



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

## **Media Statement**

### **CASAC welcomes appointment of new National Director of Public Prosecutions**

04 December 2018

CASAC welcomes the appointment of Adv Shamila Batohi as the new National Director of Public Prosecutions (NDPP). She has an arduous task ahead to restore public confidence in this critical institution that sits at the centre of the criminal justice system.

The effectiveness of the National Prosecuting Authority (NPA) has been gravely eroded during the Zuma years with no fewer than 6 people holding the post of NDPP during his tenure as President – Mokotedi Mpshe (Acting NDPP), Menzi Simelane, Nomgcobo Jiba (Acting NDPP), Mxolisi Nxasana, Silas Ramaite (two stints as Acting NDPP), and Shaun Abrahams. This instability and the selective manner of prosecuting high profile matters has undermined the fight against crime, and resulted in low levels of staff morale at the NPA. The collusion of the NPA under Shaun Abrahams with Jacob Zuma's attempts to evade facing criminal charges marked one of the many low points of the recent history at the NPA – the NPA stoutly opposed attempts to have the decision not to press charges for fraud and corruption declared irrational.

CASAC Executive Secretary, Lawson Naidoo said:

'We hope that the appointment of Adv Batohi will mark a period of stability and a return to a focus on its constitutional mandate to prosecute without fear, favour or prejudice. While much attention will focus on how ..... deals with prosecutions relating to state capture and grand corruption in the forthcoming months, the importance of ensuring that the interests of the ordinary victims of crime are considered will be equally important.'

Adv Shamila Batohi takes over the helm at the NPA just as enquiries into the fitness of Deputy NDPP, Nomgcobo Jiba and Special DPP, Lawrence M wrebi finally gets underway. Retired Justice Yvonne Mokgoro who will preside over the Enquiries must deliver her report to President Ramaphosa by 9 March 2019.

Council for the Advancement of South African Constitution

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Both Jiba and Mwrebi have been widely rumoured to have been pursuing a political agenda at the NPA and received stinging judicial rebukes for their conduct. In his evidence before the Zondo Commission last week, Adv Mahlodi Muofhe, recounted how Zuma offered him the job of NDPP on condition that he does not prosecute Jiba for perjury. This highlighted the lengths to which Zuma was prepared to go to protect Jiba, and thereby his own interests. Should Ramaphosa ultimately decide to remove Jiba and Mwrebi (a decision that would have to be endorsed by the National Assembly), that would take us a step further in cleaning out the NPA, through ensuring that competent people are appointed to fill those and other senior vacancies.

Naidoo further said:

“We call upon the new NDPP to work with civil society organisations and other stakeholders to assist in the process of enhancing the effectiveness of the NPA, and building a resilient institution.”

This appointment is also the outcome of the most open and credible process since the inception of the NPA in 1998. While the President still has the constitutional authority to appoint the NDPP, the establishment of an advisory panel to assist President Ramaphosa was an astute one. We hope that such a broader consultative and open process will now be formalised through appropriate constitutional and legislative amendments. An open competitive process in which the best person is appointed, marks the best way to ensure that the NDPP is finally able to complete a full ten year term as provided in the NPA Act, something that no NDPP has yet been able to achieve.”

For further enquiries

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