

**Hurter Spies Incorporated**  
Reg. no. 2008/009761/21  
Attorneys/Notaries/Conveyancers

**Pretoria-offices:**

Second Floor, Block A, Loftus Park  
416 Kirkness street, Arcadia  
Pretoria, 0007

**Centurion-offices:**

54 Union Avenue (c/o Union Avenue & Kort street)  
Kloofsig, Centurion, 0158

P O Box 14505  
0140 Lyttelton  
Tel : 012 941 9239  
Fax : 012 644 1997  
e-mail : [admin@hurterspies.co.za](mailto:admin@hurterspies.co.za)  
Internet : [www.hurterspies.co.za](http://www.hurterspies.co.za)

**Our ref. D Eloff/MAT4136**

**Your ref.**

31 January 2022

**THE NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA**

**C/O THE INFORMATION OFFICER**

Victoria & Griffiths Mxenge Building  
123 Westlake Avenue, Weavind Park  
Silverton, Pretoria

**By hand and by e-mail:** [paia@npa.gov.za](mailto:paia@npa.gov.za)  
[gmmaphutuma@npa.gov.za](mailto:gmmaphutuma@npa.gov.za)

Dear Sir/Madam,

**RE: ACTION SOCIETY // THE NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA –  
REQUEST FOR INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT (NO. 2 OF 2000)**

1. We act on behalf of Action Society (hereafter “our client”), who has instructed us to address this letter and accompanying request for information in terms of the Promotion of Access to Information Act (No. 2 of 2000) (hereafter “PAIA”) to you. Our client is a registered non-profit

civil rights organization which acts in the interest of the general public by means of active advocacy in favour of *inter alia* the reformation of our criminal justice system.

2. This letter is addressed to your office against the background of the DNA analysis backlog in the South African Police Service (hereafter "SAPS"). Our client is concerned about the inevitable impeding effect the backlog has on your office's ability to exercise its constitutionally imposed functions and duties to successfully prosecute criminals on behalf of and in the interest of the general public. Our client is furthermore concerned that thousands of women and children who have become victims of gender-based crimes are unable to see justice done and obtain closure as a direct result of the SAPS's inability to analyze DNA samples timeously and effectively.
3. The SAPS's lackadaisical and apathetic approach to this urgent issue is particularly concerning, having recently been reliably informed that no private contractors have been appointed to assist in diminishing the backlog, despite their undertaking to do so by 1 October 2021.
4. The purpose of this letter and our clients' request is therefore to raise certain questions pertaining to the degree and extent of the impediment to successful prosecution of criminals caused by the continued DNA analysis backlog. In light hereof, we kindly request on behalf of our client and in terms of Section 18(1) of PAIA, to be furnished with the following information and/or records:
  - 4.1 The number of criminal prosecutions which have been withdrawn/removed from the court roll during the past 5 years as a result of outstanding/unavailable DNA analysis reports, distinguishing between different categories of crimes, for example murder, sexual offences, domestic violence, and other contact related crimes;
  - 4.2 The percentage of withdrawn prosecutions which involves a female and/or minor victim;
  - 4.3 The percentage of successful prosecutions of the following categories of crimes:
    - 4.3.1 Rape;
    - 4.3.2 Murder where the victim is female
    - 4.3.3 Sexual assault/abuse of minors;

4.3.4 Kidnapping.

- 4.4 An indication as to whether the National Prosecuting Authority receives information/feedback from the SAPS pertaining to steps taken in order to address the DNA analysis backlog.
5. Take note that the prescribed form in terms of PAIA is attached hereto as annexure “**AS1**”.
  6. Lastly, kindly see attached the proof of payment for the requested fee attached as annexure “**AS2**”.
  7. We look forward to receiving your response within 30 days of receipt hereof.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D Eloff', written over a horizontal line.

**HURTER SPIES INC.**

Per. Daniël Eloff

[deloff@hurterspies.co.za](mailto:deloff@hurterspies.co.za)

[johann@hurterspies.co.za](mailto:johann@hurterspies.co.za)



REPUBLIC OF SOUTH AFRICA

**FORM A**  
**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
**(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**  
**[Regulation 6]**

**FOR DEPARTMENTAL USE**

Reference number: .....

Request received by ..... (state rank,  
name and surname of information officer/deputy information officer) on ..... (date)  
at ..... (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer  
THE NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA  
C/O THE INFORMATION OFFICER  
Victoria & Griffiths Mxenge Building  
123 Westlake Avenue, Weavind Park  
Silverton, Pretoria  
By hand and by e-mail: paia@npa.gov.za  
gmmaphutuma@npa.gov.za

**B. Particulars of person requesting access to the record**

(a) The particulars of the person who requests access to the record must be given below.  
 (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.  
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Daniel Jakobus Eloff .....

Identity number: 

9	4	0	3	2	4	5	0	1	5	0	8	3
---	---	---	---	---	---	---	---	---	---	---	---	---

Postal address: .....

Telephone number: (.....) 012 941 9239 ..... Fax number: (.....) .....

E-mail address: deloff@hurterspies.co.za & johann@hurterspies.co.za .....

Capacity in which request is made, when made on behalf of another person:

Attorney

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: Action Society .....

Identity number: 

--	--	--	--	--	--	--	--	--	--	--	--	--

**D. Particulars of record**

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
 (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

See attached letter.

.....  
 .....

2. Reference number, if available: .....

3. Any further particulars of record:

See attached letter.

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

See attached letter with proof of payment.

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

3. If record consists of recorded words or information which can be reproduced in sound:					
X	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
X	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record? English		


**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.
--

How would you prefer to be informed of the decision regarding your request for access to the record?

By email .....

Signed at Pretoria ..... this day 31st ..... of January ..... year 2022

  
 .....  
 SIGNATURE OF REQUESTER /  
 PERSON ON WHOSE BEHALF REQUEST IS MADE



**FNB**

## ***NOTIFICATION OF PAYMENT***

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

---

Date Actioned : 2022/01/31  
Time Actioned : 09:08:49  
Trace ID : MNTVH55H

### **Payer Details**

Payment From : Mr Daniel J Eloff - FNB Premier Cheque Account  
Cur/Amount : ZAR35.00

### **Payee Details**

Recipient/Account No : . . . 105328  
Name : Npa  
Bank : Standard Bank  
Branch Code : 051001  
Reference : Paia 2/2/2/1

*END OF NOTIFICATION*

---

To authenticate this Payment Notification, please visit the First National Bank website at [fnb.co.za](http://fnb.co.za), select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

---