

Citizens' confidence in prosecutors is dented, writes Sibongakonke Shoba

NPA must regain public's trust

EXPERTS say the National Prosecuting Authority (NPA) might have made a good decision in dropping charges against African National Congress (ANC) president Jacob Zuma, but its credibility would be "severely" questioned by the public for years to come.

Zuma was let off the hook this week when acting national director of public prosecutions Mokotedi Mpshe announced the NPA would no longer prosecute the country's future president.

In his statement, Mpshe said the decision to drop the charges was motivated by the abuse of process that took place when former Scorpions boss Leonard McCarthy discussed the timing of charging Zuma with former prosecutions chief Bulelani Ngcuka.

University of Johannesburg deputy vice-chancellor Adam Habib says the NPA made the "best possible decision in the situation".

"I wanted transparency in the whole process and the NPA met its obligations," he says. The NPA's mandate was to make a legal decision and not a political decision.

"The NPA must not allow itself to be manipulated. They should not act in a political way. In this instance they changed their minds after receiving representations from the accused. You can't allow people not to change their minds after receiving representations, which is part of the legal process."

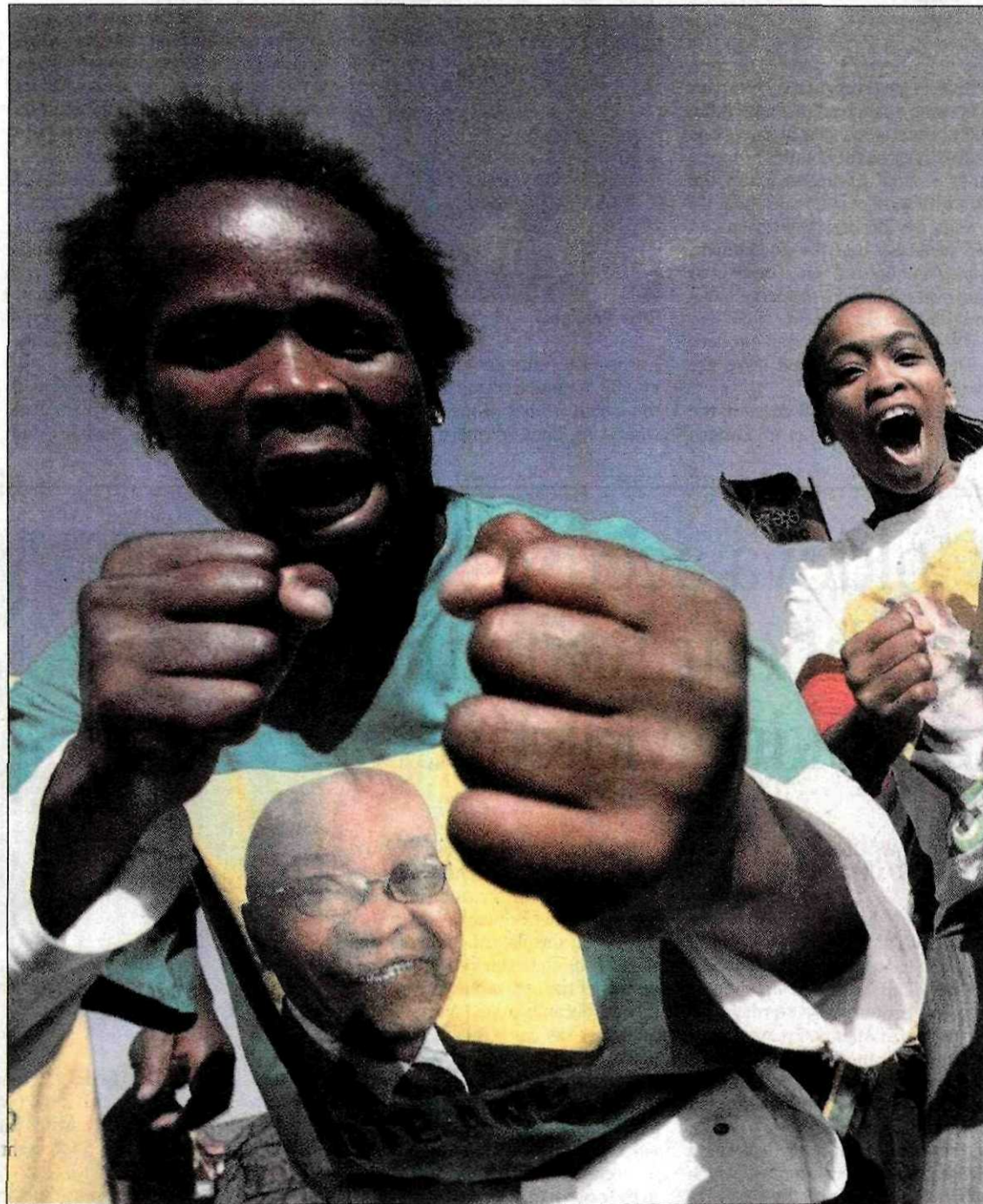
Habib says after the revelations on Monday the credibility of the NPA will be severely questioned by all sides.

Mpshe read transcripts of recorded telephone conversations between Ngcuka and McCarthy discussing whether to charge Zuma before or after the 52nd ANC national conference — undisputedly a political event. Mpshe also acknowledged that the whole situation had "serious implications for the integrity and independence of the NPA, especially regarding the prosecution of Mr Zuma".

Mcebisi Ndletyana, a senior research specialist at the Human Sciences Research Council, says the public could lose trust in the effectiveness of state institutions. "The NPA has a lot of amends to make to regain the trust of the public."

Ndletyana says even though he is critical of the decision, he can understand why it was made.

He says the ANC president has been complaining about political



WELCOME NEWS: Supporters of African National Congress president Jacob Zuma celebrate in Gugulethu in Cape Town after prosecutors dropped corruption charges against Zuma on Monday. Picture: REUTERS

meddling for a long time but had no evidence to support it. "Mpshe has been saying 'Give me the evidence'. Even (Judge Chris) Nicholson alluded to this without any evidence. Now the evidence has been brought forward," says Ndletyana.

"If they continued with prosecution, they would have done so knowing that there was clear manipulation. That would have continued the hostility which would have hampered the functioning of the NPA."

But Ndletyana says the NPA decision may be seen as a sign that the institution bowed to ANC pressure, because the manipulation did not affect the merits of the case and Zuma still had a case to answer.

Paul Ngobeni, the deputy registrar of legal services at the University of Cape Town and a Zuma sympathiser, says the revelations will change the way prosecutors do their job. "This will sensitise judges to take the allegations of interference

seriously ... we need judges who are sensitive to these issues," he says.

Ndletyana says the outcome is a "very big lesson" for the ANC not to use state institutions to fight political squabbles. "The abuse of state institutions never gives you what you are looking for," he says.

For the NPA to regain the public trust, Ndletyana says its new head must not be a political hack, but a neutral legal person.

shobas@bdfm.co.za