

(1) The authority to institute criminal prosecutions on behalf of the state is vested in the Attorneys-General who are independent and impartial and shall function with fear, favour or prejudice.

2. An Attorney-General shall be appointed for every province of the Republic and he or she shall be responsible for the institution of prosecutions in the area of that province.

(3) A Director of Public Prosecutions shall be appointed for the Republic.

(4) The Director of Public Prosecution shall be responsible for the overall administration, funding and co-ordination of the prosecutorial authorities in the Republic.

(5) The President must appoint the Attorneys-General and the Director of Public Prosecutions on the advice of the Judicial Service Commission.

(6) A person may only be appointed as an Attorney-General if he or she is qualified to be admitted as an advocate and has for a cumulative period of at least 10 years practised as a state prosecutor.

(7) A person may only be appointed director of Public Prosecutions if he or she has served as an Attorney-General for at least 5 years.

(8) An Attorney-General or the Director of Public Prosecution must be a man or a woman who is a citizen, is a fit and proper person to hold that office, and who does not hold office in any political party or organisation.

(9) An Attorney-General or the Director of Public Prosecutions may be dismissed only by resolution of Parliament with a two-thirds majority on recommendation by the Judicial Service Commission based on a finding of incapacity, incompetence or misconduct of any of the offices concerned.

(10) No person or organ shall interfere in the performance of their functions by the Attorneys-General or the Director of Public Prosecutions.

(11) All organs of state shall provide the Attorneys-General and the Director of Public Prosecutions with all the assistance and protection necessary for the effective performance of their functions.

(12) The Attorneys-General and the Director of Public Prosecutions shall be accountable to Parliament for the performance of their functions.

(13) The Minister acting in consultation with the Director of Public Prosecutions and the Attorneys-General may lay down policy guidelines for the performance of public prosecutions. Such guidelines shall be published in the national Government Gazette after adoption by Parliament.

NP - APPOINTMENT OF ATTORNEYS-GENERAL

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(5) The President must appoint the Attorneys-General and the Director of Public Prosecutions on the advice of the Judicial Service Commission.

(6) A person appointed as an Attorney-General must be qualified to be admitted as an advocate and must have practised as a state prosecutor for at least ten years.

(7) A person appointed as Director of Public Prosecutions must have served as an Attorney-General for at least 5 years.

(8) An Attorney-General or the Director of Public Prosecution must be a woman or a man who is a citizen, is a fit and proper person to hold that office, and who does not hold office in any political party or organisation.

(9) An Attorney-General or the director of Public Prosecutions may be removed from office only if -

- (a) the Judicial Service Commission finds that the Attorney-General or the Director of Public Prosecution suffers from an incapacity, is incompetent, or is guilty of misconduct; and
- (b) if Parliament passes a resolution with a two-thirds majority removing the Attorney-General or Director of Public Prosecutions from office.

(10) No person or organ or state may interfere in the performance of the functions of the Attorneys-General or the Director of Public Prosecutions.

(11) All organs of state must provide the Attorneys-General and the Director of Public Prosecutions with the assistance and protection necessary for the effective performance of their functions.

(12) The Attorneys-General and the Director of Public Prosecutions are accountable to Parliament for the performance of their functions.

(13) The Cabinet Member responsible for the administration of justice acting in consultation with the Director of Public Prosecutions and the Attorneys-General may lay down policy guidelines for the performance of public prosecutions. The guidelines must be published in the national Government Gazette after adoption by Parliament.