**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO:590**

**DATE OF QUESTION: 04 MARCH 2022**

**DATE OF SUBMISSION: 18 MARCH 20222**

**Mr X Nqola (ANC) to ask the Minister of Justice and Correctional Services:**

Whether, given that the alleged murderers of a certain person (name and details furnished) have been released on bail and that, in a way, this has compromised the confidence of persons in the justice system, and without getting to the merits of the case, he can assure the citizens of the Republic that justice will be done and that the persons responsible for the heartless murder will see their day in jail; if not, why not; if so, what are the relevant details?

**NW666E**

**REPLY:**

The National Director of Public Prosecutions has received the following information from the Director of Public Prosecutions, KwaZulu-Natal in whose jurisdiction the matter is being prosecuted:

1. The evidence in the docket presents a strong case against the accused with at least two witnesses who made statements in terms of section 204 of the Criminal Procedure Act.
2. There is further evidence corroborating their evidence independently.
3. The matter is set down for trial due to start on 18 August 2022. At present, the State is ready to proceed and witnesses will be called to present evidence in pursuit of a successful prosecution.
4. The granting of bail does not amount to the weakness of the state’s case despite the ruling by the Magistrate, which the State is intending to appeal.
5. The State opposed bail on 21 May 2019 after the accused were arrested and bail was refused. On 03 February 2022 the accused appeared at Ixopo Magistrates’ Court where they applied for bail on new facts. The State opposed bail and the accused were nonetheless granted bail on 15 February 2022. The accused were each granted bail of R5000. The court found that exceptional circumstances existed which in the interest of justice permitted the granting of bail, based essentially on the delay in the commencement of the trial and issues related to the facts of the case. The court decided on its own which conditions to impose and the amount of bail without engaging the parties thereto. The State has indicated its intention to appeal and the record of the bail proceedings is being transcribed. The accused are required as bail conditions to attend the criminal proceedings at all times, report to identified police stations on Mondays and Fridays and reside in identified places, not to enter the jurisdiction of Umzimkhulu during the subsistence of the criminal proceedings against them, not to communicate with state witnesses and to hand over their passports.