

PRESIDENT

REPUBLIC OF SOUTH AFRICA

September 17, 2007.

Dear Minister,

I have been informed that the National Director of Public Prosecutions has taken legal steps to effect the arrest of and the preference of charges against the National Commissioner of the police service.

As you are aware, our constitutional and legal framework recognises that the prosecution of offenders is pursued by the prosecuting authority on behalf the State, represented by our duly elected government.

Accordingly, clause 179(6) of our Constitution provides that the Cabinet member responsible for the administration of justice must exercise final responsibility over the prosecuting authority.

Section 33(1) of the National Prosecuting Authority Act repeats this constitutional directive. This Act goes further, in section 33(2), to provide, among others, that the National Director of Public Prosecution shall, at the request of the Minister of Justice, furnish the Minister with information with regard to any case, matter or subject dealt with by the National Director or a Director.

The National Commissioner is appointed by and accountable to the President of South Africa.

In view of the constitutional responsibilities of the President with regard to the Office of the National Commissioner of the police service, I deem it appropriate that you obtain the necessary information from the National Director of Public Prosecution regarding the intended arrest and prosecution of the National Commissioner. This would enable me to take such informed decisions as may be necessary with regard to the National Commissioner.

Kindly keep me informed of progress in this regard. Needless to say, this matter is urgent.

A handwritten signature in black ink, appearing to read 'Thabo Mbeki', written in a cursive style.

THABO MBEKI.

Honourable Brigitte Mabandla
Minister of Justice and Constitutional Development
Tshwane