



**COUNCIL**  
FOR THE ADVANCEMENT OF THE  
**SOUTH AFRICAN**  
**CONSTITUTION**

## **Media Statement**

### **NPA charges Minister of Finance**

**11 October 2016**

The National Prosecuting Authority (NPA)'s announcement today that the Minister of Finance, Mr Pravin Gordhan, has been charged with fraud, corruption and theft will have serious negative repercussions for the stability of the economy, as well as the country as a whole, and raises profound questions about the integrity of key institutions of democratic governance.

The charges relate to the early retirement and pension pay-out to Mr Ivan Pillay, a Deputy Commissioner of SARS at that time and his subsequent re-appointment as a consultant. Mr Oupa Magashule, the former SARS Commissioner is also being charged.

The rule of law demands that no one should be above the law, and that the Minister, Mr Pillay and Mr Magashule should answer to these charges. However, the NPA's prosecutorial authority must be exercised "without fear, favour or prejudice", as demanded by the Constitution. The history of this saga suggests, however, that extraneous political considerations have been brought to bear on the decision to proceed with a prosecution, especially when the timing of the announcement is taken into consideration.

CASAC Executive Secretary, Lawson Naidoo said:

"The circumstances around the investigation of these matters, the timing of questioning and the leaks to the media, all call into question the good faith and independence of the investigative authority, the Hawks, as well as that of the NPA."

This case, therefore, raises serious questions regarding the legitimate use of prosecutorial powers by the National Director of Public Prosecutions (NDPP), Mr Shaun Abrahams.

Council for the Advancement of South African Constitution

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Lawson Naidoo went further to say:

“The independence of Mr Abrahams remains unproven. This is a major test of both his and the NPA’s impartiality. The protestation of prosecutorial independence by Mr Abrahams appears hollow when measured against his attitude towards pursuing charges of fraud, corruption and racketeering against President Zuma.”

South Africans must remain vigilant to ensure that the prosecuting authority and the criminal justice system are not subverted for nefarious purposes. We must jealously safeguard the independence and integrity of these institutions and prevent them from acting beyond their constitutional mandates. We remain confident that the courts will ensure that justice is done.

For further enquiries

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