

Media Statement



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TO: ALL MEDIA

DATE: 24 MARCH 2015

RE: SUMMONS FOR DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS SERVED

The NPA can confirm that today, 24 March 2015 a summons was served on the National Director of Public Prosecutions, Mr Mxolisi Nxasana as the employer, in order for him to serve it on Deputy National Director of Public Prosecutions, Ms Nomgcobo Jiba, to appear on criminal charges in Regional Court 19, Pretoria on 21 April 2015.

This was after the SAPS had made several attempts to serve the summons on Ms Jiba, but she had failed to co-operate with them in their attempts to do so. The NDPP had also earlier tried to contact her a number of times for an unrelated meeting, but she failed to respond. She is not in the office and the NDPP has no record of her application for leave for the period she is absent from work.

The issue of summons follows a decision by the NPA to prosecute Ms Jiba on two counts of fraud and one of perjury following the failed prosecution of Major-General Booysen of KwaZulu-Natal on, **inter alia**, charges of racketeering in terms of the Prevention of Organised Crime Act, Act 121 of 1998. This is in respect of her authorisation of racketeering charges against Major-General Booysen on the basis of having had due regard to the veracity of the said charges. However, her sworn affidavit is contradicted by the fact that she signed the authorisation two weeks prior to the statement upon which she supposedly based her authorisation, was deposed.

This action follows the judgment delivered on 26 February 2014 in the matter of Booysen v Acting National Director of Public Prosecutions (4665/2010) wherein judge Gorven *inter alia* found:

“I can conceive no test for rationality, however relaxed, which could be satisfied by her explanation. The impugned decisions were arbitrary, offend the principle of legality and, therefore the rule of law and were unconstitutional.”

and

“As regards the inaccuracies, the NDPP is, after all, an officer of the court. She must be taken to know how important it is to ensure that her affidavit is entirely accurate.”

and

“In response to Mr Booyesen’s assertion of mendacity on her part, there is a deafening silence.”

Ms Jiba has been provided with ample opportunity to place any relevant facts to be considered before the investigation officer, but she has failed to do so. It should be pointed out that another case is presently being investigated against her and two colleagues relating to the well-publicised Freedom under Law matter. The SAPS has not returned that docket to the NPA and are apparently still conducting the investigation. It is not known when the SAPS will complete their investigation and when they will hand the docket to the NPA prosecutors.

Actions and decisions by prosecutors and officers of the court, especially high ranking officials such as the National Director of Public Prosecutions who are in positions of power, are required by law to be carried in a fair and just manner, in the interests of administration of justice.

Kind Regards,

Issued by:

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