
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NOTICE 763 OF 2018****ENQUIRY UNDER SECTION 12(6) OF THE NATIONAL PROSECUTING AUTHORITY ACT 32 OF 1998 INTO THE FITNESS OF ADVOCATE NOMGCOBO JIBA AND ADV LAWRENCE SITHEMBISO MRWEBI TO HOLD OFFICE OF DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS RESPECTIVELY****CALL FOR SUBMISSIONS**

1. The President of the Republic of South Africa has appointed an Enquiry under s 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 (“the Enquiry”). The Enquiry is to furnish a report with all supporting documentation to the President by no later than **9 March 2019**.
2. The Terms of Reference of the Enquiry was published on **9 November 2018** in Government Notice 699 (Government Gazette No 42029) and is attached for ease of reference.
3. The Enquiry is not a Commission as contemplated in the Commissions Act, a disciplinary hearing or a trial. The Enquiry is not determining whether anyone should face criminal prosecution nor whether anyone is civilly liable for any breach of the law.
4. Any interested person including juristic persons, entities, institutions and organs of State with special interest and/or relevant knowledge are invited to make written submissions and/or provide evidence to the Enquiry, in relation to all or any specific items of the Terms of Reference. The Secretariat of the Enquiry must be informed by no later than Friday, **30 November 2018** in writing of any intent to do so. The Secretariat shall respond by no later than 16h00 on **3 December 2018**, to confirm acceptance of such. Parties who have requested to provide evidence to the Enquiry must do so by no later than **20 December 2018**. Facts must be attested to or confirmed by affidavit with supporting documentation, where required.

5. Parties who seek to make written submissions and/or legal submissions addressing the Terms of Reference are to do so by no later than **8 January 2019**. Written submissions must be concise and succinct with reference to relevant law, and must be furnished under cover of a brief summary.
6. Upon receipt, and at its sole discretion the Enquiry may require, by way of notice, a deponent or any person to give oral evidence or make oral submissions on specified aspects of the Terms of Reference at a time, date and for a duration as determined by the Enquiry. Directions may be issued with regard to such oral evidence. A failure by a deponent to avail himself or herself on request for an oral hearing and/or cross-examination on the date and time determined, without cause, is likely to impact on the weight being afforded to such evidence.
7. Unless the Chairperson directs otherwise, all sittings will be open to the public. The Chairperson may receive evidence in camera, and may protect the identity of persons furnishing information, if it considers that to be necessary. Any request for such confidentiality, which may be made in advance of the information provided should be directed to the Chairperson through the office of the Secretariat, and will be treated in confidence.
8. Oral hearings, if any, will be held at the venue during the period of **14 January 2019 and 11 February 2019** on dates still to be confirmed by the Chairperson.
9. Oral Hearings shall be open to the public and the media as directed by the Rules of the Enquiry and as may be amended by the Chairperson from time to time.
10. Kindly direct all written submissions, in hard copy or by e-mail, to the Secretariat of the Enquiry who shall in turn direct such correspondence to the Chairperson at the address indicated hereunder:

The Chairperson
Enquiry of Enquiry
South African Law Reform Offices, 1st floor
Spporal Park Building
2007 Lenchen Avenue South
Centurion

E-mail: mokgoroenquiry@justice.gov.za

Mobile: 082 808 3682

BY ORDER

Justice Y Mokgoro
Chairperson of the Enquiry