

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2337**

**DATE OF QUESTION PAPER: 28 OCTOBER 2016**

**DATE OF SUBMISSION: 11 NOVEMBER 2016**

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

1. With reference to the 2015/16 annual report of the National Prosecuting Authority (NPA), (a) what are the relevant details of the ongoing training offered to the prosecutors of the NPA to address declining levels of skills, (b) at what level is the specified training being offered and (c) by whom; and
2. (a) what are the relevant details of the ongoing mentoring offered to the prosecutors of the NPA to address declining levels of skills, (b) at what level is the specified mentoring being offered, (c) by whom and (d) what form does the mentoring take?

**W2672E**

**REPLY:**

**1 (a) Prosecutors receive training on legal topics which include the following:**

1. **Admissibility of evidence statements:** the purpose of the programme is to ensure that prosecutors know the difference between a confession, an admission and a pointing out and when these statements are admissible and when they are not.
2. **Advanced environmental crimes programme with emphasis on “brown” environmental issues:** the purpose of the programme is to ensure that prosecutors have an overall knowledge of what environmental crimes entail.
3. **Advanced trial advocacy:** the purpose of the programme is to ensure that prosecutors understand how our adversarial system is used to uncover facts and to acknowledge the role of the prosecutor within the system.
4. **Child pornography and related offences:** the purpose of the programme is to ensure that prosecutors have an understanding of offences relating to child pornography.
5. **Civil applications training:** the purpose of this training is to ensure that prosecutors know how to deal with motion applications
6. **Counter terrorism and international crimes**: the purpose of this programme is to equip prosecutors on how to manage investigations and prosecute crimes which impact on State security, both nationally and internationally.
7. **Corruption and fraud:** the purpose of the programme is to ensure that prosecutors know and are able to prove the elements of crimes applicable to corruption and fraud.
8. **Cyber-crimes**: the purpose of the programme is to ensure that prosecutors have an understanding of cyber-crimes and applicable legislation.
9. **Evidence involving the use of communication technology:** the purpose of the programme is to ensure that prosecutors have a basic overview of the new offences in the Cyber-crimes and Related Matters Bill and the Cyber-crimes and Cybersecurity Bill, 2015.
10. **Forensic experts programme:** the purpose of the programme is to ensure that prosecutors have an understanding of forensic evidence presented in court and how to deal with it when presented.
11. **High court bridging programme:** the purpose of the programme is to ensure that prosecutors are prepared and groomed to prosecute in the high court.
12. **Immigration and related offences programme:** the purpose of the programme is to ensure that prosecutors have an understanding of immigration and related offences including offences under the Immigration Act, 2002 (Act No 13 of 2002).
13. **Law of evidence: basic principles programme:** the purpose of the programme is to ensure that prosecutors know and apply the basic principles of the law of evidence.
14. **Legal writing, indictments; charge sheets and related topics:** the purpose of this training is to ensure that prosecutors are able to draw up charge sheets; indictments and heads of arguments in line with the prescripts of the law.
15. **Mediation and alternative dispute resolution mechanisms programme:** the purpose of the programme is to ensure that prosecutors have an understanding of mediation and alternative dispute resolution mechanisms.
16. **Organised crime: advanced programme:** the purpose of the programme is to ensure that prosecutors have an understanding of the provisions of the Prevention of Organised Crime Act, 1998 (Act No 121 of 1998).
17. **Psychiatry / psychology and the law programme:** the purpose of the programme is to ensure that prosecutors have an understanding of psychology and psychiatry in general which include amongst others topics such as: personality disorders, psychometric personality tests; mental retardation / psychometric intellectual functioning tests and non-pathological criminal incapacity.
18. **Trial Advocacy training**: The purpose of the programme is to ensure that prosecutors understand how our adversarial system is used to uncover facts and to acknowledge the role of the prosecutor within the system. This includes analysing skills in the screening of cases ready for institution of prosecution; identification of the offence and evaluation of the evidence.
19. **Stock theft and related offences programme:** the purpose of the programme is to ensure that prosecutors know and apply the applicable legislation relating to stock theft (Stock Theft Act, 1959 (Act No 57 of 1959)).
20. **“Trio” and other serious violent crimes programme:** the purpose of the programme is to ensure that prosecutors know and are able to prove the elements of crimes and be aware of the relevant competent verdicts and minimum sentences.

Over and above legal issues, prosecutors are trained by Justice College on Management Programmes aimed at equipping them with the necessary knowledge to be effective managers within the NPA.

(b) Training programmes are offered at basic; intermediary and advanced level, depending on the level of the skills of learners identified to attend the programme.

(c) All training programmes above are conducted by Justice College with the assistance of experienced prosecutors within the NPA.

Further to this the Sexual Offences and Community Affairs Unit (SOCA) offers training to prosecutors on the following:

* Sexual Offences;
* Maintenance;
* Child Justice;
* Domestic Violence and
* Trafficking in Persons

2 (a) Regarding the question relating to what are the relevant details of the ongoing **mentoring** offered to the prosecutors of the NPA to address declining levels of skills, (b) at what level is the specified mentoring being offered, (c) by whom and (d) what form does the mentoring take, I have been informed as follows:

1. The NPA is at this stage offering mentoring as part of on-going on the job training. This is done through the pairing of less experienced prosecutors with those more experienced in particular fields of criminal law / prosecution.

(b), (c) and (d): This training strategy is applied from entry level into prosecution, where aspirants are placed under the mentorship of both a tutor and a senior prosecutor. For more senior level prosecutors, allocation of cases under supervision also serves as part of the mentoring programme that is in place, as well as rotation of prosecutors to give exposure to different kinds of prosecutions / cases.