

# Media Statement



Tel: +27 12 845 6000

Email:  
[media@npa.gov.za](mailto:media@npa.gov.za)

Victoria & Griffiths  
Mxenge Building  
123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria

[www.npa.gov.za](http://www.npa.gov.za)

**TO: ALL MEDIA**

**DATE: 07 JUNE 2019**

**RE: NPA WITHDRAWS CHARGES AGAINST FITA KHUPE**

The NPA decided to withdraw criminal charges against Fita Khupe at the Lenasia Regional Court today, 07 June 2019.

Khupe, together with Ernest Mabaso, who is now deceased, were charged with murder and rape after 7 members of the Khoza family were found murdered at their home in Vlakfontein in October 2018.

The state bears the burden of proof and in proving its case, relies on oral or written evidence by witnesses, including experts. The death of Ernest Mabaso, who was accused 1 in this matter, proved detrimental to the state's case and had to employ a different strategy after realising the negative impact that Mabaso's death had on its case. Those efforts proved to be a fruitless exercise and brought the state to a conclusion that there are no reasonable prospects of a successful prosecution, hence the decision to withdraw the charges against Khupe.

The state's decision to withdraw was informed by amongst others, the following factors:

- i) There is no evidence linking accused 2 to the murder except the confession made by accused 1, which the state cannot use as evidence in court. Section 219 of Criminal Procedure Act states that: *no confession made by any person shall be admissible as evidence against another person.*
- ii) The DNA evidence extracted from the crime scene excludes Khupe
- iii) There are no witnesses that can testify that Khupe was involved in murdering or played a role in the rapes of the Khozas, nor can anyone place him at the scene of crime during the commission of the offence.
- iv) The cellphone records made available by the police did not take the state's case any further.

The NPA has therefore decided to refer the matter to a magistrate to conduct an inquest hearing to establish the circumstances surrounding the death of the Khoza family.

Subsequent to its decision not to proceed, the prosecution held a meeting with some family members of the deceased to explain the motivation for the decision.

Kind Regards,

**Hurbetin Phindi Louw-Mjonondwane**

**Regional Spokesperson: DPP South Gauteng**

**Enquiries: [hlouw@npa.gov.za](mailto:hlouw@npa.gov.za)**

**083 402 4787**