



MEDIA STATEMENT

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National Prosecuting Authority in crisis

THE National Prosecuting Authority (NPA) is in crisis. Its public credibility lies in tatters in the wake of a spate of seemingly botched recent cases. These include:

- the dropping of charges against the prime accused in the murder and rape of Anene Booysen
- the acquittal of the police officers charged with the murder of Andries Tatane
- the failure to secure more than 2 minor convictions and a custodial sentence against J Arthur Brown of Fidentia Asset Management

CASAC Chairperson, Siphon Pityana says:

“When considered together with the controversial decision by the former Acting Head of the NPA, Adv Mokotedi Mpshe, to drop charges against President Jacob Zuma, as well as the failure to prosecute charges of corruption against Richard Mdluli which is linked to the suspension of Adv Glynnis Breytenbach, this paints a bleak picture of the NPA. It suggests a toxic mixture of undue political influence and the incompetence of prosecutors.”

This crisis in the NPA is compounded by the absence of effective leadership and low morale. The NPA has been operating without a properly appointed permanent National Director of Public Prosecutions since Adv Vusi Pikoli was suspended in September 2007. Mokotedi Mpshe was then appointed as Acting NDPP until the appointment of Adv Menzi Simelani which was subsequently declared invalid by the courts. Adv Nomgcobo Jiba has since been the Acting NDPP.

The failure to successfully prosecute these cases, and perhaps many others that we are unaware of, also calls in question the capability of the SAPS to properly investigate cases and collate evidence.

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The capability of the State to tackle the twin evils of crime and corruption rests with these central organs of the criminal justice system.

CASAC calls on President Zuma to prioritise the appointment of a suitably qualified fit and proper person as the National Director of Public Prosecutions. The institutional capacity and effectiveness of the NPA needs to be enhanced so that the public can have confidence in this key structure that is tasked by the Constitution to prosecute crimes in the name of the people of South Africa. Failure to do so will only lead to further erosion of respect for the rule of law.

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