

OPENING REMARKS

1. When I became a prosecutor in 1988, like most South African and African girls, I never dreamt that one day I would serve my country and society as the Deputy National Director of Public Prosecutions. My vision did not stretch as far as that because the circumstances of our growth did not allow us to see ourselves as leaders of society. However, inspired by the ideal of justice and the rule of law, my vision grew with my experience as a prosecutor in a village or a village town. My eyes began to open to unlimited prospects of serving my country beyond a village prosecutor. I am glad to have had parents who inspired me to see myself beyond the confines of my community. I love the work that prosecutors do for us. Society would collapse into self-help chaos without this group of dedicated prosecutors. The rule of law itself depends on the work that prosecutors do. I found my calling as a prosecutor and was deeply inspired by the sense of justice that powered the work of prosecution. I realised that whether in war or peacetime, we need prosecutors who are courageous champions of justice and defenders of the rule of law. Whether in a constitutional democracy or a dictatorship, society needs prosecutors who reflect the values and principles of society on life, liberty and property.
2. I was promoted to the position of Senior State Advocate, then the Deputy Director of Public Prosecutions and thereafter to the position of Deputy National Director of Public Prosecutions. As a South African, African woman, these promotions were very inspiring milestones for me personally but for society in general because they reflected a commitment to ensuring that senior prosecutors in our constitutional democracy reflected the racial, gender and professional balance necessary for the

legitimacy of such a strategic institution. The promotions however, were not celebrated by all within the NPA, as I recently found out when evidence was being led at this enquiry. I was shocked to learn that people who I considered professions and committed patriots felt that I was not qualified to lead the NPA. The testimony of Advocate Breytenbach and Hofmeyr in particular revealed a deep resentment that a young Black African woman had been promoted to this leadership position. Many difficult questions I had nursed about them were answered when, in frank terms, they confessed to their belief in my ineligibility for promotion to the position of Acting National Director of Public Prosecutions.

3. When my appointment to the position of Deputy National Director of Public Prosecutions in 2010 was announced, I faced unprecedented attacks not recorded in South African history of any prosecutor. One political party led the charge and declared that I was not to be trusted to serve my country in that position in accordance with the requirements of the Constitution and the law. So unfair, harsh and vicious were these attacks that it prompted the Minister of Justice and Constitutional Development to issue a public statement in my defence. I was not particularly concerned about the attacks that came from the Democratic Alliance because I hoped that the attacks would thaw with time as we engaged with each other in parliamentary forums where the NPA would be required to account for its work. I hoped to win my critics over by demonstrating a principled level of commitment and integrity in the performance of my work. What I did not realise was the impact of my critics within the NPA. Advocate Breytenbach appeared to resent my work so much as to actively promote a narrative of a failing NPA under my leadership. As for the hostility of Mr Hofmeyr, I can truly state that it did not

come as a surprise. I do not believe that Mr Hofmeyr was ready to report to an African woman in the NPA and even with that I could forgive him – for our society has been deeply patriarchal and old habits die hard. What was a surprise to me was the depth of hatred and resentment that he felt about my promotion. I am deeply offended that he had the temerity to accuse me of playing political games with the NPA without a shred of evidence. In essence Mr Hofmeyr scandalised the NPA by his unfortunate statements on the NPA. In an unprecedented attempt to take away from me any prospects of serving as a leader of the NPA, he manufactured dangerous and unjustified political theories in assessing what had gone wrong in the NPA. He failed to understand that his views of the NPA were hurtful to the standing of the NPA because they were made without any shred of evidence.

4. My family and friends and colleagues, in the NPA have deeply been supportive of me. Like me they are deeply offended by the reckless political onslaught mounted against me and the NPA by Mr Hofmeyr. I can tolerate the resistance of Advocate Breytenbach because she has chosen a side by joining a political party, rather than working within the NPA to ensure that it functions effectively and with integrity. Mr Hofmeyr remains a senior member in the NPA. His utterances on the NPA disqualify him from being its servant. My little children have asked many times why I am in the newspapers and the media generally. I have had to assure them that there is peace after a storm and asked for their support. As all children, they readily offer such support unreservedly. The years of public vilification have been painful to me and while I have developed a thick resistance to it, I have felt the promptings of human frailty.

5. The enquiry is a platform I hope to heal from, whatever the outcome. I am finally judged by persons whose integrity and sense of fairness I trust completely. I welcome this enquiry as an opportunity to account for my years in the NPA leadership. What is comfortable is that the enquiry is held in the public so my critics and society in general can see the truth. Whatever the outcome I cherish the moment to speak for myself in my own words. In the following days, I will listen to myself and speak what I have wanted to say for some time now. The NPA is bigger than any one of us. It is a national treasure that must be treated with reverence by all of us and honoured for its indispensable constitutional role in preserving the rule of law. Our constitutional democratic system depends on what the NPA does. A weak NPA will undermine the goals of our constitutional system. A strong NPA will promote our constitutional goals. As a senior leader of the NPA, I sleep soundly because I know how hard my colleagues are working to ensure that the NPA does the right thing. These are dedicated patriots who value the NPA and will not permit it to be used to achieve corruption, criminality and thuggery.

6. For many years of reading and hearing criticisms against me I have maintained silence, on the advice of my legal team, particularly Mr Majavu sitting right next to me, preferring to speak only through my work. This enquiry liberates me to speak and err my views on the NPA that I have diligently and faithfully served for 27 years. Let me close by expressing my gratitude, first to my family for their unwavering support, members from my church and everybody who has supported me during this time.. I stand at this enquiry with a clean conscience and ready to speak to all – foe and friend – on what I have done with the responsibility that I have been given

to serve my country as the Deputy National Director of Public Prosecutions. Thank you to the panel for the opportunity to make this opening statement.

ADVOCATE NOMGCOBO JIBA