

Media Statement



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TO: THE EDITOR-DAILY DISPATCH

DATE: 14 AUGUST 2009

RE: NPA's RESPONSE TO THE ARTICLE "LONG TRIAL ANNOYS VICTIM'S FATHER"

The article "Long trial annoys the victim's father" published in the daily dispatch on 10 August 2009 refers.

The National Prosecuting Authority has noted the tone and impression created by the article above. We therefore feel compelled to explain to the readers and members of the public in general who may have been misled by the tone of this story. The case referred to in this article is being heard in the High court in Mthatha before the judge mentioned in the article. The current status of the case is that the judge has given a ruling on an application made by the state advocate prosecuting in the case to have some statements alleged to have been made by some of the accused admitted as evidence against them.

This is normal procedure provided for in the Criminal Procedure Act which governs the manner in which criminal trials are conducted in South African law. In order for this matter to be adjudicated properly by the judge, he has to conduct a trial within a trial in a bid to determine the admissibility or otherwise of these statements which in law are referred to as confessions. The conclusion of this part of the trial by making a ruling on the confessions is by no means an end of the case because the prosecution may have other evidence it intends to lead and the accused may still be called upon to testify in his defence with a view to dispute or challenge the evidence adduced by the state.

A paragraph in the article claims that two persons namely Andiswa and Thokozile were acquitted in the Mthatha High court, this is not an accurate reflection of the truth as the two never appeared in the High Court as the Director of Public Prosecutions in Mthatha declined to prosecute them.

This case is therefore not yet finalised until all the evidence the state intends to lead has been presented and the accused has done the same before a judge.

The words that have been attributed to the investigating officer are regrettable in the circumstances because we had hoped that he understands very well the court procedure and the proceedings presently underway

The NPA, as a prosecutorial component of the criminal justice system is committed to ensuring speedy trials and would never be party to any efforts to derail court proceedings and is committed to ensuring that justice is not only done but manifestly seen to be done.

We are therefore appealing to all parties who have an interest in the matter to exercise some patience as the wheels of justice are in motion.

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