

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: 26 MARCH 2009

RE: NPA TO APPLY FOR SELEBI TRIAL POSTPONEMENT

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The State can confirm that it has given an indication that it intends to apply for a postponement in this matter when the accused next appears in court on 14 April 2009. The National Prosecuting Authority (NPA) would like to stress that the decision to apply for a postponement has nothing to do with the strength of the case. On the contrary, its case is stronger now than it has ever been.

While the NPA was reluctant to take this decision, it is motivated by the fact that planned preparation for the trial has been badly disrupted by a number of applications (listed below) that have been brought by the accused and some witnesses.

The NPA denies strongly the allegations by the accused that it has an ulterior motive. It is a fact that the accused raised the same allegations in his urgent application in January 2007, but soon dropped the application and did not use the opportunity to prove his allegations in court.

In addition, the NPA took the unusual step to have evidence against the accused reviewed by an independent panel of eminent persons who supported the decision to prosecute.

Background

The first application was brought in early February to set aside the subpoenas issued to certain witnesses in terms of section 205 of the Criminal Procedure Act. This case was eventually settled after draft court papers had been prepared. In



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addition, there has been a long process to finalise the affidavits and information requested from certain witnesses in the employ of the South African Police Service. To date, this has meant that not all the evidence required has yet been supplied.

Furthermore, the accused brought an application in mid-February for documents in possession of the State in which the court ruled against the NPA. As the judgement raises significant constitutional and other legal issues, it is imperative that it be appealed as the NPA believes that it has a real prospect of success.

Thus the State had to prepare and argue an application for leave to appeal. This was refused, but the NPA is now preparing a petition to be granted leave to appeal to the Supreme Court of Appeal.

The parties are agreed that this process cannot be finalised by 14 April 2009. Although the accused has indicated that he will not rely on the judgment further, he may still in future insist that he was badly advised and attempt to do so.

While the State was preparing its application for leave to appeal, the accused launched an application for the committal for contempt of the National Director of Public Prosecutions, the prosecutor and investigating officer. This application had to be dealt with but was not pursued further by the accused.

After that, the accused also brought an application for the immediate delivery of the documents, despite the application for leave to appeal. This application had to be prepared and argued and the court ruled in favour of the NPA.

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