

National Association of Democratic Lawyers

Commerce House
55 Shortmarket Street
Cape Town
8000
South Africa

Email: fazoe@nadel.co.za
Cell: 078 514 3706
Fax: 086 602 6167

NADEL PRESS STATEMENT

The National Association of Democratic Lawyers (NADEL) welcomes the announcement by the Head of the National Director of Public Prosecution (NDPP), Shaun Abrahams, to withdraw the fraud charges against Finance Minister, Pravin Gordhan. The announcement comes amid great public outcry on the legitimacy of the charges (with many claiming that the charges were politically motivated), reports of incomplete and inadequate investigations and the weakening of the Rand to the dollar at the news of charges being put against the Finance Minister.

No matter which way one looks at it, there is an inescapable conclusion that the NDPP has been found wanting, if one were to put it mildly, and has consequently brought the NPA into disrepute. Whether the prosecution was premature, malicious or politically motivated the nett result is that the NDPP did not apply his mind properly to this matter. If he (Abrahams) disputes such a conclusion then one will have to ask what then persuaded him to drop the charges, could it perhaps then be the public pressure? If the latter is correct then that casts even more doubt into his fitness to hold office as it would then mean that he has succumbed to public pressure and is not acting independently, without any fear or favour. His failure to take responsibility for the decision to charge Mr. Gordhan is a further insult to the people of South Africa especially in light of the fact that he is the head of the NPA and it was him who announced to the whole country the decision to charges against the Finance Minister. Mr. Abrahams has failed to execute his constitutional duties as the NDPP and his actions have brought the NPA into disrepute.

The NPA is one of the core pillars of Democracy and the rule of law. It is therefore vital that the ordinary man has confidence in the criminal justice system and is assured that those responsible for public prosecutions are acting in the utmost good faith, independent and thus act without and fear, favour or prejudice, have the necessary high level skills to execute their functions and that cases are thoroughly investigated before charges are put against anyone. There are so many negative consequences that are associated with this matter that one cannot fathom how the NDPP would ever command respect of the country. We therefore urge the NDPP to resign from office.

The less said about the conduct of the Hawks in its investigation of this matter and in the full glare of security cameras and cell phone videos the better. One cringes to believe what would have happened in the still of the night or the safety of the victim's house. The Hawks have

also not gone by without strong suspicion of being used to fight political battles and let us not also forget the controversy surrounding the appointment of the Hawks head.

We call upon the powers that be, to now more than ever; take drastic steps at strengthening institutions such as the NPA and the Hawks to ensure both their proper functioning and independence as well as to restore public confidence in the Criminal Justice System. We call for a judicial commission of enquiry on the operations of the Hawks to be established.

ISSUED ON BEHALF OF THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL), SOUTH AFRICA.

By: Memory Sosibo

Publicity Secretary, NADEL Executive Committee,

Contact: 081 710 7910

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