**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION NO: 1478 (NW1647E)**

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**MR J SELFE (DA) TO ASK THE MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:**

(1) Whether (a) her department and/or (b) the Government (i) have taken or (ii) intend to take any steps to (aa) stop the execution of a South African citizen (name furnished), who has been incarcerated in the Federation of Malaysia for drug trafficking since October 2013 and/or (bb) secure a transfer or exchange agreement with the government of Malaysia; if not, in each case, why not; if so, in each case, what are the (aaa) relevant details and (bbb) progress made to date;

(2) whether the Government has a position on South African citizens who receive death sentences in foreign states; if not, why not; if so, what are the relevant details? NW1647E

**REPLY:**

1. (aa)Yes, the Department of International Relations and Cooperation has taken steps in an effort to stop the execution of the South African citizen in Malaysia. The Minister wrote a personal letter to her Malaysian counterpart in which she requested the Malaysian Government to reconsider the death penalty handed down and to commute the sentence to an appropriate prison sentence.

(bb) No, the Department of International Relations and Cooperation have not taken steps to secure a transfer or exchange agreement with the government of Malaysia. The mandate to consider entering into such agreements falls within the ambit of the Department of Justice and Correctional Services.

(2) The position of Government is that South Africa has abolished the death penalty and that the South African Constitution does not mete out capital punishment and that the Minister of International Relations and Cooperation should therefore, in instances of South African citizens who receive death sentences in foreign states, approach her counterpart in that state and request the foreign state to reconsider the death penalty handed down and to commute the sentence to an appropriate prison sentence. The outcome of the subsequent decision by the other sovereign state needs to be respected irrespective of South Africa’s position.