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**MINISTRY**

**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 352**

**DATE OF QUESTION: 17 FEBRUARY 2023**

**DATE OF SUBMISSION: 03 MARCH 2023**

**Mrs Y N Yako (EFF) to ask the Minister of Justice and Correctional Services:**

What are the detailed reasons that court transcripts are still not available?

**NW367E**

 **REPLY:**

In instances where court transcripts are not available and/or are delayed, the Department of Justice and Constitutional Development has stated the following possible reasons, as well as the steps taken to recover such records:

1. Delays may be caused when records are being transcribed by the service provider appointed to manage Transcription Services, namely: Gauteng Transcription Services on various load-shedding stages. With the current challenges the country and the courts are facing with electricity, the service provider has declared load-shedding as a Force Majeure in terms of the Service Level Agreement, since this delays the transcription processes which neither the Department nor the service provider have control over the load-shedding schedules. However, these instances are normally communicated with the respective courts, and do not lead to indefinite unavailability of the records.
2. The delays are, sometimes, related to the retrievals of the records on some of the Court Recording Technology (CRT) machines. For an example, when the recorder is taken for repairs by the service provider, i.e. Datacentrix, one will discover that it is blank when returned back after repairs. This therefore will require that a call then be logged to have the recording uploaded back to the recorder.
3. Furthermore, there are some challenges experienced with the retrieval of audio recordings which was done on the old DCRS machines. Once the court provides the audio recordings, either from CRT via the server or the cloud link, the service provider proceeds with the transcriptions without major challenges.
4. The main reasons for not being able to provide records, relate to the following challenges:
5. Recordings or portions of old DCRS recordings that cannot be traced due to the way in which the recordings were transferred from the old DCRS servers. The court has to log a call with ICT to assist with case retrievals and conversions of DCRS cases. In a small number of instances, this seems to be a challenge. ICT has to search on a number of parameters such as case numbers, dates, court room etc. In some instances, all parameters are exhausted without successfully tracing all the portions of the recording.
6. Inaudible portions of a recording, delay finalization of the transcript.

In conclusion, missing records or portions of records, inevitably lead to the need for reconstructing the record. The process depends on the availability of the Magistrate and the Magistrate’s records.

Reconstruction of Court Records also require the availability and records of the Prosecutor/s and Legal Aid Attorneys and/or legal representatives involved.

Nevertheless, the Department’s nine (9) Provincial Offices regularly meet with various and relevant service providers to address any blockages that may occur.

Additionally, the Department has assured me that, in most cases, court documents are available. However, the Honourable Member is requested to alert/inform us if there are specific cases and/or matters that he is aware of where documents are missing so that the Department may investigate the matter(s) and report back accordingly.

**END**