



25 April 2019

Adv. Lawrence Sithembiso Mrwebi
Special Director of Public Prosecutions
Private Bag X752
PRETORIA
0001

Dear Adv. Mrwebi,

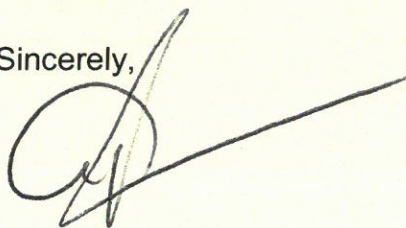
REPORT BY THE ENQUIRY IN TERMS OF SECTION 12(6) OF THE NATIONAL PROSECUTING AUTHORITY ACT 32 OF 1998 INTO THE FITNESS OF ADVOCATE NOMGCOBO JIBA AND ADVOCATE LAWRENCE SITHEMBISO MRWEBI TO HOLD OFFICE OF DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS RESPECTIVELY (“Enquiry Report”)

1. Further to my letter to you of 4 April 2019 in which I invited you to give reasons why I should not implement the recommendations of the Enquiry Report, I have received your submissions in response to the Enquiry Report, as well as documentation filed during the Enquiry (as required in clause 7 of the Terms of Reference of the Enquiry, published in Notice 699 of 2018, in Government Gazette 42029 of 9 November 2018 (*“the Terms of Reference”*), which includes the submissions you made to the Enquiry prior to the panellists compiling the Enquiry Report.
2. I have taken the Unabridged and the Abridged Report and all your submissions into account in making my decision.
3. I wish to advise that I have accepted the recommendations of the Enquiry.
4. The Enquiry Report deals with the grounds upon which I have based my decision and some of the key reasons are:
 - 4.1. That I have come to the conclusion that, contrary to your assertions, everything was done to ensure the Enquiry was held in a fair manner, which included involving your legal representatives in agreeing to the rules of procedure and admissibility of evidence. I have further concluded from

reading the Report that the Panel dealt extensively with all the evidence that was put before it in a fair and methodical manner.

- 4.2. That the findings made against you, based on the evidence before the Panel, are of a very serious nature. Your submissions however do not offer any response or reason not to accept the Panel's conclusion on the following matters:
 - 4.2.1. the Panel found that there were contradictions in your testimony, which led the Panel to conclude that you lied about the date on which you prepared the consultative note dealing with the withdrawal of charges against Mr Mdluli.
 - 4.2.2. the Panel concluded that you were wrong in law about the Inspector General of Intelligence's mandate.
 - 4.2.3. the Panel concluded that you accepted representations from members of the Crime Intelligence unit before your appointment to the relevant position and wrongly factored them into your decision; and
 - 4.2.4. the Panel found that you lied in the Ledwaba trial under oath.
- 4.3. The Panel noted that you were dishonest before the Enquiry itself. Such conduct cannot be countenanced for a person in your position.
- 4.4. Your request that you be given the opportunity to retire, in light of your age cannot be acceded to, because of the seriousness of the findings against you.
5. Your removal from the position of SDPP takes effect immediately, as of 26 April 2019. While the Enquiry Report suggests that it must await confirmation by Parliament, Section 12(6)(b) of the NPA Act makes it plain that Parliament is not asked to confirm any decision I make but to consider whether, after removal, you ought to be restored to the position in its view. Until Parliament makes such a decision, my decision to remove you stands.

Sincerely,



Mr Matamela Cyril Ramaphosa
President of the Republic of South Africa

CC: Adv TM Masutha, Minister of Justice and Correctional Services
CC: Adv Shamila Batohi, National Director of Public Prosecutions