

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2455**

**DATE OF QUESTION: 26 AUGUST 2022**

**DATE OF SUBMISSION: 09 SEPTEMBER 2022**

**Mr B N Herron (Good) to ask the Minister of Justice and Correctional Services:**

1. Whether, with reference to the reply of the Minister of Police to question 2141 on 17 June 2022 regarding the investigations and prosecutions arising out of the Truth and Reconciliation Commission, wherein he states that 100 cases were referred to the Directorate for Priority Crime Investigation (DPCI), what is position to the other 200 cases of apartheid-era atrocities, where no amnesty was applied for and/or granted, that were recommended by the TRC for investigation and/or prosecution;
2. What criteria was determined by the National Prosecuting Authority for selecting and/or prioritising, the 100 out of the 300 for the DPCI for investigation?

**NO3009E**

**REPLY:**

1. According to the National Prosecuting Authority (NPA) statistics, prior to September 2021, a total of 59 Truth and Reconciliation Commission (TRC) cases were under investigation by the Directorate Priority Crime Investigation (DPCI). The Priority Crimes Litigation Unit (PCLU) oversaw the investigations at a national level until they were migrated to the respective provinces in April 2019. After a careful analysis, a further 55 cases were thereafter identified for re-opening.. These cases pertained to the deaths in detention where detainees, detained mainly under security legislation, died under circumstances which necessitated further investigation. These matters were identified on the available information at that stage. The process to review the TRC Recommendations is ongoing and relevant is extracted from the multiple volumes of the Final TRC Report.

Since September 2021 to July 2022, a total of 64 new matters have been referred to the DPCI for investigation.

1. The criteria currently used is to first establish if the charge/s against person/s have not prescribed. Once it has been ascertained that the matter was referred by the TRC, and the charges have not prescribed, then the matter is referred for re-opening to DPCI for the allocation of an investigator. After an investigator is appointed, the matter is referred to the office of the relevant Director of Public Prosecutions (DPP) where a dedicated TRC prosecutor is assigned the matter for prosecution guided investigation to take place.

**END**