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LAW SOCIETY URGES PIKOLI PARLIAMENTARY COMMITTEE TO EXERCISE SEPARATION OF POWERS

The Law Society of South Africa (LSSA) urges the Parliamentary ad hoc joint committee dealing with the Pikoli matter to consider the Ginwala Commission's findings *seriously* in its discussions today as regards the fate of National Director of Public Prosecutions (NDPP), Vusi Pikoli. 'This committee – and later Parliament – must take this opportunity to exercise its oversight role and assert the separation of powers as between the Executive and the Legislature. It must provide cogent reasons should it decide to support the President's recommended dismissal of the NDPP, when, in fact, the Ginwala Commission found him fit to hold office,' say LSSA Co-Chairpersons Max Boqwana and CP Fourie.

Previously, the LSSA indicated that the President's decision had raised the question whether, in future, a President can,

- on his own and without the application of the facts, dismiss the head of the prosecutorial services; and
- be guided by political considerations in appointing an NDPP, rather than by the internationally acceptable principles of independence and the discharging of prosecutorial responsibilities without fear, favour or prejudice.

'These questions will again arise if the parliamentary ad hoc committee endorses the President's recommendation to dismiss Mr Pikoli without a rational explanation,' say Mr Boqwana and Mr Fourie. In this regard, the LSSA welcomes the views expressed by the President last week that the process of appointing the NDPP could possibly best be dealt with by an independent body, such as the procedure adopted by the Judicial Service Commission in appointing judges.

Also, Mr Pikoli has indicated that he may challenge the committee and ultimately Parliament's decision, should it agree with the committee to dismiss him, in court. 'The committee must seriously consider the far-reaching ramifications of a court finding in favour of Mr Pikoli and against Parliament in such a matter,' says the LSSA. 'It would also mean that the prosecuting authority should continue without a National Director of Public Prosecutions in place for some time until the matter is pronounced on by the courts.'

**ISSUED ON BEHALF OF THE CO-CHAIRPERSONS
OF THE LAW SOCIETY OF SOUTH AFRICA**

by Barbara Whittle

Communication Manager, Law Society of South Africa

Tel: Barbara Whittle (012) 366 8800 or 083 380 1307

E-mail: barbara@lssa.org.za Website: www.lssa.org.za

Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 18 400 attorneys and 4 900 candidate attorneys.

In Afrikaans items, please refer to the 'Prokureursorde van Suid-Afrika'.