

Media Statement



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TO: ALL MEDIA

DATE: 02 SEPTEMBER 2014

RE: NPA'S REACTION TO THE SUPREME COURT OF APPEAL JUDGEMENT AND MEDIA REMARKS

The National Prosecuting Authority has noted the Judgement of the Supreme Court of Appeal delivered on 28 August 2014. As previously stated, the NPA will comply with the court order by ensuring that the recordings and other documents are delivered by 04 September 2014.

The NPA further noted yet another judicial criticism against its senior official. The NPA takes the judicial criticism very seriously and is of the view that as a constitutional institution disregarding of such criticism would be tantamount to undermining the rule of law, consequently eroding the effectiveness of the judiciary. In the recent past, the NPA has reacted to the judicial criticism by taking the necessary action against those officials against whom the criticisms were directed. It is currently looking into the matter with the view to taking the necessary steps to address the matter.

The NPA further notes the media reports wherein one of its senior officials reported to have criticised a member of the judiciary, and want to state categorically that the alleged views expressed by the said official do not reflect those of the NPA. The institution respects the independence of the judiciary, and fully understands the role which the judiciary plays in strengthening our democracy and its responsibility to assist in this process by giving effect to the judgements of the courts. Therefore the NPA distances itself from remarks that seek to undermine court judgements and want to place on record that the official that made the remarks was expressing a personal view and did not have the necessary NPA authorisation to directly engage the media on the merits of a matter that is *sub judice*. The NPA condemns the remarks by its official in the strongest terms possible and will ensure that necessary steps are taken to deal with the matter accordingly.

The NPA is not prepared to discuss the merits of the case referred to by the official. However it is prepared to say that after the judgement of the Supreme Court of Appeal that ordered the NPA to reinstate charges against General Mdluli, the NDPP appointed a four member team of prosecutors to study the docket and provide him with recommendations. The matter is still under consideration by the team and the decision regarding when and what charges are to be preferred is yet to be made. The team has been given until 19 September 2014 to complete the work and furnish the NDPP with a report.

The said official further commented on the "search and seizure process" that was conducted by the Chief Executive Officer (CEO) and her deputy in his office. The CEO merely collected the information. The NPA's official position is that this is an internal matter. It is unfortunate that internal information was not only disclosed to the media without any authority but was distorted and inaccurate. The NPA finds itself in a position of having to state that the information that was taken by the CEO was required by the NDPP. The NDPP had made numerous requests for the information to be handed over to him by the said official, to no avail. The CEO is the chief information officer of the NPA and is the custodian of the property and information belonging to the NPA and therefore is entitled to be furnished with information at her request. The information taken did not relate to any matter involving former NPA employee Ms Breteynbach or IMU investigations, as alleged by the official in the media reports.

Kind Regards,

Issued by:

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