

THE RIGHT TO APPROACH THE NATIONAL PROSECUTING AUTHORITY WITH REPRESENTATIONS AND OR COMPLAINTS

1. INTRODUCTION

The Prosecuting Authority has the power to institute and conduct criminal proceedings on behalf of the State, carry out any necessary functions incidental to instituting and conducting such criminal proceedings and discontinue criminal proceedings. This means that prosecutors are there to represent victims of crime and to see to it that their rights are adhered to.

2. CHARTER FOR VICTIMS OF CRIME

The Charter aims to ensure that victims remain central to the criminal justice process, to eliminate secondary victimisation, to clarify the standards of service to be accorded victims and to provide for recourse when these standards are not met.

The Charter states, that if you are a victim of crime, you have the following rights, in terms of the law and the Constitution, in your contact with the authorities, including the police, court officials, and members of any government body dealing with or providing a service to you. These rights are the following:

2.1 The right to be treated with fairness and respect for dignity and privacy

- This includes the right to be attended to promptly and courteously, and treated with respect for your dignity and privacy.

- Authorities are to take steps to minimise inconvenience to you, among other things, by conducting interviews with you in your language of choice and in private, if necessary.

2.2 The right to offer information during the criminal investigation and trial

- The authorities must make sure that any contribution that you wish to make to an investigation, prosecution or parole hearing is heard and taken into account in the making of decisions. This means you have the right to:
 - Participate (if necessary and where possible) by attending the bail hearing, trial, sentencing proceedings or parole board hearing.
 - Make a further statement to the police if you realise that your first statement is incomplete.
 - Make a statement to the court, or give evidence during the sentencing proceedings, where appropriate, to bring the impact of the crime to the court's attention.
 - Make a written application to the chairperson of the parole board to attend the parole hearing and submit a written input.

2.3 The right to receive information

- You have the right to be informed of:
 - Your rights and how to exercise them, with explanations in your own language of anything you do not understand
 - All relevant services available to you.
- You can request:
 - Information regarding court dates, witness fees, and the witness protection programme.

- Notification of proceedings which you may attend.
- To be informed of the status of the case, whether or not the offender has been arrested, charged, granted bail, convicted and sentenced.
- The prosecutor to notify your employer of any proceedings which necessitate your absence from work.
- Reasons for a decision that has been taken in your case on whether to prosecute or not.

2.4 The right to protection

- You have the right to be free from intimidation, harassment, tampering, bribery, corruption and abuse.
- As part of this right:
 - In certain circumstances, the court may prohibit the publication of any information (including your identity), or may order that the trial be held behind closed doors.
 - The police will, if you comply with certain requirements, apply for you to be placed in a witness protection programme.
 - You can request Correctional Services to inform you if the offender has escaped or been transferred.

2.5 The right to assistance

- You have the right to request assistance and, where relevant, have access to available social, health and counselling services, as well as legal assistance which is responsive to your needs. As part of this:

- The police will assist you by explaining police procedures, informing you of your rights, and making the appropriate referral to other relevant service providers.
- The office manager at the court will provide for services of an interpreter.
- The prosecutor will ensure that special measures are employed in relation to sexual offences, domestic violence and child support or maintenance matters, and that, where available, such cases are heard in specialised courts.
- If you have special needs, the authorities will take all reasonable steps to accommodate you and ensure that you are treated in a sensitive manner.

2.6 The right to compensation

- You have the right to compensation for loss of or damage to property suffered as a result of a crime. *“Compensation”* means an amount of money that a criminal court awards a victim who has suffered loss or damage to property. The prosecutor can, during sentencing proceedings apply to the court (on your behalf) for such compensation in terms of section 300 of the Criminal Procedure Act, 51 of 1977. The court will then consider the application, depending on the circumstances of the case.

3. COMPLAINTS STRUCTURE WITHIN THE PROSECUTING AUTHORITY

- The following reporting lines are applicable if you are unhappy with the way a prosecutor has treated you (as a witness and or complainant in a criminal matter) and or if you are not satisfied with a decision that a prosecutor made with regards to a decision to prosecute or not:
 - The Senior Public Prosecutor that is normally situated at the Magistrate Court building. He/she is the first person who would be able to attend to your complaint. If you are still not satisfied, you can elevate it to;

- The local Director of Public Prosecutions (normally situated at the High Court's). Their respective contact details are as follows:

THE DIRECTOR OF PUBLIC PROSECUTIONS: SOUTH GAUTENG

Private Bag X 8, **JOHANNESBURG**, 2000

The relevant Director can also be contacted at telephone number (011) 220 4000 or via facsimile number (011) 220 4232

THE DIRECTOR OF PUBLIC PROSECUTIONS: NORTH GAUTENG

Private Bag X 300, **PRETORIA**, 0001

The relevant Director can also be contacted at telephone number (012) 351 6700 or via facsimile number (012) 323 0866.

THE DIRECTOR OF PUBLIC PROSECUTIONS: BLOEMFONTEIN

Private Bag X 20506, **BLOEMFONTEIN**, 9300

The relevant Director can also be contacted at telephone number (051) 410 6000 or via facsimile number (051) 410 6051.

THE DIRECTOR OF PUBLIC PROSECUTIONS: KIMBERLEY

Private Bag X 5037, **KIMBERLEY**. 8300

The relevant Director can also be contacted at telephone number (053) 807 4557 or via facsimile number (053) 832 9434

THE DIRECTOR OF PUBLIC PROSECUTIONS: PIETERMARITZBURG

Private Bag X 9008, **PIETERMARITZBURG**, 3200

The relevant Director can also be contacted at telephone number (033) 845

4400 or via facsimile number (033) 394 6891.

THE DIRECTOR OF PUBLIC PROSECUTIONS: GRAHAMSTOWN

Private Bag X 1009, **GRAHAMSTOWN**, 6140

The relevant Director can also be contacted at telephone number (046) 602 3000/1 or via facsimile number (046) 602 3061/2.

THE DIRECTOR OF PUBLIC PROSECUTIONS: CAPE TOWN

Private Bag 9003, **CAPE TOWN**, 8000

The relevant Director can also be contacted at telephone number (021) 487 7000 or via facsimile number (021) 487 7237.

THE DIRECTOR OF PUBLIC PROSECUTIONS: MTHATHA

Private Bag X 5019, **MTHATA** 5099

The relevant Director can also be contacted at telephone number (047) 501 2655 or via facsimile number (047) 501 2652.

THE DIRECTOR OF PUBLIC PROSECUTIONS: MMABATHO

Private Bag X 2009, **MMABATHO**, 8681

The relevant Director can also be contacted at telephone number (018) 381 9000 or via facsimile number (018) 381 9033/45.

THE DIRECTOR OF PUBLIC PROSECUTIONS: LIMPOPO

Private Bag X 9693, **POLOKWANE**, 0700

The relevant Director can also be contacted at telephone number (015) 045 0274

4. COMPLAINTS TO THE OFFICE OF THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

- If you are still unhappy with the decision of the relevant Director's office, you are then welcome to direct your complaint or representation to the office of the National Director of Public Prosecutions. This should be the last resort to deal with a complaint after all previous steps have failed to resolve the complaint.

Complaints and / or representations can be made for the attention of Advocate T Matzke at the:

National Prosecuting Authority of South Africa, Private Bag X752,
PRETORIA, 0001

Advocate Matzke can also be contacted via her personal assistant Ms Ronel Bester at (012) 845 6942 with e-mail address: Repsadmin@npa.gov.za.