

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: ALL MEDIA

DATE: 05 SEPTEMBER 2008

RE: MAGISTRATE SINGH'S WITHDRAWAL OPPOSED

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The National Prosecuting Authority (NPA) has objected to a purported Notice of Withdrawal brought by Magistrate Ashin Kumar Singh. He approached the Pietermaritzburg High Court to bring an *amicus curiae* application in the litigation/proceedings involving the ANC President Jacob Zuma and the Thint Companies.

The application and its withdrawal were in many ways defective. The Notice of Motion was improperly served on the Director of Public Prosecutions (DPP) in Kwazulu-Natal and not the Directorate of Special Operations (DSO). At the time when such notice was served, other outside parties including members of the media had already gained access to the contents of the papers even before the NPA had. In a like manner the Notice of withdrawal was sent to us "as a matter of courtesy", directed to the DPP who is not a party to the court proceedings.

In our view the said Notice of Withdrawal is ineffective in that:

- Once a Notice of Motion sets the matter down for a hearing (as is the case here for 12 September 2008), such a matter may not be withdrawn unilaterally – consent must be obtained from the respondents or leave from the court be obtained in terms of rule 41(1)(a) of the High Court Rules;
- As Respondents, we do not consent and require Notice of any approach to the Court for leave to withdraw; and
- We have as Respondents filed Notice of Opposition (see our Notice setting out reasons) and have served same on the Applicant (Singh).

The Applicant has made serious and defamatory allegations against officers of the Court (including Advocates Downer SC and Macadam who reserve their rights of civil action) and the NPA holds a view that those allegations must either be withdrawn unequivocally, with a fitting apology tendered or that the veracity of those allegations be tested in Court.

Enquiries: **NPA Spokesperson, Tlali Tlali**

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Justice in our society, so that people can live in freedom and security