



Sam Sole &lt;solesam@gmail.com&gt;

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**Yuri Gangai**

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**Natasha Ramkisson** <nramkisson@npa.gov.za>

Wed, Sep 12, 2018 at 7:43 PM

To: sam sole &lt;solesam@gmail.com&gt;

Cc: "Nontobeko NY. Duma" &lt;nyduma@npa.gov.za&gt;, Luvuyo Mfaku &lt;lmfaku@npa.gov.za&gt;

Dear Sam,

I have forwarded your query to Adv. Noko and she has advised that I send you the following response. Kindly quote her accordingly.

Please note that I am on sick leave and will be back in the office on Friday.

“Let me start by explaining how the allocation of official duties, including cases, in an office works.

The managers, in this case the DPP and her senior managers in the province, have a duty and prerogative to ensure that official work is properly and fairly allocated to officials; including prosecutors.

The DPP carries the overall responsibility to ensure that this happens in her jurisdiction, as the head of prosecutions in the province.

Where necessary, it happens that cases are re-allocated to new prosecutors based on various reasons. Some of the re-allocated cases are sometimes partly heard cases (where trial has been commenced with).

The case under discussion is not a partly heard matter as the trial has not commenced yet, which makes it even smoother to re-allocate given the existing reasons, as will be explained below.

Prosecutors do not own cases nor do they have interests in cases and can thus be re-allocated to other cases if there are reasons to.

Reasons for this decision are the following:

1. Fair allocation of cases and to ensure that a pool of skill/knowledge is maintained in the province among all prosecutors or in many prosecutors as possible - There are several other experienced prosecutors in the province who are also capable of dealing with a case like the one under discussion, which will create continuity in the skills base in these matters. The previous prosecutor is thus not the only one in the province who can deal with these matters for it to be a problem when this case is re-allocated to others. The case was given to the Chief Prosecutor for the cluster in which this case is being heard to allocate to new prosecutors within the cluster. She did this and allocated three prosecutors, including two senior and experienced prosecutors as the prosecution team in this case.
2. Costs factor - The case is in the Zululand area where all the new prosecutors are currently based, there is no other new prosecutors from anywhere else. Therefore, this is a cost effective decision as a prosecutor would no longer have to travel from Durban to Zululand to deal with this matter, with cost implications.

The DPP's instruction was to the Chief Prosecutor to re-allocate this matter to prosecutors in her Zululand cluster, based on reasons mentioned above, which the Chief Prosecutor did as she deemed fit as the Cluster Head.

Re the recusal application issue, the case as it then stood had neither evidence nor valid grounds to base a recusal of the magistrate application on.

Bear in mind that no application may be made on flimsy reasons or on no valid and sound grounds as you expect that to have been done in this case.

The case has now been postponed for trial in November.”

Adv. Moipone Noko  
Director of Public Prosecutions  
National Prosecuting Authority  
KwaZulu-Natal  
Tel: (033) 845 4405

**From:** sam sole [mailto:[solesam@gmail.com](mailto:solesam@gmail.com)]  
**Sent:** Wednesday, September 12, 2018 11:55 AM

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