



Press Release

Discontinuance of Matters and Conduct of Witness

In 2021, the Office of the Director of Public Prosecutions issued a press release concerning the disturbing and unacceptable trend of complainants submitting letters asking for matters to be discontinued. Despite the clear instructions specified, this trend continues.

The public are hereby advised that, **with immediate effect**, the Office of the Director of Public Prosecutions **shall not accept** any letters (whether notarised or not) from any complainant or legal representative of a complainant asking for a matter to be discontinued. If a complainant no longer wishes to proceed, it is mandated they attend the Police Station and give a witness statement to that effect.

The decision to discontinue proceedings rests solely with the Director of Public Prosecutions. Just because a complainant no longer wishes to proceed does not automatically mean that the matter will be discontinued.

The following offenses, due to their serious nature and that the prosecution of same is in the public interest, **shall not** be discontinued, regardless of whether a request to discontinue is received:

1. Domestic Violence (this includes Domestic Violence between parents, children and siblings)
2. Murder/attempted murder
3. Wounding/Grievous Bodily Harm
4. Assault Occasioning Actual Bodily Harm
5. Burglary
6. Drug Offenses
7. Theft, and other crimes of dishonesty (Obtaining by Deception, False Accounting)
8. Sexual Assault (Including Rape and Indecent Assault)
9. Offenses where children are victims
10. Offenses where elderly persons are victims
11. Breach of Trust/Public Officer offenses
12. Proceeds of Criminal Conduct Offenses

The public are further advised that persons who provide witness statements are required to attend Court, especially if a summons or subpoena has been issued. Failure to comply with a Court issued summons or subpoena could be met with Court action.

If a virtual complainant or witness believes they are at risk or have been threatened, they should contact the Commissioner of Police, without hesitation.

It must be appreciated and respected, that all reports made to law enforcement concerning a criminal offense, are taken very seriously. Law enforcement resources are invested to ensure the investigation and prosecution of all criminal reports made. When a complainant or witness decides they do not want to proceed or to give evidence at Court, it not only undermines the criminal justice system, it wastes law enforcement resources which could have been applied to another matter.

The public are kindly reminded that threatening, persuading, or otherwise influencing a virtual complainant or witness to not give evidence, not appear at Court, alter their account of a matter and any conduct that could disrupt, hinder or halt a criminal investigation or prosecution is considered a criminal offense and offenders shall be investigated and prosecuted.

Persons are advised that there is at the moment, no power to permit the Police or other law enforcement to caution or warn offenders especially in the offenses listed above. Law Enforcement Officers are obliged to investigate, and subsequently arrest persons if a complaint is lodged.

Office of the Director of Public Prosecutions