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**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2889**

**DATE OF QUESTION: 09 SEPTEMBER 2022**

**DATE OF SUBMISSION: 23 SEPTEMBER 2022**

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

1. Whether the National Prosecuting Authority (NPA) has concluded its assessment of the Truth and Reconciliation Commission (TRC) cases; if not, by what date is it envisaged that the NPA will take a decision on the remaining cases; if so, what are the reasons that the remaining cases were not referred for investigation and/or prosecution;
2. Which TRC cases have already been referred to the Directorate for Priority Crime Investigation?

**NW3212E**

**REPLY:**

1. I have been informed that the National Prosecuting Authority (NPA) has not yet concluded its re-assessment of the Truth and Reconciliation Commission (TRC) cases. It is not possible to stipulate a specific date as it is an ongoing process. However, efforts are made to ensure that the matters are referred as speedily as possible.
2. The hundred and twenty-nine (129) investigations referred to the Directorate for Priority Crime Investigations (DPCI) are as follows:
3. Prior to September 2021, a total of 59 TRC cases were under investigation by DPCI. These were overseen by Priority Crimes Litigation Unit (PCLU) until the matters were migrated to the respective provinces in April 2019.
4. A further 55 cases were identified for re-opening by the PCLU. These pertain to the deaths in detention, where detainees who were detained for contravention of security legislation or died under circumstances which necessitated further investigation. Some investigations also pertain to deaths where the deceased died in alleged confrontations with the police.

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| **Division** | **Number of Matters under Investigation** |
| 1. Western Cape
 | 9 |
| 1. Free State
 | 2 |
| 1. Mthatha
 | 10 |
| 1. Eastern Cape
 | 13 |
| 1. North West
 | 5 |
| 1. Kwazulu-Natal
 | 29 |
| 1. Mpumalanga
 | 4 |
| 1. Northern Cape
 | 3 |
| 1. Johannesburg
 | 25 |
| 1. Pretoria
 | 11 |
| 1. Limpopo
 | 10 |

We are in possession of a list of matters under investigation. However, it must be emphasized that this information is confidential, and the risk in the release of this information is that it might compromise further investigations. This creates challenges for investigators and prosecutors alike, once suspects/witnesses/persons of interest are made aware of matters under investigation.

On 20 June 2022, the National Director of Public Prosecutions directed, through an internal memorandum which was circulated to all the divisions, that in all TRC matters that are under investigation, dedicated prosecutors must ensure that contact with the families is made. It was also emphasised that families must be updated regularly on the progress made in their matters. It was also directed that a name list of all families together with their contact numbers be obtained. This name list was also forwarded to the office of the Deputy National Director of Public Prosecutions. Prosecutors were encouraged to engage actively with families to ensure that a more victim-centred approach is followed.

**END**