

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 2829**

**DATE OF QUESTION: 7 AUGUST 2015**

**DATE OF REPLY: 21 AUGUST 2015**

**Mr A M Figlan (DA) to ask the Minister of Justice and Correctional Services:**

Does his department have any statistical information on how many (a) court cases and (b) resultant convictions were made in relation to the outbreak of violent xenophobic attacks in (i) 2008 and (ii) more recently in 2015? NW 3302 E

**REPLY:**

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1. and (b) I wish to inform the Honourable Member that the Department of Justice and Constitutional Development has limited statistical information in relation to the court cases and resultant convictions made in relation to the violent attacks against foreign nationals in 2008 and 2015. The reason for this is that there is no specific crime category prosecuted or recorded in official data bases relating to “violent xenophobic attacks”. Crimes committed in this regard are therefore normally crimes such as assaults or murders where the victims are foreign nationals. These cases are thus recorded as normal crimes in terms of the SAPS CAS system and the court registers. Limited manual recording of such incidents and cases were dealt with during 2008. During 2015 more detailed capturing of statistics are being done by the South African Police Service and the National Prosecution Authority under auspices of the Justice Crime Prevention and Security (JCPS) Cluster and its NATJOINTS Sub-Committee, and this is reported through the Inter-Ministerial Committee (IMC: Migration) dealing with Migration issues..
2. **2008 incidents:**

With regard to the 2008 incidents relating to foreign nationals, the department recorded that arrests led to 597 such cases going to court from May 2008. To monitor what happened to these cases, an investigation at the end of October 2009, revealed that 218 of these cases were withdrawn (for various reasons, but in many instances because the witnesses became missing or left the country), **159 of these cases were finalised with a verdict (98 guilty, 61 not guilty)**, 9 cases were still partly-heard, 75 cases were still to be tried and in 77 cases, further investigation was still being finalised, whilst 27 warrants of arrest were also issued. These matters were part of the normal court rolls at that stage and no further specific monitoring records were kept in relation to these matters.

1. **2015 incidents:**

According to an IMC press release in May 2015, it was indicated that there were eighty-seven (87) cases, eighty-three (83) of which were postponed for further investigation and four (4) that had been finalized. Of this, three cases resulted in convictions and one case was finalized through Alternative Dispute Resolution Mechanism (mediation).

As at the end of July 2015, the statistics changed as follows: there were a total of a hundred and ten (110) such cases, of which seven (7) had been withdrawn or struck off the roll, six (6) had been finalized and ninety-seven (97) had not yet been finalized. Of the six (6) cases finalized, there were four (4) convictions, one (1) *nolle prosequi* (decision not to prosecute) and one (1) finalized through Alternative Dispute Resolution Mechanism (mediation).

It can be noted that the IMC: Immigration on a regular basis briefs the country on these issues through media briefings. A further media briefing indicating progress in dealing with the issues relating to Foreign Nationals, including the cases finalized, will follow soon (on 22 August 2015).

**Background information:**

In terms of the breakdown of the 2008 incidents, the 597 cases can be disaggregated per crime category (charges) as follows:

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| Public Violence                  | 112 |
| Housebreaking  | 107 |
| Attempted robbery/robbery | 96 |
| Murder / attempted murder | 62 |
| Theft | 58 |
| Malicious Damage to Property | 36 |
| Assault/ GBH | 31 |
| Intimidation | 22 |
| Armed robbery | 22 |
| House robbery | 11 |
| Arson  | 9 |
| Rape / attempted rape | 8 |
| Business robbery | 6 |
| Other crimes | 17 |
| Total | 597 |