****

**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1944**

**DATE OF QUESTION: 19 MAY 2023**

**DATE OF SUBMISSION: 02 JUNE 2023**

**Mr V Pambo (EFF) to ask the Minister of Justice and Correctional Services:**

What is the total number of witnesses who have been denied immunity from prosecution in terms of section 204 of the Criminal Procedure Act, Act 51 of 1977, in the past two years?

**NW2207E**

**REPLY:**

The National Prosecuting Authority does not keep statistics on the number of witnesses who have been denied immunity from prosecution in terms of section 204 of the Criminal Procedure Act, Act 51 of 1977.

Section 204 is only used in exceptional circumstances where it is in the interest of justice to use the provision. The court decides whether to or not to grant immunity from prosecution to a witness, after the evaluation of the evidence of the witness.

The decision not to prosecute a person, but to use such a person as a witness in terms of section 204 of the Criminal Procedure Act, 1977, is normally made in consultation with the Senior Public Prosecutor, Deputy Director or Director of Public Prosecutions depending on the circumstances of the case. The Prosecutor does not give any undertaking to a section 204 witness that he or she will not be prosecuted as the discharge of the witness from prosecution is subject to the decision of the court, taking into account, whether the person answered frankly and honestly all questions put to him or her.