**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1328**

**DATE OF QUESTION: 01 APRIL 2022**

**DATE OF SUBMISSION: 15 APRIL 2022**

**Mr T W Mhlongo (DA) to ask the Minister of Justice and Correctional Services:**

With reference to (a) CAS 551/04/2018, (b) CAS 220/11/2019, (c) CAS 150/8/2019, (d) CAS 133-10-2015 and (e) CAS 40/10/2019, (i) what are the reasons that (aa) the prosecution process has taken so long and (bb) some of the specified cases were withdrawn without informing the complainants and (ii) on what date(s) is it envisaged that some of the cases will be on the court roll?

**NW1592E**

**REPLY:**

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In response to the questions above, the National Prosecuting Authority has informed me as follows:

1. Orlando CAS 150/08/19

It was declined to prosecute the matter, as the case docket contained very scant evidence. Mr Tshepo Mhlongo, provided a very cryptic statement where he mentioned that he is the lawful owner of a certain property and alleged that Sibusiso Duma and his two brothers are collecting rent. The accused denies this allegation. The decision to decline a prosecution was made on 11 December 2019. The Investigating Officer was informed that he may re-submit the case docket once further admissible evidence that objectively supports the allegation made by Mr Mhlongo is obtained. Up to date, no such evidence has been obtained.

1. Orlando CAS 220/11/2019

The matter is on the court roll as prosecution was instituted. This matter is partly heard and Mr T Mhlongo is again the complainant herein. The State of Disaster that existed, the non-availability of Legal Aid South Africa, the absence of accused on more than one occasion, the non-availability of the docket and the non-functioning of the court recording machine are cited as reasons for the number of remands. The matter was remanded to 22 April 2022 for continuation of the trial. The Presiding Magistrate came from another court to attend to the partly heard matter, but unfortunately the matter could again not proceed due to a faulty recording machine. The case was subsequently remanded to 21 June 2022 to court “A” for hearing further evidence. The State’s case is not closed yet as the Investigating Officer still needs to testify.

1. Orlando CAS 551/04/2018

This matter involves the brother of Mr T Mhlongo who is called Lincoln Mhlongo. This matter was finalised on the 29 August 2019 wherein the accused was found guilty of assault and sentenced to twelve (12) months imprisonment which was wholly suspended for five (5) years.

1. Orlando CAS 133/10/2015 (with Orlando CAS 513/04/2019)

These matters are being dealt with at the Office of the Deputy Public Prosecutor (DPP) under DPP ref 10/2/4/3-306/19 and as per the latest correspondence to the South African Police Service (SAPS) Provincial Head, Gauteng Detectives dated 30 March 2022, it is clear that there are still investigations outstanding and a return date of 14 April 2022 is stated for an update from SAPS side. SAPS is supposed to advise the DPP’s office on the appointment of an expert who will do a voice comparison.

1. Orlando CAS 40/10/2019

The complainant is also Mr T Mhlongo. This case is also on the court roll after prosecution was instituted. On 07 May 2021, warrants of arrest were authorised against the two (2) accused. As warrants of arrest were issued, it is unclear when the warrants will be executed as this function falls within the ambit of SAPS.

1. None of the cases mentioned above were withdrawn.