

Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

TO: ALL MEDIA

DATE: 16 February 2009

RE: Senior NPA staff could be charged

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The National Prosecuting Authority (NPA) has been aware for some time that Commissioner Mdluli from South African Police Service (SAPS) has been conducting an investigation in a matter involving some of its senior management.

However, the NPA is extremely concerned to learn from papers filed in a labour dispute that members of its senior management, including the acting head of the NPA, Advocate Mokotedi Mpshe, are regarded as suspects in this matter.

There has been a considerable communication and meetings between Advocate Mpshe and Commissioner Mdluli in this regard, and no indication has been given to him that he is a suspect.

The acting head of the National Prosecutions Service, Advocate Sibongile Mzinyathi, has cooperated with SAPS. He has also not been informed that he is a suspect, nor was he warned as a suspect as required by law when he was interviewed about the matter.

An added concern is that an intercepted telephonic conversation of Advocate Leonard McCarthy, former head of the DSO, appears to be the basis for this investigation. As far as the NPA is aware, it is a criminal offence to make a legal interception public as has been done in the labour dispute. It has also not been made clear to those interviewed whether this interception was made in terms of the law.

While the NPA is willing to cooperate in any investigation, it is very concerned about whether this matter is being handled in good faith, and will seek to raise its concerns as soon as possible with the Minister of Safety and Security, Mr Nathi Mthethwa, and the acting National Police Commissioner Tim Williams.

The NPA regards the SAPS as a partner in the fight against crime, and respect its mandate to prevent and investigate crime. We trust that the



Justice in our society, so that people can live in freedom and security

existing inter-agency cooperation will assist in order to have our concerns addressed.

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