



LAW SOCIETY
OF SOUTH AFRICA

PRESS RELEASE

14 August 2018: For immediate release

LAW SOCIETY WELCOMES CONSTITUTIONAL COURT JUDGMENT ON NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

The Law Society of South Africa (LSSA) welcomes the judgment by the Constitutional Court rectifying the unconstitutional actions and legislation relating to the Office of the National Director of Public Prosecutions (NDPP).

'The LSSA urges President Ramaphosa to act expeditiously to appoint a National Director of Public Prosecutions. It is critical for the President to act speedily and judiciously to ensure that, going forward, the independence, integrity and credibility of the National Prosecuting Authority and our criminal justice system are restored. This is one of the cornerstone institutions that supports our democracy and the people of South Africa. Our prosecution services are at the heart of the criminal justice system and carry the expectations for justice of the victims of crime in our society. They are also a mirror of our criminal justice system to the outside world,' say LSSA Co-Chairpersons Mvuzo Notyesi and Etienne Barnard.

The LSSA also welcomes the Court's declaration that the National Prosecuting Authority Act permits the suspension by the President of an NDPP and Deputy NDPP for an indefinite period and without pay, is unconstitutional as well as other sections of the Act. The LSSA urges Parliament to amend the legislation speedily and to take into account the interim remedy proposed by the Court that the period from the time the President suspends the NDPP or a Deputy NDPP to the time she/he decides whether or not to remove the NDPP or a Deputy NDPP shall not exceed six months.

The Co-Chairpersons further add that the process of appointing the new NDPP should be transparent and motivated by the candidate's commitment to the Constitution, the independence of the prosecutorial institution and accountability to the public in terms of the law. The process should not be tainted with political influence and membership or partisanship, which has throughout characterised such appointments.

The LSSA accepts that the President is alive to these challenges and notes that he has committed himself to fighting corruption

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, MVUZO NOTYESI AND ETTIENNE BARNARD

Contact:

Ros Elphick – ros@LSSA.org.za Tel: (012) 366 8800 or 083 655 7163

Mapula Sedutla – mapula@derebus.org.za Tel: (012) 366 8800 or 079 972 0072

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 26 700 attorneys and 6 600 candidate attorneys.