



MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES

Republic of South Africa

**Media Release
For Immediate Release
23 August 2021**

Ministry of Justice and Correctional Services confirms Extradition of Mr Manuel Chang

On 27 December 2018, the Pretoria Magistrate's Court authorised the arrest of Mr Manuel Chang in accordance with the Extradition Act No. 67 of 1962. He was intercepted and arrested at OR Tambo International where he was on bound for Dubai.

After his arrest, the USA submitted an extradition request on 29 January 2019 for the extradition of Mr Chang. On 01 February 2019, the Mozambican government submitted its request.

On 8 April 2019, the Magistrate's Court ruled that the accused was extraditable to the Republic of Mozambique and the United States of America.

On 21 May 2019, the Minister at the time (Michael Masutha) exercised his discretion in terms of section 11(a) of the Extradition Act and decided that the accused should be extradited to Mozambique. Interpol was to facilitate the process.

Before the accused's surrender could be finalized, the accused brought an application in the High Court of South Africa, against the Minister of Justice and Correctional Services, Ronald Lamola, seeking his immediate transfer from South Africa to Mozambique, alternatively that he be released on his own cognizance.

Upon studying the application against him, a question arose whether the accused still enjoyed immunity from prosecution in Mozambique at the time that Minister Masutha made his decision to surrender him to Mozambique.

This question arose in light of the fact that at the time when Minister Masutha made his decision, the accused was still a Member of Parliament, as such the accused was immune from prosecution in terms of Mozambican law.

Minister Ronald Lamola sought an intervention from the courts to settle this question in the application against him by the accused.

The case was heard on 16 and 17 October 2019 before a full bench in the High Court of South Africa. The Court found that the decision to extradite the accused to Mozambique was ultra vires (invalid) since the accused still enjoyed immunity in Mozambique. The Court stated that **“it would make no sense to extradite a person to a place where he cannot be prosecuted.”** As such, the case was remitted back to the Minister for his consideration.

It was understood that the Mozambican government sought to appeal the judgment, however after several months, the Mozambican government made representations to the Minister of Justice and Correctional Services. The effect of the representations by the Mozambican authorities changed the facts of the matter particularly on the question of immunity from prosecution.

As the facts stand now, the accused is not immune from prosecution and has been duly indicted by the Mozambican government.

The Ministry of Justice and Correctional Services therefore confirms that a decision has been taken to extradite the accused to Mozambique.

After considering representations and new facts, the accused in question is found to be extraditable in terms of section 10 (1) of the Extradition Act.

The accused will therefore be handed over to Mozambican authorities to stand trial on the following charges in Mozambican law:

Abuse of position and function;

Violation of budget laws;

Fraud by deception;

Embezzlement;

Passive corruption for unlawful;

Money Laundering; and

Criminal Association

ENDS

Mr. Chrispin Phiri

Spokesperson: Ministry of Justice and Correctional Services

081 781 2261

ISSUED BY THE MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES