

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION: NO. 2521**

**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:**

Notwithstanding the fact that there is no provision in the National Prosecuting Authority (NPA) Act for the Minister of Justice and Correctional Services to take any action against prosecutors for exercising prosecutorial functions according to the Prosecution Directives and Guidelines, the following outline serves as background for the Minister in relation to this matter.

As such, there was no reason for any action to be taken against the prosecutors in the normal course of exercising their duties. Section 42 of the NPA Act further excludes liability where the prosecutorial decision was taken in good faith.