

# Media Statement



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**TO: ALL MEDIA**

**DATE: 09 JULY 2019**

**RE: NDPP TO WITHDRAW RACKETEERING CHARGES IN THE MATTER OF STATE VS BOOYSEN AND OTHERS FOLLOWING A REVIEW PROCESS**

The National Director of Public Prosecutions, Adv Shamila Batohi has decided to withdraw the racketeering charges against General Johan Booyesen and others. The prosecutors and the lawyers of the accused have been informed of this decision.

The former Acting NDPP, Adv Nomgcobo Jiba and the former NDPP, Adv Shaun Abrahams, on 17 August 2012 and 16 February 2016 respectively, authorised prosecutions of racketeering offences, in terms of Section 2(4) of the Prevention of Organised Crime Act (POCA) ("authorisations"). General Booyesen and the other accused brought high court applications, including against the National Prosecuting Authority, to have these authorisations set aside.

In the circumstances, the NDPP needed to decide what the NPA position will be in the litigation; this required that she satisfy herself as to the validity of the authorisations. To this end, the NDPP appointed a panel to review the authorisations, and to provide her with an opinion and recommendations. The panel comprised two Directors of Public Prosecutions, Adv Rodney de Kock and Adv Ivy Thenga, Deputy Director of Public Prosecutions, Adv Shareen Riley and Senior State Advocate Elijah Mamabolo; the latter two are part of the organised crime component of the NPA, with particular expertise in racketeering prosecutions.

The panel finalised its review and submitted a report with recommendations to the NDPP. The unanimous conclusion of the panel is that "in respect of the authorisations a proper case was not made out on the papers presented". The panel has recommended that the authorisations, of both Adv Jiba and Adv Abrahams, are invalid. After a careful consideration of the report and other relevant material, and a discussion with the panel, the NDPP has decided that the said authorisations are invalid.

As a result, the racketeering charges will be withdrawn against all the accused. As regards the remaining charges, which include murder, housebreaking, theft and defeating the ends of justice, the NDPP will refer the dockets back to the Acting DPP KZN, Adv Elaine Zungu, to re-assess the evidence in each case, and decide whether to prosecute individuals who may be implicated in those matters. Adv Zungu will also contact the next of kin of the deceased persons and explain the implications of the NDPP's decision. It is important for them to know that the withdrawal of the racketeering charges does not mean that there will be no justice for victims of the crimes. Where there is sufficient evidence that actions of the police amount to criminal conduct, those responsible will be prosecuted and held accountable.

Kind Regards,

**Bulelwa Makeke**

**Head of Communications**

**NPA**