**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 678**

**DATE OF QUESTION: 04 MARCH 2022**

**DATE OF SUBMISSIO: 11 MARCH 2022**

**Ms B M van Minnen (DA) to ask the Minister of Justice and Correctional Services:**

In view of the fact that the Prosecution Policy and Policy Directives were last reviewed in 2014, and given the shifts that occur over time, particularly in the cybercrime realm, and the issues emanating from the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, on what date is it anticipated that the (a) policies and (b) directives will be reviewed?

**NW816E**

**REPLY:**

It is not correct that the Prosecution Policy and Policy Directives were last reviewed in 2014. While the Prosecution Policy is considered for review from time to time, the nature of the policy is such that it is and would be expected to remain fairly constant.

1. The Prosecution Policy is aimed at promoting the considered exercise of authority by prosecutors and contributing to the fair and even-handed administration of the criminal laws. The last amendment made to the policy was adopted in June 2013, where a paragraph was inserted dealing with the prosecution of corruption of foreign public officials. The rest of the policy remained the same. The last review of the entire policy was in 2020 and the view was held that no amendments were necessary. There is currently a process underway to consider the addition of a new part to deal with mechanisms for non-trial resolution of matters.
2. The Policy Directives are subject to an ongoing review process and relevant portions are amended from time to time in accordance with judicial decisions, changes in legislation and practical considerations. While the complete directives are considered from time to time, most recently in 2020, individual parts have been amended, with the most recent being on 1 July 2021. The review of the directives is an ongoing process. There are a number of parts currently under review.

**END**