**NATIONAL ASSEMBLY**

**QUSESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1148**

**DATE OF QUESTION: 25 MARCH 2022**

**DATE OF SUBMISSION: 08 APRIL 2022**

**Adv G Breytenbach (DA) to ask the Minister of Justice and Correctional Services:**

1. Whether a certain person (name furnished) is currently in the employ of the National Prosecuting Authority; if not, what is the position in this regard; if so, (a) in what capacity and (b) under which conditions was the suspension of the specified person lifted;
2. What is the status of the criminal prosecution that is currently under way against the specified person?

**NW1401E**

**REPLY:**

1. The official is currently in the employ of the National Prosecuting Authority (NPA) after initially being on suspension.
2. She is currently in the same position, since Public Service prescripts do not allow

for any further conditions when uplifting a precautionary suspension.

1. The NPA was obliged to uplift the suspension in terms of an arbitration award.
2. The criminal matter is partly heard in the Pretoria Regional Court. The charges are:

Count 1: Theft

Count 2: Fraud

Count 3: Contravention of section 40(A)(2)(a) of Act 32 of 1998 - Causing

unauthorised access to an NPA computer

Count 4: Contravention of section 41(6)(b) of Act 32 of 1998 - Disclosed NPA

 documents contained on an NPA laptop to another.

The matter was back in court on 29 March 2022, and the State closed its case. The defence brought an application in terms of Section 174 of the Criminal Procedure Act (CPA) to have the accused discharged at the end of the State’s case. The State was prepared for such an application, which it opposed and submitted written heads of argument.

The matter was remanded to 10 May 2022 for judgement in respect of the application in terms of Section 174 of the CPA.