

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 September 2007

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

N Z MNGOMEZULU & ANOTHER v NDPP & ANOTHER

1. The appellants were charged in the Magistrate's Court, Wynberg (Gauteng) with dealing in Mandrax. The SAPS had obtained an order from a judge in chambers entitling the first appellant's telephone conversations to be monitored and recorded. The appellants wished to consider having the order set aside as they were concerned that transcripts of the intercepted telephone calls might be used against them at their trial. They sought a copy of the application for the order for this purpose. The State provided a copy of the application but blanked out the names of persons who were still under investigation for drug dealing. The appellants sought to compel the State to provide the missing information.

2. The Johannesburg High Court refused the application. The SCA dismissed the appeal on the basis that the application was premature. The SCA held that if and when the State tendered intercepted

information at the appellants' trial, that was the time for them to object to its production and to mount any attack on the way in which it was obtained.

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