

## **NDPP NEVER WITHDREW CASE AGAINST MR MPHEGO AS REFLECTED IN PROF DE VOS ARTICLE**

The article by Professor De Vos, titled "Conviction puts focus on Mbeki", published in Sowetan on 5 July 2010, refers. In his article Professor De Vos writes that Adv Menzi Simelane has dropped all charges against Mr Mulangi Mphego and proceeds to ask: "Why was this done? Who is being protected?"

The NPA finds these inaccurate statements to be both disturbing and misleading, especially from a person purported to be a legal expert. The background to the case against Mphego is that he made representations to the NDPP for a permanent stay of prosecution, which is under consideration. He has launched the same application to the Randburg Magistrates' Court. He filed his papers and the State was expected to respond by 9 February 2010, which it could not. When the case was in court again on 7 May 2010, the State applied for a postponement so as to be afforded an opportunity to file responding affidavits to the application. The Court refused the State's request and the matter was struck off the roll in terms of section 342A of the Criminal Procedure Act, the implication of which was that as soon as the State would be ready to proceed with the case, the prosecutors would have to obtain authorization from the DPP: South Gauteng to have the matter reinstated.

It is therefore incorrect to say that the National Director has withdrawn the charges against Mr Mphego, as the case was struck off the roll by the presiding officer.

The NPA expresses the hope that Professor de Vos will in future confirm the relevant facts before making such inaccurate statements.

Issued by:

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