**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1795**

**DATE OF QUESTION: 20 AUGUST 2021**

**DATE OF SUBMISSION: 03 SEPTEMBER 2021**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services:**

1. During the civil unrest in KwaZulu-Natal and Gauteng in July 2021, what steps were taken by his department to safeguard human rights as provided for in the Constitution of the Republic of South Africa, 1996, with reference to observing the rights of an accused person to be brought before a competent court within specific timelines under the Criminal Procedure Act, Act 51 of 1977;
2. with reference to the protection of the right to property during the confiscation of allegedly looted goods, what safeguards were put in place by his department to ensure that courts provide access to persons who were deprived of their legitimate property, where they could have an opportunity to ensure their legitimate rights to their property is upheld through a court of law?

**NW2012E**

**REPLY:**

1. The rights of the arrested, detained and accused persons are clearly indicated in Section 35 of the constitution of the Republic of South Africa, 1996. This include the right of the accused:
2. to be brought before a court as soon as reasonably possible but not later than 48 hours after the arrest, or the end of the first court day after the expiry of the 48 hours;
3. to be charged or informed of the reasons for the detention to continue or to be released; and
4. to choose and consult with the legal representation.

During the civil unrest in Kwa-Zulu Natal and Gauteng, the Bill of Rights was observed. The magistrates in which the civil unrest cases occurred managed to process all matters brought before the court in line with the Constitution. Cases were reported and enrolled to the following courts as the consequences of civil unrest:

| **No.** | **Name of the Court** | **No. of Cases Enrolled** |
| --- | --- | --- |
| 1 | Pietermaritzburg | 30 |
| 2 | Impendle | 4 |
| 3 | Mooi River | 4 |
| 4 | Ladysmith | 34 |
| 5 | Newcastle | 15 |
| 6 | Dundee | 6 |
| 7 | Paulpietersburg | 1 |
| 8 | Nqutu | 30 |
| 9 | Durban And Branch Courts | 256 |
| 10 | Empangeni  | 40 |
| 11 | Ngwelezane  | 12 |
| 12 | Kwambonambi Periodical Court | 2 |
| 13 | Richards Bay Branch Court | 8 |
| 14 | Kwamsane  | 6 |
| 15 | Mtubatuba | 3 |
| 16 | Ongoye | 12 |
| 17 | Hlabisa | 3 |
| 18 | Hluhluwe | 4 |
| 19 | Mtunzini | 1 |
| 20 | Nyoni Periodical Court | 10 |
| 21 | Stanger | 19 |
| 22 | Verulam Including Branch Courts | 100 |
| 23 | Emlazi | 19 |
| 24 | Emzumbe  | 21 |
| 25 | Scottburgh  | 17 |
| 26 | Umbumbulu | 16 |
| 27 | Vulamehlo  | 6 |
| 28 | Sawoti | 1 |
| 29 | Port Shepstone  | 20 |
| 30 | Harding  | 9 |
| 31 | Ramsgate | 15 |
| 32 | Ixopo | 68 |
| 33 | Phungashe | 15 |
| 34 | Matatiele | 7 |
| 35 | Izingolweni | 29 |
| 36 | Umzimkhulu | 30 |
|  | **Total Number No. of Cases Enrolled** | **873** |

The JCPS Steering Committee was established in which the Department of Justice and Constitutional Development participates. The above mentioned Steering Committee includes key stakeholders such as the South African Police Service, Legal Aid South Africa and National Prosecuting Authority. The mandate of this Steering Committee was to ensure that all cases are processed promptly and in observance of the Bill of Rights enshrined in the Constitution.

1. There was no record of any confiscation of property which was discussed by the Integrated Task Team which was established to monitor the civil unrest. This does not exclude the possibility that if such information could have been reported to various Police stations, the matter will be placed on the agenda of the Integrated Task Team, and should it emerge of any confiscated property during unrest, an appropriate solution will be discussed by the relevant law enforcement agencies