**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1447**

**DATE OF QUESTION: 03 JULY 2020**

**DATE OF SUBMISSION: 17 JULY 2020**

**M. Gen O S Terblanche (DA) to ask the Minister of Justice and Correctional Services:**

What are the (a) total number of cases related to arrests for contravention of any Covid-19 related regulations referred to his department by the SA Police Service since 26 March 2020 that resulted in successful prosecutions and (b) are the details of the convictions in each case?

**NW1818E**

**REPLY:**

1. All cases referred to the National Prosecuting Authority (NPA) are screened and if a reasonable prospect of success is determined by the screening prosecutor, the case is enrolled and registered on the Integrated Case Management System. The total number of first appearance cases relating to the contravention of regulations in terms of the Disaster Management Act and registered during the period 26 March 2020 to 30 June 2020 is indicated in the table below:

| **ALERT LEVEL** | **CASES** | **ACCUSED** |
| --- | --- | --- |
| **L5 (26 March - 30 April)** | 12 768 | 27 947 |
| **L4 (May)** | 8 487 | 14 275 |
| **L3 (June)** | 2 837 | 4 590 |
| **TOTAL** | **24 092** | **46 812** |
| *Data extracted from the integrated case management system* | | |

1. (i) The number of convicted cases per Alert Level is indicated in the table below:

| **ALERT LEVEL** | **CASES CONVICTED** | **ACCUSED** |
| --- | --- | --- |
| **L5 (26 Mar - 30 Apr)** | 910 | 1 567 |
| **L4 (May)** | 591 | 899 |
| **L3 (Jun)** | 71 | 96 |
| **TOTAL** | **1 572** | **2 562** |
| *Data extracted from the integrated case management system* | | |

(ii) A breakdown of the total of 1 572 convicted cases per contravention and per Alert

Level, is tabulated below. The majority of convicted cases relate to the failure to confine to residence during the lockdown period:

| **ALERT LEVEL AND CONTRAVENTION** | **CASES** | **ACCUSED** |
| --- | --- | --- |
| **Level 3 (June)** | **71** | **96** |
| Convening a gathering or hindering, interfering with, or obstructing an enforcement officer in the exercise of his or her powers, or the performance of his or her duties for the duration of the national state of disaster in Alert Level 4 | 1 | 1 |
| Disclosing any information contained in the COVID-19 Tracing Database or any information obtained during the duration of the national state of disaster without authority | 1 | 1 |
| Failure by any business or other entity other than a business or entity involved in the manufacturing, supply, or provision of an essential good or service to cease operations during the lockdown | 1 | 1 |
| Failure to be confined to one's place of residence for the duration of the national state of disaster in Alert Level 4 | 5 | 11 |
| Failure to be confined to one's place of residence from 20H00 until 05H00 daily for the duration of the national state of disaster in Alert Level 4, other as permitted by law | 10 | 10 |
| Failure to comply with a prohibition of movement between provinces during the period of the lockdown | 4 | 6 |
| Failure to confine oneself to his or her place of residence during the period of the lockdown | 27 | 36 |
| Failure to keep closed a listed place or premises normally open to the public or where people may gather for the duration of the national state of disaster in Alert Level 4 | 1 | 1 |
| Moving between provinces, metropolitan areas and districts of the national state of disaster in Alert Level 4, other than as provided for in law | 6 | 14 |
| Operating a commuter transport services, passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport contrary to Disaster Management Regulations | 5 | 5 |
| Operating a retail store or shopping mall during the lockdown period other than for selling essential goods and/or failure to comply with prescribed safety measures | 2 | 2 |
| Selling of tobacco, tobacco products, e- cigarettes and related products for the duration of the national state of disaster in Alert Level 4 | 5 | 5 |
| Selling tobacco, tobacco products, e-cigarettes and related products, other than for export during the duration of the national state of disaster under Alert Level 3 | 2 | 2 |
| Selling, dispensing and distribution of liquor during the duration of the national state of disaster in Alert Level 4 | 1 | 1 |
| **Level 4 (May)** | **591** | **899** |
| Convene and/or attend a gathering as defined during the period of lockdown | 7 | 7 |
| Convening a gathering in contravention of the Disaster Management Act Regulations | 15 | 57 |
| Convening a gathering or hindering, interfering with, or obstructing an enforcement officer in the exercise of his or her powers, or the performance of his or her duties for the duration of the national state of disaster in Alert Level 4 | 5 | 5 |
| Failure by a place not involved in the provision of essential goods or service to remain closed to all persons during the duration of the lockdown | 6 | 6 |
| Failure by an electronic communications service provider to comply with a directive by the Director-General: Health to provide information for inclusion in the COVID-19 Tracing Database | 1 | 1 |
| Failure by any business or other entity other than a business or entity involved in the manufacturing, supply, or provision of an essential good or service to cease operations during the lockdown | 7 | 7 |
| Failure to be confined to one's place of residence for the duration of the national state of disaster in Alert Level 4 | 92 | 124 |
| Failure to be confined to one's place of residence from 20H00 until 05H00 daily for the duration of the national state of disaster in Alert Level 4, other as permitted by law | 27 | 33 |
| Failure to comply with a prohibition of movement between provinces during the period of the lockdown | 29 | 43 |
| Failure to comply with a prohibition of movement between the metropolitan and district areas during the period of the lockdown | 19 | 23 |
| Failure to confine oneself to his or her place of residence during the period of the lockdown | 323 | 527 |
| Failure to keep closed a listed place or premises normally open to the public or where people may gather for the duration of the national state of disaster in Alert Level 4 | 3 | 3 |
| Issuing of special or events liquor licensing during the duration of the national state of disaster | 1 | 3 |
| Leaving one's place of residence during the duration of the national state of disaster in Alert Level 4 other than as permitted by law | 11 | 11 |
| Misrepresenting that one is or any other person is infected with COVID -19 | 1 | 1 |
| Moving between provinces, metropolitan areas and districts of the national state of disaster in Alert Level 4, other than as provided for in law | 9 | 9 |
| Natural Persons: Failure to comply with request made by National Disaster Management Centre / Provincial Disaster Management Centre / Municipal Disaster Management Centre | 1 | 1 |
| Operating a commuter transport services, passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport contrary to Disaster Management Regulations | 3 | 5 |
| Operating a retail store or shopping mall during the lockdown period other than for selling essential goods and/or failure to comply with prescribed safety measures | 10 | 10 |
| Selling of tobacco, tobacco products, e- cigarettes and related products for the duration of the national state of disaster in Alert Level 4 | 15 | 16 |
| Selling other goods by a retail store that are not permitted to be sold in terms of the Table 1 duration of the national state of disaster in Alert Level 4 | 1 | 1 |
| Selling, dispensing and distribution of liquor during the duration of the national state of disaster in Alert Level 4 | 2 | 3 |
| Transporting liquor during the duration of the national state of disaster in Alert Level 4 other than where alcohol is required for an authorised purpose | 3 | 3 |
| **Level 5 (26 March - 30 April)** | **910** | **1 567** |
| Convene and/or attend a gathering as defined during the period of lockdown | 12 | 13 |
| Convening a gathering in contravention of the Disaster Management Act Regulations | 52 | 234 |
| Corporation(s)/Firm(s) : Failure to comply with request made by National Disaster Management Centre / Provincial Disaster Management Centre / Municipal Disaster Management Centre | 1 | 1 |
| Evicting a person(s) from his/her/their formal or informal residence or a farm dwelling place of residence during the lockdown period | 1 | 1 |
| Failure by a place not involved in the provision of essential goods or service to remain closed to all persons during the duration of the lockdown | 11 | 11 |
| Failure by an electronic communications service provider to comply with a directive by the Director-General: Health to provide information for inclusion in the COVID-19 Tracing Database | 3 | 3 |
| Failure by any business or other entity other than a business or entity involved in the | 19 | 22 |
|  |  |
| manufacturing, supply, or provision of an essential good or service to cease operations during the lockdown |  |  |
| Failure by premises selling liquor which provide accommodation to implement measures to stop the spread of COVID-19 | 1 | 1 |
| Failure to be confined to one's place of residence for the duration of the national state of disaster in Alert Level 4 | 2 | 2 |
| Failure to close a place or premises normally open to the public where religious, cultural, sporting, entertainment. recreational, exhibitional, organisational or similar activities may take place, during the duration of the national state of disaster in | 2 | 2 |
| Failure to comply with a prohibition of movement between provinces during the period of the lockdown | 11 | 11 |
| Failure to comply with a prohibition of movement between the metropolitan and district areas during the period of the lockdown | 8 | 10 |
| Failure to confine oneself to his or her place of residence during the period of the lockdown | 750 | 1 215 |
| Misrepresentation of own or any persons infected status with COVID-19 | 1 | 1 |
| Natural Persons: Failure to comply with request made by National Disaster Management Centre / Provincial Disaster Management Centre / Municipal Disaster Management Centre | 3 | 3 |
| Operating a commuter transport services, passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport contrary to Disaster Management Regulations | 5 | 5 |
| Operating a retail store or shopping mall during the lockdown period other than for selling essential goods and/or failure to comply with prescribed safety measures | 27 | 31 |
| Permitting more than 50 persons at premises where liquor is sold and consumed in contravention of the Disaster Management Act Regulations | 1 | 1 |

(iii) The courts imposed the following sentences in the 1 572 convicted cases:

| **Alert Level and Sentence** | **Total Cases** |
| --- | --- |
| **Level 3 (June)** | **71** |
| Cautioned | 7 |
| Court Fine | 36 |
| Deferred Fine | 7 |
| Fine Option | 14 |
| Imprisonment | 3 |
| Suspended Wholly | 4 |
| **Level 4 (May)** | **591** |
| Cautioned | 58 |
| Correctional Supervision | 1 |
| Court Fine | 94 |
| Deferred Fine | 92 |
| Diversion | 1 |
| Fine Option | 202 |
| Imprisonment | 24 |
| Sentence Postponed | 3 |
| Suspended Partially | 3 |
| Suspended Wholly | 113 |
| **Level 5 (26 March - 30 April)** | **910** |
| Cautioned | 118 |
| Community Service | 1 |
| Court Fine | 141 |
| Deferred Fine | 91 |
| Diversion | 1 |
| Fine Option | 319 |
| Habitual Criminal | 1 |
| Imprisonment | 61 |
| Suspended Partially | 9 |
| Suspended Wholly | 168 |
| **Total** | **1 572** |

**END**