

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2344**

**DATE OF QUESTION PAPER: 28 OCTOBER 2016**

**DATE OF SUBMISSION: 11 NOVEMBER 2016**

**Ms N I Tarabella Marchesi (DA) to ask the Minister of Justice and Correctional Services:**

(a) What detailed measures have been put in place to address the 18,7% increase in the backlog of the number of cases at the National Prosecuting Authority in the 2015-16 financial year and (b) what is being done to address the specified backlog in the (i) lower and (ii) high courts?

**NW2679E**

#### **REPLY**

#### **Number of case backlogs**

The target on the number of backlog cases in the Lower courts falls within the ambit of DOJ&CD annual plan whilst the target on the backlog cases of the high courts were assigned to the OCJ. Since prosecutors have an important role to play in the speedy finalisation of cases, the number of backlog cases is still monitored and measured within the lower level annual plans.

The high courts managed a reduction of 12% but an increase is noted in both lower court forums.

The overall progress is indicated below:

Table21: Progress on case backlogs

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FORUM** | **2014/15** | **% of National** | **2015/16** | **% of National** | **Progress** |
| **HIGH COURT** | 216 | 0,8% | 190 | 0,7% | -12,0% |
| **REGIONAL COURT** | 14 106 | 52,5% | 14 485 | 48,9% | 2,7% |
| **DISTRICT COURT** | 12 572 | 46,7% | 14 924 | 50,4% | 18,7% |
| **ALL** | 26 894 | 100,0% | 29 599 | 100,0% | 10,1% |

A corresponding increase of 7.9% is noted in the number of outstanding cases carried forward to the next financial year. However, notwithstanding the reduction in backlog cases the number of outstanding cases increased in the high courts. An increase of 11.6% is also noted in the district courts. The regional courts indicated a reduction in outstanding roll.

Table 19: Progress on outstanding cases

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FORUM** | **2014/15** | **% of National** | **2015/16** | **% of National** | **Progress** |
| **HIGH COURT** |    817 | 0,5% | 892 | 0,5% | 9,2% |
| **REGIONAL COURT** | 41 895 | 24,4% | 40 291 | 21,8% | -3,8% |
| **DISTRICT COURT** | 128 996 | 75,1% | 144 019 | 77,8% | 11,6% |
| **ALL** | 171 708 | 100,0% | 185 202 | 100,0% | 7,9% |

###### **Case backlogs and backlog project**

The Justice, Crime Prevention and Security Cluster (JCPS) departments have introduced various interventions to deal with the case backlogs. In this regard a specific Case Backlog Reduction Project was implemented in November 2006 with the regional courts as the main focus area. Backlog cases are viewed as all those cases longer than 6 months on the district court roll, 9 months on the regional court roll and 12 months on the High Court roll. The Case Backlog Reduction Project assists regional and district court centres in identified priority areas country-wide that require focused attention. The project’s aim is to ensure that the inflow of new cases is balanced by the number of matters concluded and that matters are finalised more speedily.

This intervention led to the establishment of more than 50 additional regional backlog courts, through the appointment of additional regional court magistrates, clerks, prosecutors, interpreters and legal aid lawyers on contract. The number has fluctuated since then as courts were closed or shifted to other areas once the backlog was dealt with. After an investigation into the performance of the district courts, several high priority district backlog courts were also established since April 2010 and these courts have made a tremendous contribution to the overall success of the project.

The Department of Justice and Constitutional Development has consequently converted some backlog courts to permanent courts. The remaining courts will continue until they are converted, closed or shifted to another area.

During 2015/16, there were 27 approved regional and 25 district backlog courts. The district backlog courts excelled during 2015/16 by finalising a total of 14 711 cases comprising 10 525 verdict cases with a conviction rate of 95.3% and 4 186 ADRM cases. This represents a finalisation rate of 3.8 cases per court, per day. The regional backlog courts finalised a total of 2 421 cases comprising 2 363 verdict cases with a conviction rate of 75.2% and 58 ADRM cases. This represents a finalisation rate of 0.6 cases per court, per day.

The increase number of trials finalised in the high court had a positive impact on the reduction of percentage backlog cases, from 26.4% during 2014/15 to 21.3% in 2015/16.