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MINISTER
JUSTICE AND CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Private Bag X276, Pretoria, 0001 Tel. (012) 315 1761/2/3 Fax (0120 315 1749
Private Bag X256, Cape Town, 800 Tel. (021) 4671700 Fax (021) 467 1730

Our Ref.:LNM: Lekgoro
Tel (021) 467 1700

Adv. V. Pikoli
National Director of Public Prosecutions
Silverton
Pretoria

BY HAND


Dear Adv. Pikoli

RE: INVESTIGATIONS INTO THE NATIONAL
COMMISSIONER OF THE POLICE SERVICE.

The above matter refers.

I am advised that you have taken legal steps to effect the arrest of and the preference of charges against the National Commissioner of the police service. I presume that in making this decision, you have taken time to consider the seriousness and gravity of your intended course of action.

As you know, in terms of clause 179(6) of the Constitution, the Cabinet member responsible for the administration of justice must exercise final responsibility over the prosecuting authority. In addition, section 33(2) of the National Prosecuting Authority Act provides that the National Director of Public Prosecution shall at the request of the Minister of Justice, furnish the Minister with

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information with regard to any case, matter or subject dealt with by the National Director or a Director.

In light of the above and in order for me to exercise my responsibilities as required by the Constitution, I require all of the information on which you relied to take the legal steps to effect the arrest of and the preference of charges against the National Commissioner of the police service. This includes but is not limited to specific information or evidence indicating the direct involvement of the National Commissioner in any activity that constitutes a crime in terms of the laws of South Africa. In pursuing your intended course of action and any prosecution, the NPA must do so in the public interest notwithstanding a prima facie case. Such exercise of discretion requires that all factors be taken into account including the public interest. Therefore, I must be satisfied that indeed the public interest will be served should you go ahead with your intended course of action. Until I have satisfied myself that sufficient information and evidence does exist for the arrest of and preference of charges against the National Commissioner of the police service, you shall not pursue the route that you have taken steps to pursue. You should therefore and with extreme urgency cause for me to be briefed thoroughly in this regard.

Please advise me at your earliest convenience when you I should expect to receive the necessary documentation.

I trust that you find the above in order.

Yours sincerely



Ms. B.S. Mabandla, MP

Minister of Justice and Constitutional Development.

Date: 2007-09-18

