**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2823**

**DATE OF QUESTION: 10 DECEMBER 2021**

**DATE OF SUBMISSION: 28 DECEMBER 2021**

**Ms A L A Abrahams (DA) to ask the Minister of Justice and Correctional Services:**

(1) With reference to the murder case of eight-year old Tazne Van Wyk from

Ravensmead, Cape Town that has been postponed for the sixth time and

rescheduled for 16 May 2022, what are the reasons that the case has been

postponed each time,

(2) Whether the DNA test results have been successfully completed and entered into

evidence; if not, why not; if so, on what date;

(3) What measures has he taken to honour the commitment for swift justice that he

made to Tazne’s family on 26 February 2021?

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**REPLY:**

(1) Below is the account of all the court appearances in this matter:

**(a) 29 January 2021**: First appearance in High Court for pre-trial. The accused was

absent and not brought to court from Pollsmoor as he was transferred to

Goodwood Prison. A requisition was issued

**(b) 3 February 2021**: Accused appeared for his first pre-trial. Defence requested

postponement to consult with accused.

**(c) 19 March 2021**: Second pre-trial. Defence indicated they were ready for trial.

Case postponed to 31 May 2021 for trial. The National Prosecuting Authority

(NPA) expedited trial date, and the case was given priority.

**(d) 21 April 2021**: Judge President (JP) issued instruction that no new trials were to

start in May 2021 as there were too many partly-heard cases, and older cases

were being prioritised. The JP was requested to consider this case, but no

exception was made.

**(e) 31 May 2021**: Trial was postponed to 16 May 2022. This was the first date when

the Legal Aid defence counsel was available. The prosecution asked the defence

counsel to explore whether he could make himself available on an earlier date,

but he confirmed to the presiding judge he was not available until 16 May 2022.

Legal Aid could not provide another counsel.

(2) The DNA test results have been obtained.

(3) The NPA arranged an early date on 31 May 2021 but older cases were given

priority. The NPA asked for the defence counsel to make himself or another

Advocate available for trial in October 2021. The NPA received a written reply on

7 July 2021 that Legal Aid did not have any practitioner available to commence with

the trial on 25 October 2021.

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