

Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igunya Jikelele Labetshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

TO: MEDIA

DATE: 13 OCTOBER 2008

RE: FORMER MANGAUNG EXECUTIVE MAYOR CASE POSTPONED

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The case against the former Executive Mayor of Mangaung Municipality, Papi Mokoena has been postponed to 03 November 2008 for trial. Mokoena and 18 other accused (natural and juristic) persons are facing up to 250 charges of fraud, corruption, money laundering and racketeering in excess of R100 million at the Bloemfontein High Court.

It was inevitable that the court would have to consider whether or not it was in the interest of justice to proceed with the case given the circumstances of accused 10 and 11. Accused 10 was not in court due to her medical condition that made it impossible as the court noted, for her to attend to obligations outside the hospital. Accused 11 who was in attendance was without a legal representative. She has yet to find a legal representative, with whom she will have to consult within the postponement period.

Counsel for the other accused (6 and 9) objected to the postponement and applied for the case to be struck off the roll in terms of section 342A of the Criminal Procedure Act 51 of 1977 as amended, arguing that when the case was postponed on 05 November 2007, the court had indicated that it was a last postponement. Furthermore counsel argued that it was not in the interest of justice to postpone the case as it amounted to an unreasonable delay that had prejudicial effect on his clients.

When making a ruling against the application for the case to be struck off the roll, the court noted that postponement under the circumstances was not unreasonable within the meaning of section 342A of the Act. The postponement in November 2007 was not at the State's instance. The court further noted that it was not a responsibility of the State to look after the legal interests of the accused (11) to ensure that she had legal representation.



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The court ordered that all the accused persons be present in court on 03 November 2008 at 09h30 and that the warrant for the arrest of accused 10 be issued but the execution thereof be stayed until 03 November 2008.

Enquiries: **NPA Spokesperson**
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