**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTRY QUESTION NO: 1008**

**DATE OF QUESTION: 19 MAY 2021**

**DATE OF SUBMISSION: 07 APRIL 2021**

**Mrs A Steyn (DA) to ask the Minister of Justice and Correctional Services:**

1. What total number of cases of stock theft are currently on the court roll;
2. what is the total number of cases of stock theft (a) that the court has dealt with since 1 January 2019 and (b) in respect of which the court secured convictions in the specified period;
3. what (a) is the total number of cases of stock theft that were thrown out of court since 1 January 2019 and (b) were the main reasons for cases to be thrown out of court?

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**REPLY:**

1. As at 16 March 2021, a total of 1 568 cases are currently on the court rolls. This only relates to stock theft and does not include related offences such as attempted stock theft, receiving or possession of stolen stock, etc. The same applies to the responses below.
2. (a) The courts have dealt with 4 631 cases during the period 1 January 2019 to

March 2021

(b) Convictions were secured in 1 553 cases during the afore-mentioned period and

there were 382 acquittals.

1. (a) During this period, 2 315 cases were withdrawn from the court rolls. Some of

these cases were again enrolled after investigations were finalised, new evidence were obtained or facts in the matters changed. The number of cases re-enrolled is part of information contained in decision dockets, which is not recorded electronically and therefore not available for reporting purposes. There were also 816 cases struck off the roll during this period.

1. The reasons for withdrawals are currently not recorded, although reasons for withdrawals or decisions not to prosecute are recorded on each case docket manually. The general reasons include the unclear identification of the stock in dispute (which is not marked or not properly marked, and ownership is in dispute). In some instances, witnesses become unavailable, evidence is obtained that disproves allegations contained in the docket initially, or the complainant requests the matter to be withdrawn.

In addition to the above, it should be noted that stock theft is regarded as a serious offence to which priority and focused attention is provided within the National Prosecuting Authority (NPA). Stock theft has a crippling effect on commercial as well as communal farmers (representing 40%) of stock owners. The effect of stock theft is not confined to the actual monetary loss, but it also has a ripple effect that compromises the job security of the workers on the farms. Although training was hampered by lack of budget and resources in recent years, the NPA in collaboration with Justice College conducted four (4) courses in 2016, where 87 prosecutors attended the courses including five (5) prosecutors from Botswana. As part of the internal Community Prosecution Initiative, three (3) areas have identified stock theft as priorities in their areas, namely: Ermelo in Mpumalanga as well as Molopo and Odi offices in North West. Prosecutors will be working with all stakeholders and the community in these regions to address the crimes on stock theft.

Currently, one (1) of the cases in court relating to stock theft involves a charge of racketeering which has already been authorised by the National Director of Public Prosecutions. The case, which also involves a police official, is in Ermelo Regional court and includes charges of:

1. Contravention of section 2(1)(f): Managing an Enterprise - Accused 1, 2 and 4;
2. Contravention of section 2(1)(e): Conducting or Participating in an Enterprise Through a Pattern of Racketeering Activities (Accused 1-7);
3. Theft read with the provisions of the stock Theft Act, Act 57 of 1959 - All accused;
4. Defeating the Ends of Justice - Accused 6;
5. Housebreaking with the intent to rob - Accused 3, 4 and 5;
6. Robbery with Aggravating Circumstances - Accused 3, 4 and 5; and
7. Kidnapping - Accused 3, 4 and 5