



## **MEDIA STATEMENT**

4 April 2013

### **NPA response to acquittal of police officers in Tatane murder case**

THE response of the NPA to the acquittal of the police officers in the Andries Tatane murder case does little to restore confidence in the National Prosecuting Authority. Adv Thoko Majokweni, a Deputy National Director of Public Prosecutions, announced that the State will not appeal against the acquittal of the accused in the Tatane case.

The weak response from the NPA seeks to shift the blame for the acquittal of the police officers to the Independent Police Investigating Directorate (IPID). The response does little to suggest that the NPA did everything possible to ensure a successful prosecution. The NPA did not, for example, reveal why they did not pursue the unedited film footage from the SABC; they merely state that the edited footage was not admitted as evidence.

The NPA attribute the failure of the prosecution to the unreliability of witnesses and the strength of the investigation conducted by the IPID; they also suggest that IPID intimidated the witnesses to 'co-operate with the IPID investigation. One would have thought that police officers are under a duty to be truthful and to ensure that the law is respected, even by fellow police officers.

In a scene that epitomises the confusion reigning in the NPA, two versions of the NPA media statement were circulating at the media briefing; the earlier version suggested that those police officers who 'recanted' their initial statements to IPID when giving testimony would not be charged with perjury because they had not deliberately lied under oath. However just before addressing the media the NPA had a change of heart and announced that they will be launching an investigation into whether perjury charges should be preferred against the two police officers who changed their stories.

CASAC Chairman Siphon Pityana said:

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“This last minute about-turn was obviously intended to provide a fig-leaf behind which the NPA could hide its gaping embarrassment at having failed to successfully prosecute the case against the police officers who killed Andries Tatane, and which the whole world witnessed on its TV screens. This is too little too late and will not placate the nation and the family of Andries Tatane.”

The suspicion is ripe among many South Africans that there has been collusion between the SAPS, IPID and the NPA to frustrate the prosecution of the police officers in this case. There is little to suggest that the SAPS and the NPA did all they could in this case. As is becoming evident from the testimony of National Police Commissioner, Riah Phiyega at the Marikana Commission of Inquiry, the SAPS will do everything to protect their own, and to avoid any political, managerial or criminal liability for transgressions by members of SAPS. Will anyone be held accountable for the murder of Andries Tatane?

This case also brings into focus once again the effectiveness of the National Prosecuting Authority, a key institution in the criminal justice system. It is five and a half years since the NPA had a properly appointed permanent National Director of Public Prosecutions when Adv Vusi Pikoli was at the helm. Since then we have seen Acting NDPP Adv Mokotedi Mpshe, the invalid appointment of Adv Menzi Simelane, and now another Acting NDPP in the form of Adv Nongcobo Ziba.

It is time that President Zuma appoints a properly qualified, fit and proper person to lead the NPA and restore the faith of the public in this institution to bring criminal cases competently, and without fear, favour or prejudice. Failure to do so will lead to further erosion of the rule of law in South Africa.

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