**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1789**

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**(INTERNAL QUESTION PAPER 17 OF 2021)**

**[Dr P J Groenewald (FF Plus) to ask the Minister of Justice and Correctional Services:†**

1. Whether, with reference to his reply to question 1044 on 29 June 2021, the KwaZulu-Natal Regional Court President was subjected to a disciplinary hearing in KwaZulu-Natal in 2018; if not, why not; if so, what were the findings;
2. whether he will make a statement on the matter?

**NW2004E**

**REPLY:**

The Magistrates Commission was ready to proceed with the disciplinary matter since the previous response after it had already appointed two Officers to Lead Evidence (OLE). In the process in getting the OLEs to be trial ready one of the OLE, Regional Magistrate Johannesburg, indicated that he will be leaving the Judiciary to go on pension during 2022 and the matter will not be finalised by the time he leaves. Based on that reason he requested to be withdrawn as OLE.

The remaining OLE, Tshwane Judicial Administrative Region acting Head, acting Chief Magistrate has also requested to be withdrawn.

His reasons were that the matter related to Mr Nzimande comprised 165 counts, inclusive of alternative charges, of which according to him, will require months of preparation. He indicated that the OLEs must be able to have the required time on hand (many months) to thoroughly prepare for this complex matter prior it even reaching a stage of being pre-trial ready. That responsibility alone is certainly not a one-man-task and definitely requires a minimum of two persons to prepare for the leading of the evidence. It is also important to note that persons appointed as OLEs should have no prior knowledge of the merits and/or evidence to the matter and thus the preparation will include working through all the evidence, the task which consist of many lever-arch files of documents and statements.

He requested to withdraw as OLE as he will not be able to find himself in a position to time-manage his personal life in order to give this matter the time that it deserves, together with some other reasons he chose not to disclose.

The Commission has approached the Department to facilitate the appointment of other component persons to lead evidence and a team has been identified for this purpose.