**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3491**

**DATE OF QUESTION: 16 NOVEMBER 2018**

**DATE OF SUBMISSION: 30 NOVEMBER 2018**

**3491. Dr P J Groenewald (FF Plus) to ask the Minister of Justice and Correctional Services:†**

1. Whether his department, in collaboration with the National Prosecuting Authority, intends prosecuting cases referred by the Truth and Reconciliation Commission for further investigation and possible prosecution; if so, (a) how many cases, (b) on which dates will the specified cases begin and (c) who are the accused in each case;
2. if such prosecutions fully comply with the provisions of section 9 of the Constitution of the Republic of South Africa, 1996;
3. whether he will make a statement about the matter?

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**REPLY:**

The investigation of cases emanating from the Truth & Reconciliation Commission (TRC) is the responsibility of the Directorate for Priority Crime Investigation (DPCI) of the South African Police Service (SAPS). The DPCI has been conducting such investigations since 2011. The investigations are guided by the Priority Crimes Litigation Unit (PCLU) of the National Prosecuting Authority (NPA). When investigations in individual cases are concluded, the PCLU is requested to make a decision whether or not to prosecute. It is neither the policy of the DPCI nor the NPA to comment on ongoing investigations and consequently information regarding cases under investigation cannot be supplied before decisions whether or not to prosecute are made.

The NPA, however, can confirm that a decision has been taken to prosecute four former Security Branch members for the murder of the deceased cases in 1983 and another former Security Branch member for the murder of Ahmed Timol in 1971. Both the DPCI and the NPA are under a constitutional obligation to perform their powers without fear, favour or prejudice. Decisions to prosecute are informed by the NPA Policy, which has been issued in terms of section 179 of the Constitution. These mechanisms ensure that there are no selective prosecutions. If an individual accused is aggrieved by a decision to prosecute him/her, he/she may approach a High Court for relief.