**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1119**

**DATE OF QUESTION: 11 OCTOBER 2019**

**DATE OF SUBMISSION: 25 OCTOBER 2019**

**Mr J R B Lorimer (DA) to ask the Minister of Justice and Correctional Services:**

1. Whether the Skukuza Regional Court has been closed permanently; if so, (a) from what date and (b) why;
2. (a) what has been the conviction rate achieved in this court, (b) what number of cases of wildlife poaching has the court dealt with in each month since it was established and (c) where will poaching cases that would have been handled by this court be heard in future;
3. will this alternative court be provided with extra capacity; if not, why not; if so, what additional capacity does the alternative courts have;
4. whether he has found that the closure of this court will affect the conviction rate for poaching; if not, what is the position in this regard; if so, what are the relevant details?

**NW2278E**

**REPLY:**

1. The Skukuza court was originally established by Proclamation on 01 February 1963 as a Periodical Court for the district of White River. With the demarcation of the magisterial districts, it was proclaimed as a periodical court for the district of Bushbuckridge as per notice GG 39601 dated 15 January 2016, and amended by GG 39961 dated 29 April 2016. It was never purposed to be a Regional Court. The Regional Court sessions for cases emanating from the Kruger National Park were originally attended to in the Regional Court in Mbombela. As from March 2017 the cases were moved to be attended to by the Regional Court Magistrate who was appointed for the Regional Court seated in Mashishing and were done in Skukuza by default to create a Regional Court caseload for the mentioned Regional Court Magistrate. Therefore, there was no Proclamation which created Skukuza as a Regional Court. The Court facility in Skukuza doesn’t allow for a Regional court sitting as it is small and it’s not structured to provide Regional Court requisite space. The extension of services to Skukuza by the Regional Court at that stage was to create the work of the Regional Court Magistrate who was appointed at Mashishing and did not have adequate volume of cases to handle.

On 28 August 2019, the court functionaries comprising, amongst others, the Chief Magistrate of Mpumalanga District Court Judiciary and the acting Director of Public Prosecutions, attended a meeting which was convened and chaired by the Mpumalanga Regional Court President, to review the continuation of sessions of the Regional Court in Skukuza. In view of all the considerations regarding inter alia the challenges with the facilities at the Periodical court, the challenge with access to the Skukuza Periodical by members of the public who require permits to attend court and the fact that there is actually no community at Skukuza which the court serves, the meeting resolved to gradually transfer Regional Court cases from Skukuza to Mhala which is a fully serviced Regional Court with a full administrative staff component. The post of the Regional Court Magistrate was transferred from Mashishing to Mhala and there is an experienced Public Prosecutor. The court also has requisite court facilities to properly adjudicate Regional court cases and adequate security for members of public and the Regional court judiciary alike.

It should also be mentioned that the sitting of the Regional Court in a facility that has been meant for a Periodical Court is not supported by law as only the main seats of courts and the branch courts for specified districts were appointed as places of sitting for Regional Courts.

It is worth mentioning though that the Bushbuckridge district court, sitting as the Skukuza Periodical Court will continue to sit and function as a reception court to deal with bail cases and to transfer district court trial cases to Bushbuckridge and the Regional Court cases to Mhala. The latter will accord with the legal status of the court for which it was proclaimed by the relevant Government Gazette Notice.

1. According to the information provided, the Court has dealt with 39 Regional Court cases to date, which include poaching cases, since the default establishment of the Regional Court sessions at Skukuza during March 2017. The Regional court has attained 100% conviction rate on the 39 cases. When averaging the total number of cases and the 30 months’ duration since March 2017, we can safely conclude that on average 39 cases were finalised in 30 months which is on average 1, 3 cases per month.

All the Regional Court poaching cases that were previously attended to at the Skukuza Periodical court will now be dealt with at the Mhala sub-district Court which is adequately furnished, secured and accessible to communities with controlled access to the court building.

1. The Skukuza Periodical court is by its very nature without any permanent capacity. All court functionaries and administrative support staff are drawn from the main court under which the Periodical court falls. The Periodical court doesn’t have an organogram of its own hence the staff of Skukuza court travels daily from their stations with cost implications in respect of travel and subsistence allowances to staff. There is sometimes a need to arrange accommodation for those court functionaries who are travelling for long distances to render services in respect of the court proceedings. The staff who travelled to Skukuza Periodical court to render the necessary support services to the Regional Court sessions will now render their services at their station without the necessity to incur extra costs and spend time on the road. Mhala court is a fully functional court with requisite amenities and facilities including well-furnished court rooms.
2. The management of both the Regional court and District court in Mpumalanga is of the view that the gradual transfer of Regional court cases to Mhala will not affect the conviction rate for poaching. They are of the view that some of the of 39 poaching cases were dealt with at Mhala. It should be noetd that prior the year 2017, these cases were dealt with at White River Magistrate court, then after they were dealt with at Nelspruit Magistrate court, and before 2016 they were dealt with at Mashishing were the Regional Court Magistrate was appointed before the post was moved to Mhala for convenience of handling poaching cases in proximity to Kruger National Park.

There is a popular understanding by all who administer justice in the area (MPU) that due to the convenient and conducive environment at Mhala, the conviction rate will not be affected and there is a likelihood that it will even increase the turnaround time in finalisation of Regional Court cases including the poaching cases.