

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION: NO. 2520**

**DATE OF QUESTION: 11 NOVEMBER 2016**

**DATE OF SUBMISSION: 25 NOVEMBER 2016**

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

Whether he has taken any action against any employee of the National Prosecuting Authority for persisting in prosecuting a certain person (name furnished) despite the fact that the State was allegedly aware that it could not prove prejudice in the specified prosecution; if not, why not; if so, what are the relevant details?

**NW2934E**

**REPLY:**

It must be noted that the accused application for a discharge in terms of section 174 of the Criminal Procedure Act was refused. In other words the court found that the state had published a case that the accused had to answer. The National Director of Public Prosecutors (NDPP) convened a meeting where the Director of Public Prosecutions (DPP) South Gauteng, Advocate Andrew Chauke was requested to submit a report on various allegations relating to the prosecution of the case. At the conclusion of that meeting, it was decided that the DPP would obtain the transcript of the court proceedings for him to further address the matter with the prosecutor and his supervisor.

The DPP further reported to the NDPP that he perused the transcript of the proceedings and subsequently addressed the shortcomings of the prosecutor and pointed out to him the resultant adverse effects on the case due to him not communicating the developments in court to his supervisor.