

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 371**

**DATE OF QUESTION: 24 FEBRAURY 2023**

**DATE OF SUBMISSION: 10 MARCH 2023**

**Mr H A Shembeni (EFF) to ask the Minister of Justice and Correctional Services:**

What are the reasons that (a) a bogus doctor who was arrested for rape was released by the courts and (b) the court decided to grant an undocumented suspect bail?

**NW378E**

**REPLY:**

The National Prosecuting Authority has informed me as follows:

1. The matter of the State v Ilunga Kalasa (Congolese Citizen) was heard in the Kimberley Magistrates Court for the first time on 17 August 2022 after he had been arrested the day before.
2. The matter was postponed for a formal bail application on 22 August 2022 where it was postponed on three different occasions (24 August 2022, 29 August 2022 and 02 September 2022) to hear further evidence on the bail application.
3. On 05 September 2022 the bail hearing was concluded, and bail was denied. The accused’s case was then postponed to 26 September 2022.
4. The charges against the accused, at the time of the bail application, were as follows:
5. Rape; and
6. Sexual Assault.
7. On 26 September 2022, the following charges were added to the charge sheet:
8. Contravention of section 49 of the Immigration Act, 13 of 2002; and
9. Contravention of section 17(1)(a) of the Health Professions Act 65 of 1974.
10. The matter was postponed several times for further investigations and instructions from the Director of Public Prosecutions, Northern Cape Division. The accused remained in custody.
11. The local prosecution submitted a formal request that the DNA results should be prioritised regarding the rape allegations against the accused.
12. The matter eventually appeared before court on 13 January 2023 when the prosecution requested another remand for the Director’s instruction and to obtain the outstanding investigations that would include the DNA results.
13. The court refused to grant a further postponement and noted that a further remand would not be in the interest of justice, and the court proceeded to strike the matter from the roll. The accused, who had been in custody, was released because of the court’s decision.
14. On the same date, the Senior Public Prosecutor informed the Director’s office that the matter had been struck off the roll and the Director’s office immediately made arrangements for a warrant of arrest (J50) to be issued. The accused has been red flagged at the South African borders.
15. In the meantime, the Director’s office is closely monitoring the ongoing investigations in order to have the matter re-enrolled as soon as the suspect is re-arrested on the J50 warrant.

**END**