

Budget Debate on Vote 25: Justice and Constitutional Development

Speech by Werner Horn, MP

DA Shadow Deputy Minister of Justice and Correctional Services

Our country is at a tipping point: What happens in the next two years will determine whether we will be classified as a failed state or not. All credible analysts already agree that we are, at this moment, a weakening, failing state.

Chair: Therefore, a reflection on the budget and performance of the Department of Justice, and the entities and institutions funded through its budget vote, must be focused on how we can prevent our beloved country from graduating into a failed state.

How do we care for and nurture the rule of law in order to have it discharged from critical care?

Minister, we must firstly, and yes, we are aware that by saying this we are not showing any special insight, but we must show urgency to place the measures in place that can strengthen and embolden the fight against corruption. Clearly what is being done at the moment is not delivering results.

How can it be that seven months after the President first announced, as part of his response to the Zondo Commission report, that the Investigative Directorate of the NPA will become a permanent feature, that the legislative amendments to make this a reality is nowhere to be seen?

Why, if we really want to fortify our constitutional democracy and the rule of law against the type of subversion it was subjected to between 2003 and 2018, is there not a commitment to the establishment of a fully independent Anti-Corruption Body, firewalled by the type of protection which Chapter 9 institutions and the Auditor-General enjoys?

Minister, how can it be that you and the Department goes on a benchmarking tour to Canada on the urgent issue of establishing a robust whistleblower protection protocol, but yet you fail and refuse, even as an interim measure, to simply extend witness protection protocols to those who wants to blow the whistle on serious corruption, as suggested to you by the NPA two years ago already?

Chair: And while the fight against corruption and for improved whistleblower protection has been fought, up to now, with a lackluster, careless and even lazy attitude, those who have gone to school on corrupt activities are now graduating into fully fledged organized crime.

Minister, there is a dire need to act now and to act decisively against organized crime. If this is not done immediately the stranglehold of gangs and cartels on our communities will push us over the cliff into the valley of desolation that is known as failed state status.

On an operational level it must be asked how it can be accepted as “the new normal” when the functionality of online and electronic systems of the Department of Justice is only partially restored after a debilitating ransomware attack caused by the basic in-house failure to renew anti-virus and hacking protection.

Chair: How can it be accepted as the “new normal” that officials are quite often, all over the country, left with no other option but to use personal cellphones and their own airtime and data to assist victims of crime, simply because contracts for landline telephone services are either not renewed, or serviced.

Minister, if you are told by your top officials that everything at service points is hunky dory, please don't believe them.

There is a huge disjuncture between what your top officials report and what is the reality at service points. When we, irrespective of whether it is personal visits or formal oversight visits of Parliament, engage with those working in our courts, we are invariably informed that slow, often offline systems, continued problems with Court Recording Technology and Audio Visual Systems in Sexual Offences Courts, along with serious weaknesses in the provision of security at our courts, and a vexing struggle to get the most basic of maintenance to buildings done, all undermine not only the morale, but also the objective ability of the state's role players in the justice system, to deliver.

Chair: It has become somewhat of a cliché to say that the definition of insanity is to keep on doing the same things and still expect different outcomes, but yet when it comes to the development of the Integrated Justice System and more specifically the Integrated Criminal Justice System, and the way in which the same interventions, although given different names, are continuously being announced by the Department of Justice to get this project, which has over the last decade and a half gulped up hundreds of millions of rands, without any working end product being in sight, this is exactly what comes to mind.

Minister, the failure to deliver a fully functional online, electronic integrated justice system invariably is a key feature of the weakening and weakened state, the failing state – we need to assess this project with brutal honesty.

At some point the responsible thing must surely be to admit failure and, if necessary, to start from scratch. This time bypassing the mediocre cadres whose involvement will again fail to deliver a functional system. Only the involvement of real experts can give this project a real chance of success. It is as simple as that.

Chair: It is five minutes to midnight and the time has come for those who do not want South Africa to become a failed state to stand up and be counted. If you are really committed to this cause Minister, now is the time to start showing some urgency and grit.