explore techniques such as mindfulness, meditation, yoga, breathing exercises, emotional freedom (EFT) tapping, to help alleviate stress levels and enhance focus.
- Stay informed about your mental well-being: Regularly assess your mental health and be mindful of any changes in your mood and behaviour.
- Seek support if needed: Reach out for support from trusted friend, family member, colleague, supervisor, or health professional.
- Take Breaks and Practice Self-Care: Give yourself permission to take breaks, ensuring you recharge. Prioritize self-care activities that bring you joy, whether it's exercise, reading, or hobbies.
- Fostering Positive Relationships at work: Building positive genuine relationships with colleagues can create a supportive work environment and promote open conversations about mental health.

In conclusion, mental health is a collective responsibility, and its significance in the workplace cannot be overstated. Taking care of your mental health is not just crucial for your own well-being, it impacts on your colleagues and the overall success of the organisation.

Employee Health and Wellness Team.

NPA 2024 HERITAGE MONTH IN PICTURES













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