



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 29 March 2012
Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

The National Director of Public Prosecutions (NDPP) has failed, despite employing mighty investigative State machinery, to prove allegations that the first appellant has been, since the early 1980's, one of the biggest drug dealers in the greater Durban area who sponsored the acquisition of assets by his family members in an attempt to hide the money he had earned from drug dealing.

The NDPP managed to obtain a preservation order and subsequently a forfeiture order in respect of the assets of the first appellant and eight other appellants, mainly members of his extended family, in the Kwa-Zulu Natal High Court, Durban in terms of the provisions of the Prevention of Organised

Crime Act 121 of 1998. In the Supreme Court of Appeal (SCA) the NDPP abandoned part of the judgment obtained in the high court.

Today the SCA upheld the appeal against the NDPP on the basis that the case against the appellants was not proved on a balance of probability, as the evidence on behalf of the NDPP amounted to 'smoke and mirrors' * * *