**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2444**

**DATE OF QUESTION: 19 NOVEMBER 2021**

**DATE OF SUBMISSION: 03 DECEMBER 2021**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services: [🟊284] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8))]:**

In view of the important and serious extradition case of the Bushiris having been delayed once again, what is the (a) latest development regarding the extradition of the Bushiris and (b) cause of the delay?

**NO2841E**

**REPLY:**

The extradition proceedings against Shepherd Huxley Bushiri and Mary Bushiri (the Bushiris) commenced on the 8th March 2021 before the Chief Resident Magistrate’s Court in Lilongwe, Malawi. During these proceedings, Counsel for the Bushiris brought a number of preliminary applications relating to the following issues:

1. The Magistrate should recuse himself from the proceedings. This application was dismissed.
2. The State is using SADC Protocol when it is not law in Malawi. This application was dismissed.
3. The State should furnish counsel for the Bushiris with the transcript of the bail hearing of the Bushiris in South Africa. This application was successful. The State has since complied with the order.
4. The various witnesses of the State of South Africa should appear in person in the extradition proceedings in order to:
5. Authenticate documents; and
6. Sign depositions.

This application was successful.

Counsel for the Bushiris applied for the review of all applications that were dismissed. The High Court dismissed the application without a hearing.

The State made an application to the Chief Resident’s Magistrate Court for the review of the decision regarding witnesses, and asked the Court to order that witnesses must appear through video conferencing or link. The Court dismissed the application.

The State then applied for a review in the High Court of the order of the Chief Resident’s Magistrate Court regarding witnesses. The review was argued in Court on 21 July 2021.

The High Court directed both parties to file submissions on whether the State witnesses from South Africa could testify via video link. The matter has since been adjourned pending the delivery of the order on a date to be communicated by the Court through the office of the Registrar.