



02 June 2012

Corruption Watch (CW) and the Social Justice Coalition (SJC) have filed a joint application for leave to intervene as co-applicants in Part B of the matter of *Freedom Under Law v National Director of Public Prosecutions*, case No. 26912/2012 brought in the North Gauteng High Court. In addition to the grounds of challenge raised in the principal application, the application brought by the co-applicants asks the court to review and set aside decisions of the NPA to halt the prosecution of Lt. General Mdluli for his alleged involvement in murder and corruption.

CW – formed to encourage civil society to participate in combating corruption – has a self-evident interest in this matter. The affidavit filed in support of the application by, David Lewis, CW's Executive Director, states:

“In order to combat corruption it is essential that the law enforcement agencies are seen to be led by people of integrity, free of any taint of corruption. The necessity for an incorruptible leadership is underlined by the significant evidence of widespread corruption in the lower ranks of many of our law enforcement agencies.

It is therefore of particular concern that one of the country's senior law enforcement officers, namely Lt General Richard Mdluli, is alleged to have been

involved in serious acts of corruption and is under investigation in respect of, inter alia, these allegations. We strongly believe that this compromises the ability of the law enforcement authorities to combat corruption. This is the source of our interest in the relief sought in these proceedings. We believe that it is vital that allegations such as these be fully and effectively investigated and pursued, that the authorities are seen to do this, and that they explain their conduct and their decisions in this regard to the public.”

The SJC is a Khayelitsha based social movement founded in response to the xenophobic violence that erupted in May 2008, in order to combat crime and protect and advance other rights enshrined in the Constitution. The affidavit filed in support of the application by SJC Secretariat member Zackie Achmat notes that although exceptionally violent crime blights the lives of many people in our country, no group is worse affected than residents of informal settlements and townships. It is on this basis that the SJC, a membership-based movement made of working-class and poor individuals has joined as a co-applicant, drawing attention to the shocking impact of crime in local communities, which is directly attributable to the breakdown in policing. The failure by the SAPS and the NPA to act effectively and transparently against those accused of serious offences creates a climate in which the public loses confidence in our security services and justice system, and in our Constitution. This has become increasingly evident over the past three months, during which time eight people have been killed in acts of vigilante mob justice in Khayelitsha alone.

The co-applicants are also concerned at the evidence of political interference and partiality on Lt. General Mdluli's part. This is not only contrary to the express provisions of the Constitution and the South African Police Services Act, but corruption at a leadership level severely limits the ability of the SAPS to effectively combat corruption at a community level.

Importantly, CW's affidavit contains evidence not yet submitted to the court. This includes requisitions from the Secret Services Account for the building of a wall around the house of the Minister of Police, a letter from the Inspector-General of Intelligence to the Acting National Commissioner of SAPS concerning the question of criminal jurisdiction and a memorandum prepared by Lt. General Mdluli and addressed to, among others, the President, alleging that he, Mdluli, is subject to victimisation at the hands of certain of his colleagues.

The affidavit filed by CW is available on its website at www.corruptionwatch.org.za.

The affidavit filed by the SJC is available on its website at www.sjc.org.za

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