**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1878**

**DATE OF QUESTION: 21 AUGUST 2020**

**DATE OF SUBMISSION: 04 SEPTEMBER 2020**

**Mr W Horn (DA) to ask the Minister of Justice and Correctional Services[🟊327] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8))]:**

What (a) total number of criminal cases were included in the backlogged court roll on 14 August 2020 and (b) are the relevant details of his department’s plans to deal with the backlog?

**NW2327E**

**REPLY:**

1. According to our records, the number and percentage of backlog cases in the District and Regional Magistrates’ Courts as at the end of July 2020. It is to be noted that the total percentage (%) of backlog cases in the District Courts stands at 39% whereas the percentage in the Regional Courts stands at 75%.

**The tables below provide details of the cases on the court roll exceeding nine (9) months from end of July 2020 in District and Regional Courts:**

| **District Courts** | | | |
| --- | --- | --- | --- |
| **Admin Region** | **Backlog** | **Outstanding** | **% Backlog** |
| Administrative Region 05 (Gauteng) Pretoria | 8 44 | 2 537 | 33% |
| Administrative Region 05A (Gauteng) Johannesburg | 7229 | 20 546 | 35% |
| Administrative Region 08 (Mpumalanga) Nelspruit | 3 336 | 9 608 | 35% |
| Administrative Region 09 (North West) Mmabatho | 2 955 | 7 204 | 41% |
| Administrative Region 1 (Eastern Cape A) Port Elizabeth | 7 133 | 15 513 | 46% |
| Administrative Region 10 (Northern Cape) Kimberley | 1 178 | 3 988 | 30% |
| Administrative Region 11 (Limpopo) Polokwane | 4 719 | 11 986 | 39% |
| Administrative Region 12 (Western Cape A) Cape Town | 6 124 | 12 300 | 50% |
| Administrative Region 13 (Western Cape B) Wynberg | 8 599 | 18 699 | 46% |
| Administrative Region 2 (Eastern Cape B) Mthatha | 3 730 | 7 786 | 48% |
| Administrative Region 3 (Free State A) Bloemfontein | 1 412 | 4 578 | 31% |
| Administrative Region 4 (Free State B) Welkom | 830 | 3 780 | 22% |
| Administrative Region 6 (KwaZulu Natal A) Durban | 5 430 | 17 314 | 31% |
| Administrative Region 7 (KwaZulu Natal B) Pietermaritzburg | 2 439 | 7 991 | 31% |
| **Grand Total** | **55 958** | **143 830** | **39%** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Regional Courts** | | | |
| **Region** | **Backlog** | **Open** | **% Backlog** |
| Eastern Cape | 5 172 | 6 135 | 84% |
| Free State | 1 827 | 2 881 | 63% |
| Gauteng | 7 233 | 11 525 | 63% |
| KwaZulu Natal | 5 103 | 6 415 | 80% |
| Limpopo | 2 563 | 3 067 | 84% |
| Mpumalanga | 2 424 | 3 042 | 80% |
| North West | 2 698 | 3 155 | 86% |
| Northern Cape | 1 014 | 1 516 | 67% |
| Western Cape | 6 661 | 8 342 | 80% |
| **Grand Total** | **34 695** | **46 078** | **75%** |

1. The Covid-19 context has posed many challenges for court efficiency with 268 courts having to close down, as at end of July 2020, for days at a time for decontamination when one (1) or more positive COVID-19 cases are detected, leading to self-isolation and/or self–quarantine for a period of time. Due to an increase in the number of positive COVID-19 cases, some of the courts had to close more than once. The same challenges are being equally experienced by the National Prosecuting Authority (NPA), South African Police Service (SAPS) and Legal Aid South Africa (SA). It must be understood that ‘business as usual’ has not been possible since the declaration of the State of Disaster due to the Covid-19 pandemic. However, the Department has sought to optimize court efficiency in order to reduce the number of backlog criminal cases. Engagements with the Lower Court Judicial Forums, Regional Court Heads, NPA, Legal Aid SA, SAPS, and Department of Correctional Services have taken place to identify and resolve blockages impeding the processing of criminal cases. These engagements have been formalized under the leadership of the Deputy Minister of Justice and Constitutional Development, and will continue to take place on a frequent basis.

Projects are underway to facilitate court processes through digitalization, and many of these are at a developed stage which will soon proceed to roll-out. Protocols have been developed to ensure that courts operate as optimally as possible in the current Covid-19 context, and these include guidance on when and for how long court closures should take place.

A national plan to manage these backlogs is in the process of being developed in order to address the backlog.