

# KHASHO

NEWS

7<sup>th</sup> Edition



## FEATURED INSIDE

- > Child sex kingpin sentenced to 12 life terms
- > Sun finally dawned for career criminal
- > Money launders hit by R28 million provisional restraint order
- > NPA celebrates Heritage Day



National Prosecuting Authority  
South Africa

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# Letter from the Managing Editor

In this final Khasho edition of the year we bring you articles that highlight employee wellness together with employee assistance programmes that the NPA provides to support those in need in the organisation.

We also bring you an array of articles that highlight the plight of women and children who continue to face the ravages of violent crime in South Africa. These articles will also give you a sneak preview into the tireless and important work being done by our prosecutors on a daily basis to bring these criminals to justice. As we come to the end of the 16 Days of Activism, we should recommit ourselves to addressing the plight of women and children in our country who look to the NPA to be their lawyers and protectors.

As highlighted by the NDPP in her recent end-of-year briefing to staff, 2023 has been a challenging but impactful year for the NPA. Despite strong headwinds, including a very tight fiscal environment, the NPA has still made important headway in our collective fight for justice in the

country. Let's keep our heads held high and remember the important impact we have made on the lives of thousands of citizens.

As we enter the season of celebration and take time off to spend with loved ones, let us also reflect and give thanks to the families of NPA employees that passed away during the year. As the families will remember their loved ones more during this time of the year, our hearts go out to them. To the colleagues, we wish you well over the festive period, be responsible, drive safe and return to work re-energised and ready to face new beginnings.

I would like to end by thanking all the readers of Khasho especially those that have offered us their sincere and honest feedback on our articles. To those that provided us with articles to share with the entire organisation, we are indebted to you.

Let's all Arrive Alive as we travel this festive season.



**Ms Tshidi Modise**  
**Chief Director:**  
**HRM&D**

# Leadership Corner

As we approach the end of the year, we want to take this moment to express our appreciation for each one of you. Your hard work, dedication, and resilience have been the driving force behind our collective achievements, and we are continuously inspired by your commitment to strive for excellence, and to ensuring justice in our society so that people can live in freedom and security.

It is crucial for you to take this time with family and friends, pursuing hobbies, or just kick back and do nothing. Coming back more inspired is not just great for you, but it benefits us as the NPA family too.

Remember, your mental and emotional well-being are equally as important as your physical health. If you find yourself in need of support or guidance during this time, please know that our wellness team is available 24/7 throughout the festive season. Please do not hesitate to contact them for support should you face any challenges or difficulties.

Call centre Number: 0800 611 283

Should you experience challenges in accessing the call centre, call the following numbers: 066 204 4383 or 083 733 9686.

We wish you and your loved ones a festive season filled with warmth, love, compassion and harmony.

# BOYFRIEND SENTENCED TO LIFE IMPRISONMENT FOR THE KILLING OF THE BROTHER OF HIS GIRLFRIEND

Mojalefa Senokoatsane  
RCM: Northern Cape Division

The senseless murder of an eight-year-old child was premeditated and callous. The accused did not consider that the deceased had a right to life and protection when he killed him.

These strong views were expressed by State Advocate, Terche Engelbrecht in the Northern Cape Division of the High Court. The family trusted the accused, Gladwin Steenkamp with the life of Philliano Rooi. He only showed remorse when he was accused but showed no remorse when he was caught. The accused who robbed the boy of his future does not belong in society.



**State Advocate, Terche Engelbrecht**

Steenkamp was sentenced to life imprisonment. The incident occurred in November 2022 when he assaulted his girlfriend, Andrea Rooi, the sister of Philliano. While the case was opened against Steenkamp, he offered to collect Philliano from school. When the Rooi's mother asked about the whereabouts of the boy, he only apologised for the assault on Andrea.

Andrea then noticed blood on the stoep of the house and later found the body of the boy wrapped in duvet covers and with severe injuries to his neck. The state set out to prove that this was a premeditated murder.

Steenkamp chose not to testify, and the court found that he acted with premeditation. He was subsequently sentenced to life behind bars.

Adv Engelbrecht acknowledged the sterling work of his colleague, Ashley Groenewald who prepared witnesses to testify. Groenewald praised the work of the Investigating Officer who served the community with great distinction and dedication to his duty.



# PROSECUTOR ENSURED THAT A LAW ENFORCEMENT OFFICER IS JAILED FOR FEMICIDE

*Henry Mamothame  
RCM: North West Division*

*A law enforcement officer, Atlholang William Mosiane, (34) was sentenced to life imprisonment by the Tlhabane Regional Court for the murder of his 27-year-old girlfriend.*

Mosiane, who worked at the Rustenburg Traffic Department was also declared unfit to possess a firearm.

The state prosecutor, Mercia Magano, says Mosiane's conviction emanates from an incident that occurred on 25 March 2021, at Lefaragatlha near Tlhabane when he went to his girlfriend's home, as they agreed to meet at 19h00. He was adamant to find her at different venues according to the Investigating Officer, Warrant Officer, Richard Mogongwana. At the time, she had not arrived, and he proceeded to look for her at her friend's house in Tlhabane, but to no avail.

*He returned to her home and found her in her shack. An argument ensued about the content on her cellphone. She then called her father who heard a gunshot during the conversation. When they arrived, she had been shot five times, and killed on the spot.*



**State Prosecutor, Mercia Magano**

Mosiane took their 10-year-old son but later handed himself over to the police and was given bail by the court. According to Magano this was a difficult time for the family who had to suffer the loss of a loved one, especially for the father who had to listen to the gunshot that killed his child.

The prosecutor said the accused pleaded guilty and the state insisted on life behind bars, especially because Mosiane was a law enforcement officer with a responsibility to uphold the law. The Magistrate, Segakweng Moeng agreed and subsequently imposed a life sentence for premeditated murder.

Dr. Rachel Makhari, the Director of Public Prosecutions in the North West, praised the role of the prosecutor, the Investigating Officer and other role players for bringing the perpetrator to book.



# CHILD SEX RING KINGPIN SENTENCED TO 12 LIFE TERMS FOR THE RAPE AND HUMAN TRAFFICKING OF MINOR CHILDREN

Phindi Mjonondwane  
RCM: Gauteng Local Division

*Gerhard Ackerman, the kingpin of a child sex ring received repeated life sentences in the Gauteng Division of the High Court. The 720 charges against him ranged from rape to grooming, attempted murder, distribution of child porn, and the human trafficking of minor children for sexual exploitation. The court also declared him unfit to work with children.*

Ackerman preyed on young vulnerable boys aged between 13 and 17. He recruited them from various social media platforms like Facebook with promises of employment as masseuses. On arrival at his home, they were sexually groomed and expected to entertain older men.

Khasho spoke to Advocate Valencia Dube on this successful prosecution:

#### **How was it like working on Ackerman's case?**

When this case first came before me, there were only two child victims. The investigations were incomplete and had already been before the lower court for 11 months. It gave me very little time to compile the evidence, wrap up the investigations, and draft an indictment. A more experienced investigation team was assembled after a preliminary review of the docket revealed the need for one. Members of this team included Mr Johan Claassen from USA Homeland Security, Colonel Kristen Clark from the SAPS psychology unit and Captain Banks, Warrant Officers Pelser, and Du Plessis from the SAPS.

The matter sent us through a roller-coaster of emotions as we combed through WhatsApp messages and realised how these vulnerable boys were treated, and the evil operations of Ackerman and Adv Paul Kennedy unfolded. When Kennedy disclosed his HIV status to Ackerman through a WhatsApp message, victims were rushed to test. Several of the victims tested HIV positive. The state embarked on an application to get both accused tested for HIV/AIDS, an application which was opposed by Kennedy's counsel, Adv Mike Hellens. The high court ruled in the state's favour ordering both Ackerman and Kennedy to submit themselves for testing. Before the next court date, Kennedy committed suicide. This was a blow to the state. We had a watertight case against him but,



**Adv Valencia Dube (robed) together with her investigating team**

more importantly, the child victims needed justice and closure and justice by him testifying what he had done to them and this, ultimately, robbed them of that opportunity. This case tested my endurance. It challenged me to think outside the box and reaffirmed my passion for working with children.

#### **Which challenges did you face whilst working on the case?**

The case was challenging because it involved working with child victims who were not only vulnerable, but also emotionally and psychologically scarred. One child was brought in for consultation by Colonel Clark, but it was discovered that he was suicidal. The consultation had to be halted and he was booked into a psychiatric hospital the same day. This was for his own safety as he had tried to commit suicide three times but failed. I also realised that our Hospital, do not to cater for gender diaspora, as the particular victim was born male, but identified as female. We put a request to Weskoppies not to put him in a male ward but rather in the female one. This was not allowed. Due to his sexual identification and family issues, the child urgently had to be put in a home/place of safety. But this was also difficult to achieve.

We had numerous kids on suicide watch and the entire team took turns, especially over festive season, to provide support to the children. We discouraged the children from using social media as we did not want them to suffer stress, have panic attacks and anxiety related to the ordeals they suffered. The state faced challenges when Ackerman attempted to evade his trial and relocate during the initial stages of the trial. He was, however, apprehended.

#### **What went into preparing for a case of such magnitude?**

- It involved reading over 3 000 pages of WhatsApp messages between the accused, parents, and Ackerman, viewing disturbing videos, pictures, and listening to voice notes.
- It involved sitting with the victims individually, listening to their stories and trying to understand the similarities in their stories of what had happened in the hands of Ackerman and Kennedy.
- It involved a lot of reading on human trafficking and understanding the concept.

#### **How did you prepare the witnesses to ensure they were able to talk about the ordeals?**

- Firstly, I made sure that I was not judgmental, did not highlight their flaws or where they should have seen the red flags. Instead, I constantly reminded them that it was not their fault and offered a shoulder to cry on.

- I created an open bond that if they were not certain about anything, they could call or send a "please call" request at any time to me as their lawyer.
- We introduced the children to the Court Preparation Officer and took them to court to see how the setup would be like.

#### **What did the state have to prove? And how did it manage to prove it?**

- The state's approach focused on similarities and vulnerabilities. All the children were vulnerable, and they were sourced from social media outlets platforms. They have been approached by Ackerman from their Facebook accounts and he was not honest. He used fake pictures on his account and portrayed himself as a younger person.
- The state had to prove that, once he gained their trust, he arranged for them to come to Johannesburg to visit him.
- He also lied to some of the parents and gained their trust. He then booked bus tickets and sent e-hailing services to their homes to pick them up. He also arranged for adults to sexually exploit the children and pay him money.
- The state provided documented proof that Ackerman communicated with his clients through his cellphone. He sent voice notes, messages of prices and pictures of the children before they even arrived at his place.
- Some of his clients sent him reviews after seeing the children.

#### **How did the families of the victims feel about the sentence handed down to Ackerman?**

The families were happy about the sentence. The state explained to them in detail what the sentence meant and how long he would be behind bars. On the other hand, they were sad that their children's lives were destroyed. They are younger than 20 but have now been diagnosed with HIV/AIDS. They feel that their future has been ripped apart. They were keen to know what happens to Ackerman's clients because they were still out there. This means that young boys are still not safe.

#### **What have you learnt from this case?**

- The seriousness of human trafficking. For a very long time, the focus was on human trafficking for girls. This showed that boys are also not safe.
- The fact that you can have someone in a high and influential position in the legal profession, such as Kennedy, and the clientele who are potential suspects to such a horrendous crime means we should up the game and make sure that they are punished by the law.

# SON SENTENCED TO LIFE FOR KILLING MOM AND DISMEMBERING HER BODY

Phaladi Shuping  
RCM: Free State Division

*The accused did not show any remorse for his actions which were motivated by selfishness, a sense of entitlement and greed.*

This was the submission of Adv Nono Mkhabela to the Free State Division of the High Court where she pleaded with Judge Joseph Mhlambi to sentence Teboho Abram Mokoena, 32, to life imprisonment for the killing of his mother. The 65-year-old Modiehi Khodumo, was killed and her body dismembered in June 2022, at their residence in Riverside, Phuthaditjhaba.

Adv Mkhabela said Mokoena considered himself to be the only voice that must be heard and that all his demands must always be met. If not, he would lose his temper and resort to violence. The only appropriate sentence which the court could impose was imprisonment for life.

The court heard that the accused's father, Motsumi Joseph Mokoena, went to the house after several calls went unanswered. Upon his arrival, he asked his son several times where the deceased was but did not receive an answer.



**Adv Lynette Nono Mkhabela**

Eventually, Mokoena took his father to the garage where the decapitated body of his ex-wife was discovered. Some of her limbs were cut off and parts of the body were chopped into pieces. When the father demanded to know what happened he took out a knife and stabbed him several times. He managed to escape and called the police to the scene. Mokoena was allegedly on drugs and would demand his mother's pension money, becoming violent when she refused to give it to him.

Adv Mkhabela presented three Victim impact statements from the daughter, who was at university at the time, her brother and the ex-husband. The daughter stated that she had to repeat a semester because she could not focus on her studies. The ex-husband said that his son took away the most innocent soul, who was a pillar of strength, not only to her family but also to the community. .

The advocate described the accused as a heartless man who was residing alone with his mother and committed premeditated murder. The court was left with the duty to connect the pieces since the accused failed to take it into his confidence.

Mokoena was sentenced to life imprisonment for the murder of his mother and another five years for the attempted murder of his father. He was further slapped with an additional 12 months for malicious damage to property.



# RACKETEERING “CROWBAR” HOUSEBREAKING GANG SENTENCED TO LENGTHY SENTENCES

*Luxolo Tyali*  
RCM: Eastern Cape Division

The “Crowbar Group” that committed a string of burglaries in the Eastern Cape in 2019 came face to face with justice in the provincial High Court. The four-member gang received lengthy sentences, ranging between 15 and 25 years after being convicted of racketeering, housebreaking with the intent to steal and theft, money laundering, as well as illegal possession of firearms and ammunition.

Sent behind bars were: Lubabalo Mtanase of Zwide Location in Gqeberha, Siphamandla Mdlalose of Mandalay in Cape Town, Sibusiso Ngcobo from KwaMashu near Durban and Sibusiso Majola, also from Cape Town, for several burglaries around Gqeberha, mainly in the Walmer Area, in 2019. The syndicate scouted out homes, hired cars, hit the houses using those cars, broke in and stole and then had rendezvous points where they dropped off the stolen goods and later sold them. They were linked to 42 housebreakings where they looted more than R4 million worth of household appliances and jewellery.

The Priority Violent Crime (NPVC) team of Gqeberha based in the Serious Organised Crime investigators of the Hawks (SOCI) initiated a major investigation



**Senior State Advocate, Benedict Wilson**

culminating to the arrest of the gang members between 2019 and 2023. They were all denied bail and remanded in custody for the duration of the trial. Initially, the gang members pleaded not guilty.

After Senior State Advocate, Benedict Wilson revealed evidence connecting the group with car hire companies, vehicle-trackers, cellphones, video footage, and stolen property, which was recovered from the rendezvous points, the gang changed their plea to guilty. They realised that there was overwhelming evidence stacked against them and made certain admissions linking them to the crimes.

## Commentary by Senior State Advocate Benedict Wilson

When I received the dockets, I made sure I perused the dockets so that I could understand what the case was about. There were a total of 42 housebreaking and theft and three of possession of stolen property dockets.

It became clear that there was no direct evidence, such as fingerprints or DNA, linking them to any of the housebreakings. There was video footage, but you could not clearly identify the gang members.

However, overwhelming circumstantial evidence existed against them including cellphone records and car tracker reports. I knew that this would be challenging because a number of expert witnesses would be needed to testify.

My initial strategy was to lead the investigating officer so that he could give an overview of the case and why he arrested the accused, as well as the evidence in the docket. Because they were for racketeering, I knew

that I could make use of hearsay evidence and similar fact evidence.

I was concerned that the accused would challenge the constitutionality of the search warrants. I prepared my for a trial within a trial, but this never happened and the searches were not placed in dispute.

During closing arguments, attorneys raised the issue that counts 1 and 2 of the indictment amounted to a duplication of charges. I argued that it was not and referred the court to the relevant case law. At the end of the trial the Judge found in favor of the accused.

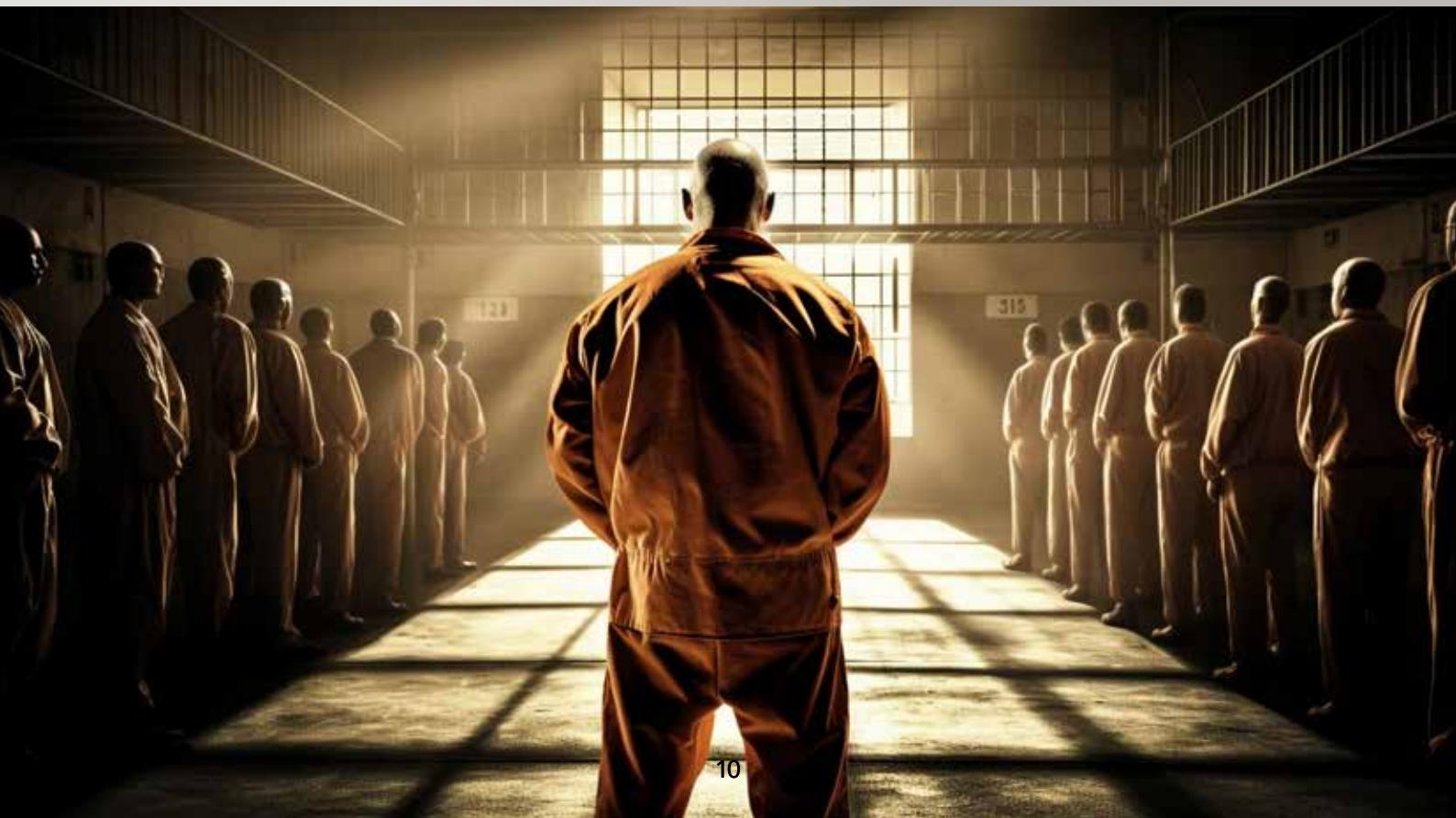
The investigation team led by Shane Bosch of the DPCI did an exceptional job.

I am humbled by the opportunity I was given to prosecute the case. Every trial is a new lesson. Don't be scared to ask colleagues for help or assistance. You are not stupid. I would rather be a fool for that moment than being a fool my whole life by thinking that I know everything. I later learned that the sentences imposed were the highest in the country for these type of offences since 2019. What is satisfying is that we know that at least for the next 10 to 15 years, the crowbar gang will not terrorise the community.

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*This was my first case in the High Court and one of the lessons I learned was that preparation is key, especially in a case of this magnitude. I cannot take all the credit for everything as there were two advocates before me, Adv M Le Roux (retired) and Adv Z Swanepoel (DDPP Cape Town) who prepared and worked on the case.*

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# MONEY LAUNDERERS HIT BY R28 MILLION PROVISIONAL RESTRAINT ORDER

Monica Nyuswa  
RCM: Mpumalanga Division

*The Asset Forfeiture Unit in Mpumalanga recently obtained a provisional restraint order of over R28 million against the assets of former employees of RCL Foods. The order was issued in terms of Section 26 of the Prevention of Organised Crime Act (POCA). The return date for the confirmation of Rule Nisi is on 17 November 2023 at the Mbombela High Court.*

Two senior managers at Akwandze Pty (Ltd), a project/loans manager and an accountant were responsible for the checking and approval of payments to service providers of Akwandze. Akwandze which is a subsidiary of RCL foods and involved in the sugar and milling business based at the Mhlathi farm, in Malelane, Mpumalanga.

The National Treasury appointed Akwandze as the implementing agent for the Job Fund Grant. In terms of the agreement, the company is responsible for the implementation of projects in line with the agreed scope and deliverables, including reports on a quarterly basis to the funders.

The managers would then approve and forward fraudulent invoices to the creditors' department of Akwandze for the payment of services that were never rendered. This would be disguised as services rendered by the service providers.



**State Prosecutor, Kwena Maupje**

The managers laundered the stolen money through their own businesses and those of friends and acquaintances.

Akwandze suffered losses of more than R28 million. The two managers bought assets with the stolen money including some that are registered in Eswatini. The court was asked to request the Eswatini authorities to enforce the restraint order and secure the assets laundered to Eswatini.

The criminal case against the accused will commence on 24 January 2024 in the Nelspruit Commercial Crimes Court.

The State Prosecutor, Mr. Kwena Maupje commented that unscrupulous project managers took advantage of communities and colluded with other companies and defendants. They abused their power and manipulated the system for their own benefit. This is unbecoming behaviour, ruthless and heartless.



# THE SUN FINALLY DAWNED FOR A CAREER CRIMINAL

Lumka Mahanjana  
RCM: Gauteng Division: Pretoria

*A serious crime spree that lasted more than three years was brought to a sudden halt when the Pretoria High Court sentenced Neo Clifford Mashilo, 32, to five life sentences. He was imprisoned for 10 counts of rape, 13 counts of robbery with aggravating circumstances, 17 counts of housebreaking, attempted robbery, attempted murder as well as possession of firearm and ammunition.*

Adv Thembile Nyakama who is a state advocate based at the DPP Pretoria office, since employed as a prosecutor in 2011, through the Aspirant Prosecutor Programme, it was the first time she dealt with a serial rapist matter. But Mashilo was no ordinary serial rapist because when he started committing crime, he started with house breaking, moved to robbery with aggravating circumstances and graduated to rape and usage of firearm. As such, when he started incorporating rape in his offence, he started with a helpless 80-year-old woman.



**Adv Thembile Nyakama**

"When going through the docket I noticed that he used the same modus operandi where he would break into the complainants' home, rob them of their belongings and rape female victims".

"Though he pleaded guilty to the charges, he stood no chance because the state had a strong case against him", Thembile said. More so that he was linked to the offences by DNA evidence and was also known to some of the complainants.

When asked what was difficult for her when prosecuting the case, she said having to read the 7 Victim Impact Statements where the victims told the court how the crimes have impacted them was painful because some of them were still dealing with the trauma caused by Mashilo. "However, seeing smiles on their faces when the sentence was handed down made me realise my job as a prosecutor is bigger than standing in court, but provides relief for the victim as such I am not about to hang my gown anytime soon", said Nyakama.

After securing this sentence Nyakama said she secured another conviction and sentence against a man who killed both his girlfriend and his 11-year-old daughter but now is about to start a multiple murder and rape case.

The Director of Public Prosecutions, Advocate Sibongile Mzinyathi applauded the work of the prosecutor and said his division is committed in ensuring that career criminal never get to see the sun rise.



# JUSTICE SERVED AND HISTORY REWRITTEN AS HIGH COURT OVERTURNS IMAM HARON'S CAUSE OF DEATH

Eric Ntabazalila  
RCM: Western Cape Division

*Justice was served and history rewritten when the Western Cape Division of the High Court of South Africa set aside the findings of a 1970 inquest into the death of Imam Abdul Haron, concluding that the much loved and highly respected Muslim religious leader died of severe torture at the hands of the notorious Security Branch of the South African Police.*

It further concluded that members of the Security Branch, Lieutenant Colonel Carel Johannes Freyzen Pienaar, Major Dirk Kotze Genis, Major Kotze, Captain Ebanis Jogiernus Johannes Geldenhuys, Sergeant Johannes Petrus Francois 'Spyker' van Wyk and Sergeant Andries van Wyk were responsible for his death.

This groundbreaking conclusion, which has eluded the Haron family, friends, and comrades for the past 54 years, comes because of the NPA's commitment to pursue priority TRC cases. It ensures accountability for TRC crimes, and justice for victims and their families, as they search for answers to what happened to their loved ones.

The formal inquest was held in February 1970 before Magistrate JSP Kuhn. It investigated the circumstances around the death of Iman Haron and concluded that the cause of death was Myocardial Ischemia, related to the narrowing of a coronary artery.

Kuhn further concluded that a substantial part of the trauma was caused by an accidental fall down a flight of stone stairs. Based on the available evidence he was unable to determine the cause of death.

For 54 years, Imam Haron's family, friends and comrades in the anti-apartheid struggle never accepted those findings. They requested the NPA to reopen the inquest in September 2021. The NPA then approached the Minister of Justice, who granted their application and the inquest started in November 2022.

Advocates Lifa Matyobeni and Deidree Julius appeared for the state and Advocates H Varney SC and N Khan represented the Haron family. The inquest heard that Imam Haron worked with African anti-apartheid activists in Langa, Nyanga and Gugulethu. He urged Muslims to support Africans in their fight against apartheid and had contact with anti-apartheid activists such as Alex la Guma, Albie Sachs, Prof. Hoffenberg, Robert Sobukwe, and Barney Desai. It was through Desai that he supported the underground activities of the PAC and ANC. He caught the attention of the Security Branch who had informers in his congregation. The Security Branch then regarded him as a security risk.

They believed that he intended to recruit students who wanted to study abroad and young Muslims who wanted to go to Mecca and eventually to China for 'terrorist training.' Allegations were made that he contravened exchange controls by receiving large sums of money unlawfully from outside, then taking this money overseas to fund the activities of the PAC. They also claimed that he visited the PAC headquarters in Cairo and held discussion with members at various destinations.

Haron was arrested in May 1969 and detained until his death. He spent 123 days in detention, including four months in solitary confinement where he was severely tortured.

The re-opened inquest concluded that his death was caused by injuries under torture including severed psychological stress and blunt injuries to soft tissue. The seven members of the Security Branch were held responsible for his death.

Judge Daniel Thulare delivered a scathing judgement and ordered that the court records must be submitted to the Western Cape's Director of Public Prosecutions. This office should also receive the record of the seven accused for further decisions. He rebuked the conduct of Hendrik Hanekom Burger, Sergeant Petrus Jacobus Rademeyer,



**Adv Deidre Julius and Adv Lifa Matyobeni**

Captain Louis Malan, Sergeant Smit, and Prosecutor JS van Graan to the Director of Public Prosecutions, Western Cape, for a decision. He also rebuked the conduct of doctors Viviers, Gosling, Kosseaw and Schwar and referred the evidence and findings to the SA Medical and Dental Council for further action.

*The Western Cape's Director of Public Prosecutions, Adv Nicolette Bell, welcomed the findings and committed the NPA to take steps on issues that were in front of the Truth and Reconciliation Commission to ensure accountability after years of inaction.*

For a couple of years, the NPA, working together with the DPCI, enhanced its capacity and streamlined processes to pursue priority cases flowing from the TRC's findings. Top prosecutors from the Directorate for Priority Crime Investigation were appointed to deal exclusively with TRC matters and to work with families, on issues relating to murder, torture, and disappearances. Some 135 matters are currently in various stages of investigation and prosecution.



# TRIAL OPENS FOR EX-TOP BALTIMORE PROSECUTOR CHARGED WITH PERJURY TIED TO PROPERTY PURCHASES

**The Associated Press**

*A former top Baltimore prosecutor lied about her finances during the COVID-19 pandemic to improperly access retirement funds that she used to buy two homes in Florida, a federal prosecutor said Monday at the start of Marilyn Mosby's perjury trial.*

"This case is about a lawyer and a public servant who placed her own selfish interests above the truth," Assistant U.S. Attorney Sean Delaney told jurors during the trial's opening statements.

A defense attorney countered that Mosby — who gained a national profile for prosecuting Baltimore police officers after Freddie Gray, a Black man, died in police custody — was legally entitled to withdraw the money and spend it however she wanted. Mosby told the truth when she certified on paperwork that the pandemic harmed a travel-related business that she formed, said the lawyer, Maggie Grace.

"This case is about a three-page form and what was in Marilyn Mosby's mind when she completed that form," said Grace, an assistant federal public defender.

Mosby, who served two terms as state's attorney for Baltimore, was indicted on perjury charges before a Democratic primary challenger defeated her last year.

The 2022 indictment accuses her of withdrawing \$90,000 in retirement funds from her city account while falsely claiming that she had suffered financial hardships from the COVID-19 pandemic. She used the withdrawals as down payments to buy a home in Kissimmee, Florida, and a condominium in Long Boat Key, Florida.

A. Scott Bolden, a lawyer who initially represented Mosby but later withdrew from the case, has described the charges as "bogus" and claimed the case is "rooted in personal, political and racial animus."

In 2015, her first year in office, Mosby pursued criminal charges against six police officers in Freddie Gray's death. Gray suffered a spinal injury after police handcuffed, shackled and placed him headfirst into a van. His death led to riots and protests in the city. None of the officers was convicted.

U.S. District Judge Lydia Kay Griggsby agreed to move Mosby's trial from Baltimore to Greenbelt, Maryland, a suburb of Washington, D.C.

Mosby's attorneys argued that she couldn't get a fair trial in Baltimore, where they said she has been a "lightning rod" for nearly a decade, bombarded by negative press coverage and "dogged by persistent criticism of her prosecutorial priorities."

Prosecutors said Mosby was complaining about press coverage that she had sought and encouraged.

Mosby is charged with two counts of perjury and two counts of making false statements on a loan application.

Mosby made withdrawals of \$40,000 and \$50,000 from Baltimore city's deferred compensation plan in 2020. Mosby received her full salary of approximately \$250,000 that year.

Prosecutors say the money in the retirement account is held in trust and belongs to the city until a plan participant is eligible to make a withdrawal. They argue that Mosby wasn't entitled under federal law to access the funds in 2020 because her business, Mahogany Elite Enterprises, did not suffer any "adverse financial consequences" from the pandemic.

Delaney said Mosby's business had no clients or revenue.

"How can you have adverse financial consequences if you were paid the same salary for your job?" the prosecutor asked. "How can a business close if it was never operable?"

Grace said prosecutors can't prove that Mosby lied about her finances and knowingly made a false statement on the form for accessing her retirement funds.

"That is a high bar that the government cannot meet. And the government cannot meet it because Ms. Mosby is innocent," she said.

Mosby isn't charged with or accused of misusing the retirement money once she obtained it.

"We will not argue there is a right way to use these funds. We will not argue that there is a wrong way to use the funds," Delaney said.

Grace said Mosby kept her personal business separate from her public service.

"What she did is not criminal," Grace said.

# COLLABORATION IS KEY AMONG LAW ENFORCEMENT IN FIGHT AGAINST CORRUPTION

Sindisiwe Seboka  
ID Spokesperson

*Corruption is a major obstacle to the social and economic development of countries. It remains the culprit of both national and foreign investments, thus contributing to escalated poverty. Only a few persons in positions of authority are benefiting. The NPA's Investigating Directorate says lack of collaboration and cooperation among law enforcement agencies has become an obstruction in the fight against corruption.*

The Investigating Director, Adv Andrea Johnson, recently spoke at the *2nd Annual Roundtable Discussion on Collective Action Against Corruption* hosted by the Organisation on Economic Co-operation and Development. She commended the unwavering support from the Financial Intelligence Centre (FIC), which supports law enforcement agencies in their criminal and financial investigations.

"We are reliant on the FIC to provide us with intelligence products from which we can then work through our investigations. Now, we do not have them supporting prosecution per se in the sense of them testifying in court. But, they do provide very valuable products in terms of information and intelligence," said Johnson.

"It is key that we collaborate, but also that corruption fighting government agencies remain in control of such initiatives. The fight against corruption can only be won through public-private partnerships and collaboration."

The multi-stakeholder dialogue included discussion featured key decisionmakers from civil society and the private and public



**Adv Andrea Johnson during the discussion**

sector Under the OECD Project "Fair Market Conditions for Competitiveness in South Africa", the roundtable discussion featured a multi-stakeholder dialogue among key public and private decision-makers including representatives from the Auditor General, the Department of Small Business Development, the 'Hawks' and the Special Investigating Unit; and other international organisations who were connected on the virtual platform.

Hans Christiansen, the Head of Capital Markets at the OECD said its recent studies showed that more than 42% of business executives admitted having witnessed corrupt activities in State-owned Entities.

Infrastructure is the backbone of every economy. You cannot have sustainable development or poverty alleviation if you do not have an infrastructure that works properly. Unfortunately, infrastructure remains highly exposed to corruption and other irregular practices, Christiansen said.

This view was supported by the head of investigations at the Auditor General, Alleta van Tromp whose mandate fits into the national anti-corruption strategy. The unit will participate in investigations of Eskom and other SOEs with a focus on how criminals infiltrate the infrastructure sector.

"The bulk of government spending is allocated to infrastructure. Our audits of these companies into fraud, corruption, collusive bidding, and cover quoting show that very little has been done said Tromp.

The complex nature of criminal syndicates explains how corruption has become entrenched in the supply value chain and become part of a larger web of corrupt entities which were also linked to state capture.

Tromp said these companies are often owned by families that provide similar quotes for the same tender. Criminals are getting smart enough to rob the system and often set up ghost infrastructure and dormant sites. Projects are delayed or never started. When you go onsite there is nothing. She called for due diligence in tender processes and to be on the lookout for the possible involvement of officials and politicians.

# EASTERN CAPE DIVISION HOSTS MERGER AND WELLNESS DAY

*Luxolo Tyali*  
RCM: Eastern Cape Division

Colleagues from the merged Eastern Cape Division's met for a day of fun and fitness at the East London Absa stadium.

Some 300 NPA employees from both the Mthatha and Makhanda offices participated in an enjoyable day organised by the Division's innovation team as part of the Employees Wellness Programme.

The games included a fun walk around the stadium, aerobics, soccer, netball and tug-of-war.

The aim of the wellness programme is to mobilise and sensitise employees about the importance of staying healthy and being productive for the organisation. It follows the wise advice that a healthy body equals a healthy mind. The event was also used to promote social cohesion and to boost the morale of colleagues who are now together in a single, new division.

*Eastern Cape Director of Public Prosecutions, Barry Madolo, underscored to participants the importance of social cohesion and unity within the workplace, a common goal to serve communities in the province. He handed over tokens of appreciation to all the participants.*



***The Eastern Cape Director of Public Prosecutions, Barry Madolo with participants***

# ID ADDRESSES THE #ACFESA CONFERENCE 2023

*Sindisiwe Seboka*  
ID Spokesperson

*"The fight against fraud and corruption is a fight for all." This was the message from the head of the NPA's Investigating Directorate, Adv. Andrea Johnson, when she attended the Association of Certified Fraud Investigators annual conference in Sandton in September.*

The conference was attended by more than 3 000 certified fraud investigators from across the African continent.

*"Yours is not a tick-box exercise. It is about due diligence and meaningfully understanding what your qualification means. These are the qualifications that will ensure that we right the wrongs that have been done for almost 13 years," she said.*

She urged investigators to be innovative in their probes and adopt new methods to advance the national anti-corruption strategy. Data analysis and analytics together with digital forensics are absolutely pivotal to the fight against corruption.

The Investigating Directorate has mentored a large number of investigators Association's examination during the last 12 months.



***Adv Andrea Johnson***

# 2023 16 DAYS OF ACTIVISM FOR NO VIOLENCE AGAINST WOMEN AND CHILDREN

Monica Nyuswa  
RCM Mpumalanga Division

Annually, South Africa joins the global community to commemorate the 16 Days of Activism for No Violence Against Women and Children campaign from 25 November to 10 December. The 16 Days campaign focuses on raising awareness to the devastating impact that gender-based violence and femicide (GBVF) has on women and children, and to the social fabric of our society.

This year's campaign was commemorated under the theme "*Accelerating actions to end gender-based violence & femicide: leaving no one behind*" and "*Safe access for women to clean water: a basic human right*" as a sub-theme.

To mark the launch of the 16 Days period, government hosted an official commemorative event on 25 November 2023 at the Nsikazi Stadium, City of Mbombela Local Municipality in Mpumalanga.

The NPA in Mpumalanga participated during the launch led by the Deputy President, Paul Mashatile. In his speech, the Deputy President touched on the excellent work done by the Thuthuzela Care Centres (TCCs) in assisting victims of gender based- violence. "Provinces are identifying and refurbishing underutilised buildings for shelters and interim housing. The TCCs are being expanded, with three new centres established. These initiatives primarily focus on bolstering women's economic empowerment across diverse sectors", he said.

He also expressed the government's efforts to fight the scourge of gender-based violence and femicide.

The event was supported by all spheres of government, civil society organisations, and non-governmental organisations.



# WEBINAR ON THE SEXUAL OFFENCES AND RELATED MATTERS AMENDMENT ACT, 2021, AS IT RELATES TO THE PSET SECTOR

Vuyolwethu Sigaji  
Head Office

Adv B E Currie-Gamwo, Special Director of Public Prosecutions, Sexual Offences and Community Affairs Unit (SOCA) was recently invited to attend a webinar on the Sexual Offences and Related Matters Amendment Act, 2021, as it relates to the PSET sector as a whole, and universities, TVET and CET Colleges in particular.

The webinar considered various initiatives of the National Prosecuting Authority (NPA) that enable students to report cases of GBV to SAPS and lay charges against alleged perpetrators. The webinar also focused on the kinds of violations that can be handled by internal campus disciplinary processes, and what should be reported to the SAPS. Ms Erica Emdon, Higher Health's GBV Consultant, briefly demonstrated how Higher Health is aligning the SGBV Guidelines and protocols with the criminal justice system, so that there is clarity for all students and staff on what needs to be done in cases of GBV.

Higher Health, under the guidance of the PSET Gender-Based Violence (GBV) Technical Task Team, developed a set of Guidelines and Protocols, for implementation of the DHET's Policy Framework to address Gender-Based Violence in the Post-School Education and Training System (launched by the Honourable Minister Blade Nzimande in July 2020) across all campuses. These guidelines are being aligned to the Sexual Offences and Related Matters Amendment Act, 2021, and the protocols that had already been issued which will be re-published with the relevant amendments.

In January 2022, Parliament passed the Sexual Offences and Related Matters Amendment Act, 2021. The amendments have a direct bearing on Higher Education Institutions and the PSET sector as a whole. Higher Health is therefore hosting a webinar on the Sexual Offences and Related Matters Amendment Act, 2021 as it relates to the PSET sector and our PSET institutions.

Adv Gamwo, in her speech focussed on the Thuthuzela Care Center Model explaining that TCC's are managed by the NPA's Sexual Offences and Community Affairs Unit in partnership with the police, the DOH, DSD and NGOs. She highlighted the following as the reason why the TCC model works well:



## Why this Model works

Victim  
Centered

Services are tailored to the victim's needs and secondary victimization is reduced by:

- Creating a victim friendly environment conducive to reporting and retention;
- Investing in quality victim management, empowerment and preparation; and
- Increasing confidence in the Criminal Justice System through providing clear and accurate information at all points of service

Court  
Directed

Offender accountability is ensured by doing first things first:

- Training specialized personnel to deal with the victim/survivor at all points of service;
- Securing the physical, forensic and other evidence resident on the victim/survivor; and
- Focused Prosecutor guided investigation

Multi-  
Disciplinary  
Approach

Role player cooperation is advocated and facilitated to deliver on victim's needs and address systemic weaknesses through:

- Making the system seamless for victim management and support;
- Introducing mutual accountability; and
- Designing objectives that are common to and shared by all stakeholders

"Collective coordinated interventions are needed to address the scourge of GBV in tertiary institutions across SA. For these interventions to work the leaders of the various role players must display value driven leadership and accept accountability for their role in combatting GBV. How leadership of tertiary institutions, key role players in the CJS react to reports or allegations of sexual offences within their environments will dictate the culture of tolerance for GBV in their spaces. If someone who wants

to report is not given a safe space to do so, legislation becomes ineffective, centres such as the TCCs will become white elephants in university communities. GBV zero tolerance must be driven by the leadership - student bodies to the EXCO. This leadership must be practical and not just shop talk. GBV may not be eradicated in our lifetime but we can do our best to make it increasingly unacceptable and moreover, criminal and punishable", Adv Gamwo concluded.

WEBSITE: [WWW.GOV.ZA](http://WWW.GOV.ZA) • TWITTER: @GovernmentZA • INSTAGRAM: @GovernmentZA • FACEBOOK: @GovernmentZA • YOUTUBE: @GovernmentZA

**16 DAYS**  
of Activism for No Violence against Women and Children 2023  
25 November-10 December

ACCELERATING ACTIONS TO END GENDER BASED VIOLENCE & FEMICIDE (GBVF): LEAVING NO ONE BEHIND #StopGBVF #16Days2023



## BREAST CANCER

**With 1.7 million women diagnosed every year worldwide breast cancer is the most common cancer diagnosed in women. However, it can occur in both men and women but it's far more common in women.**

### Signs and symptoms of breast cancer include the following:

- A breast lump or thickening that feels different from the surrounding tissue.
- Change in the size, shape of the appearance of the breast.
- Changes to the skin over the breast such as dimpling.
- A newly inverted nipple.
- Peeling, scaling, crusting, or flaking of the pigmented area of skin surrounding the nipple or breast skin.
- Redness or pitting of the skin over your breast, like the skin of an orange.

### How to do a breast self-examination: The five steps

1. Begin by looking at your breasts in the mirror with your shoulders straight and your arms on your hips. Raise your arms and look for the same changes.
2. Look for any signs of fluid coming out of one or both nipples (this could be a watery, milky, or yellow fluid or bloody).
3. Next, feel your breasts while lying down, using your right hand to feel your left breast and then your left hand to feel your right breast. Use a firm, smooth touch with the first few finger pads of your hand, keeping the fingers flat and together. Use a circular motion, about the size of a quarter.
4. Cover the entire breast from top to bottom, side to side — from your collarbone to the top of your abdomen, and from your armpit to your cleavage. Follow a pattern to be sure that you cover the whole breast. You can begin at the nipple, moving in larger and larger circles until you reach the outer edge of the breast. You can also move your fingers up and down vertically, in rows, as if you were mowing a lawn. Be sure to feel all the tissue from the front to the back of your breasts: for the skin and tissue just beneath, use light pressure; use medium pressure for tissue in the middle of your breasts; use firm pressure for the deep tissue in the back. When you've reached the deep tissue, you should be able to feel down to your ribcage.
5. Finally, feel your breasts while you are standing or sitting.



## WORLD MENTAL HEALTH DAY – 10 OCTOBER 2023

**"Our minds, our rights"**

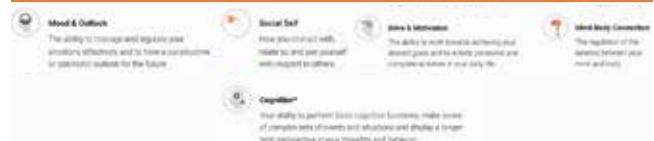
World Mental Health Day 2023 is an opportunity for people and communities to unite behind the theme "Mental health is a universal human right" to improve knowledge, raise awareness and drive actions that promote and protect everyone's mental health as a universal human right.

### Overview

Having a mental health condition should never be a reason to deprive a person of their human rights or to exclude them from decisions about their own health. Yet all over the world, people with mental health conditions continue to experience a wide range of human rights violations. Many are excluded from community life and discriminated against, while many more cannot access the mental health care they need or can only access care that violates their human rights.

It is important to continue to raise more awareness to ensure mental health is valued, promoted, and protected, and that urgent action is taken so that everyone can exercise their human rights and access the quality mental health care they need.

### Functional dimensions of mental wellbeing:



### The state of mental health in South Africa in a local context

A recent white paper by the Wits/Medical Research Council, Developmental Pathways for Health Research Unit (DPhRU) reveals that 25.7% of South Africans are most likely depressed, with more than a quarter of respondents reporting moderate to severe symptoms of depression. The prevalence of mental illness was different across all nine provinces, with higher rates in the Northern Cape, Eastern Cape, Western Cape, Gauteng and Mpumalanga.

### The State of Mental health at work in South Africa?

In the workplace, SADAG has revealed that just one in six employees are likely to disclose their mental health issues to their manager. As a result, workers do not approach their employers to ask about possibly taking time off to deal with and manage their depression or anxiety. And some employers might not even consider depression a viable reason to take leave since it is not a routinely talked-about subject. To start with, organisations need to start giving emotional and mental health the same priority as physical health.

In terms of managing employees with mental health issues in the workplace, employers should adopt a proactive approach. Here are five ways organisations can help:

1. Educate employees on depression and especially how cognitive symptoms can affect work performance.
2. Raise awareness of any existing employee assistance programmes (EAPs) and emphasise that they can help with mental health problems, like depression, too.
3. Promote a culture of acceptance around depression and other psychiatric disorders – they are no different to diabetes or asthma.
4. If an employee shares their struggle with depression, refer them to a mental healthcare professional and reassure them the illness can be treated.
5. Explore creative ways to support an employee's recovery, like flexible/adjusted working hours or working from home for a while.

If you experience any signs of stress, do not hesitate to reach out to your health and wellness unit for supportive counselling.

If you feel the need to speak to someone then contact our 24/7/365 Employee Assistance Programme

Toll-Free Number: 0800 611 283 USSD: \*134\*44184#

Source: <https://ajmonline.org/index.php/ajm/article/view/1408>  
<https://www.who.int/news-room/questions-and-answers...>  
<https://www.sans.org.za...>  
<https://www.iol.co.za/lifestyle/health/5-common...>



[www.phsafrica.com](http://www.phsafrica.com)

# LETTER OF GRATITUDE

**Dear Mr Mthimunye**

As a prosecutor, I realise the importance of a media representative for an organisation, ensuring the polished image of the NPA as an institution that respects the values, mission and visions within our organisation. A media representative gives us, as prosecutors, the motivation to prosecute with passion due to the media representative giving recognition to our triumphs when prosecuting successfully.

Ms Lumka Mahanjana, the Regional Communications Manager based at DPP Pretoria office ticks all the above when representing the NPA and therefore, I would like to give recognition to her for the role she plays as a media representative of the NPA.

Ms Mahanjana is always excited to report on cases that we deal/dealt with and allows us to advise her of cases she might need to report on or might consider reporting on.

She is always excited to hear from us and willing to attend court, personally to report on matters of public interest or that would convey a positive message to the public. Portraying the NPA as an institution that values its commitment to prosecute successfully without fear, favor, or prejudice.

I applaud Ms Mahanjana for her dedication, enthusiasm, professionalism, and passion in which she deals with the huge task of representing the NPA in the media, reporting and participating in community outreaches.



It amazes me how Ms Mahanjana stays positive, despite several challenges she often faces on behalf of the NPA and always finds time to still give recognition to our performance or participate in community outreaches.

Ms Mahanjana contributes to the positive outlook of my regional prosecutors, when reporting on their performance, as it leaves the impression with them that the NPA gives recognition to their hard work, efforts, and dedication.

I wish to BRAG today about our Ms Mahanjana as she is truly appreciated for her excellent qualities as a representative of the NPA and always keen to brag about our performance in the media.

Please convey a word of appreciation to Ms Mahanjana for the difference she makes.

Kind regards

**Adv Tania Carstens**

# HERITAGE MONTH CELEBRATIONS

Gauteng Division, Pretoria





## Gauteng local division, johannesburg





## Mthatha Division



## Western Cape Division



Limpopo Division



Mpumalanga Division



KZN Division



**North West Division**

## Investigating Directorate



VGM, Head Office



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