

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 3148**

**DATE OF QUESTION: 21 AUGUST 2015**

**DATE OF REPLY: 4 SEPTEMBER 2015**

**3148. Mrs D Robinson (DA) to ask the Minister of Justice and Correctional Services:**

(a) How many cases of human trafficking did his department prosecute in the (i) 2010-11, (ii) 2011-12, (iii) 2012-13, (iv) 2013-14 and (v) 2014-15 financial years, (b) how many of the specified cases resulted in successful convictions and (c) (i) how many of the specified cases involved female victims and (ii) what was the nationality of the victims identified in each case? NW3691E

**REPLY:**

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1. The National Prosecuting Authority has reported the following numbers of prosecutions for human trafficking during the financial years requested:
2. 2010/11: 1;
3. 2011/12: 1;
4. 2012/13: 3;
5. 2013/14: 1; and
6. 2014/15: 19.

 The NPA has added that several cases are currently under investigation and in order not to jeopardise these cases that are *sub judice,* the NPA is unable to provide any information regarding the said matters.

(b) How many of the specified cases were convictions?

1. 2010/11: 1;
2. 2011/12: 1;
3. 2012/13: 3;
4. 2013/14: 1; and
5. 2014/2015: 7 convictions.

Based on the information available at the time of this response, the NPA is only aware of two additional prosecutions on trafficking which resulted in an acquittal (both in the Western Cape. In the one matter the accused was convicted on minor charges and in the other case, the complainant refused to testify.

 Progress in other matters: In eight (8) matters, the cases are partly-heard; in one case, the trial is to commence in October 2015; in one case, the trial date was set on 25 August 2015; and in two cases, bail applications will still be heard.

(c) (i) How many of the specified cases involved female victims?

Statistics regarding the gender of the victim was not captured and are therefore unavailable. However, based on experience, the NPA’s cases involve predominantly female victims.

(ii) What was the nationality of the victims identified in each case?

Statistics regarding the nationality of the victim was not captured and are therefore unavailable.

**BACKGROUND INFORMATION AS RECEIVED FROM THE NATIONAL PROSECUTION AUTHORITY:**

1. How many cases of human trafficking was prosecuted in the financial years as indicated:
2. **2010 – 2011**

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME**  | **PROVINCE / DIVISION** | **DATE** | **STATUS** |
| S v Eloff & Another | Free State | 2009 | CONVICTION – Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 8 years imprisonment suspended for 5 years on conditions. |

1. **2011 – 2012**

| **NAME**  | **PROVINCE / DIVISION** | **DATE** | **STATUS** |
| --- | --- | --- | --- |
| S v Dos Santos | North Gauteng | 2011 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007 (4 charges). Sentenced to life imprisonment. |

1. **2012 – 2013**

| **NAME**  | **PROVINCE / DIVISION** | **DATE** | **STATUS** |
| --- | --- | --- | --- |
| S v Shembe  | Western Cape | 2012 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 23 years imprisonment. |
| S v Ntonga & Bell | Eastern Cape | 2013 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 10 years imprisonment. |
| S v Gwambe | Mpumalanga | 2013 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 15 years imprisonment. |

1. **2013 – 2014**

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME**  | **PROVINCE / DIVISION** | **DATE** | **STATUS** |
| S v Jezile  | Western Cape | 2014 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007 and Rape section 3 of Act 32 / 2007. Sentenced to 22 years imprisonment (conviction and sentence confirmed on appeal). |

1. **2014 – 2015**

| **NAME**  | **PROVINCE / DIVISION** | **DATE** | **STATUS** |
| --- | --- | --- | --- |
| S v Allima | KZN | 2014 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to life imprisonment. |
| S v Simelane | North Gauteng | 2014 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007 and Rape section 3 of Act 32/2007. Sentenced to 30 years imprisonment. |
| S v Mabuza | Mpumalanga | 2014 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007 (8 charges). Sentenced to life imprisonment on all 8 charges. |
| S v Wang | Western Cape | 2014 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Postponed for sentence.  |
| S v Knoetze | Eastern Cape | 2014 | CONVICTION – Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 15 years imprisonment. |
| S v Uche & Others | KZN | 2015 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Postponed for sentence.  |
| S v Palan & Another | KZN | 2015 | CONVICTION - Trafficking in persons for sexual purposes, section 71 of Act 32/2007. Sentenced to 10 years imprisonment.  |
| S v Rugnath | KZN | 2014 | Partly heard |
| S v Mansaur | KZN | 2014 | Partly heard |
| S v Matini & Another | Eastern Cape | 2014 | Partly heard |
| S v Gudwana | Western Cape | 2014 | Partly heard |
| S v Tiki & Others | Western Cape | 2014 | Partly heard |
| S v Wellem & Others | Western Cape | 2014 | Partly heard |
| S v Agasi & Others | Western Cape  | 2014 | Partly heard |
| S v Jooste | Western Cape | 2014 | Trial to commence in October 2015 |
| S v Zweni  | KZN  | 2015 | Partly heard |
| S v Chijoko & Another | WC | 2015 | Trial date to be set on 25/08/2015 |
| S v Mbene & Another | WC  | 2015 | For bail application on 27/8/2015 |
| S v Okoye & Others | WC | 2015 | For bail application on 28/9/2015 |

Several cases are currently under investigation, in order not to jeopardise these cases that are *sub judice*, we are unable to provide any information regarding the said matters.

1. How many of the specified cases were convictions?

See schedule as per paragraph (a) *supra.* Based on the information available at the time of this response, the NPA is only aware of two additional prosecutions on trafficking which resulted in an acquittal (both in the Western Cape. In the one matter the accused was convicted on minor charges and in the other case, the complainant refused to testify.

1. (i) How many of the specified cases involved female victims?

Statistics regarding the gender of the victim was not captured and are therefore unavailable. However, based on experience, the NPA’s cases involve predominantly female victims.

(ii) What was the nationality of the victims identified in each case?

Statistics regarding the nationality of the victim was not captured and are therefore unavailable.