**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1927**

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**(INTERNAL QUESTION PAPER 19 OF 2021)**

**Mr M G E Hendricks (Al Jamah-ah) to ask the Minister of Justice and Correctional Services:**

Whether he will request the President of the Republic of South Africa, Mr M C Ramaphosa, to provide the Former President, Mr J G Zuma with a pardon; if not, what is the position in this regard; if so, what are the relevant details?

**NW2003E**

**REPLY:**

Applications for pardon are considered on an individual basis based on the application made by the applicant or his/her legal representative. No application for pardon was received in respect of Mr Zuma’s conviction for the Minister’s consideration and recommendation.

My Department plays a supporting role in receiving pardon applications and processing the documents for the consideration of the President. The preparatory steps to be taken by the Minister of Justice and Correctional Services and the Department of Justice and Constitutional Development fall within the auxiliary powers of the President in the decision-making process as per the case of *Minister for Justice and Constitutional Development v Chonco and Others* 2010 (2) BCLR 140 (CCT).

With regard to pardons in general, the President’s power to grant pardon is derived from section 84(2)(j) of the Constitution of the Republic of South Africa, 1996 (the Constitution). The decision whether or not to grant pardon to an applicant rests solely with the President. Though there is no right to be pardoned, the function conferred on the President to make a decision entails a corresponding right to have a pardon application considered and decided upon rationally, in good faith, in accordance with the principle of legality, diligently and without delay. That decision and the constitutional responsibility for that decision, rests solely with the President as Head of State.