

**Debate on Vote 24 : Justice and Constitutional Development**

**UCDP : Hon IS Mfundisi**

**Wednesday, 29<sup>th</sup> May 2013**

**10:00-12:40**

Chairperson,

It is undeniable that our current criminal justice system is a nightmare for the South African citizenry. That is why Robert Balaicius of the Sacred Truth Ministries goes on to say it stinks.

If the South African Law Commission's report is anything to go by, it is horrendous that for every 100 violent crimes reported to the police, only six had perpetrators convicted after more than two years.

The Integrated and Seamless National Criminal Justice Information System remains just in vision boards for the most part, whilst perpetrators continue to elude the system. Data is of utmost importance if we are to know of any positive perhaps even negative changes in how things are.

It is deeply worrying that NPA's statistics cannot be linked to those of the police. What good does it do to have police boasting of having had an increase in number of arrests when the NPA reflects a substantial decrease in number of convictions? Justice is not served.

Bail is dished out right, left and centre to fill the coffers of the justice department and to keep the already overflowing prisons from overflowing even more. In most courts very few cases are given attention after midday as most if not all are put off to a later date.

It is cases such as the one of Andries Tatane that lead many of us into believing that the criminal justice system is completely failing its citizenry. You have police caught on camera murdering Tatane. They are clearly identified, a crime has obviously been committed in lay man's eyes, yet the perpetrators are found not guilty by a court of law. Justice failing our people once more like it does in many similar incidents.

The recent release of Arthur Brown with a slap on the wrist is another case in point of incompetence as far as prosecutions are concerned.

The debacle surrounding the suspension of senior prosecutor Glynnis Breytenbach on spurious charges is another case in point where people seem concerned about feathering their nests and ridding effective public servants. It boggles the mind that on a Monday the NPA announced that they would accept the not guilty verdict of a commission of enquiry set up by them and the on Tuesday come up to say they would appeal the matter. Why such wavering?

The former Director of National Prosecutions Authority, Mokotedi Mpshe, once aptly called that division Hollywood because almost all incumbents, even now four years on, are acting in those positions. This cannot be good for any organization.

It is an indictment on government not to fill strategic posts such as those of Head of SIU, Head of National Prosecuting Authority, and others for over years unless they are reserved for some still to be born.

The significant increases in budget towards the Criminal Justice system which resulted in more police being hired has not translated into a better, effective and efficient justice system. It has not translated to value for money.

It is very sad that some cases take inordinately long because services of interpreters cannot be secured and all this resulting in the not uncommon occurrence of protests signs that read: "justice delayed is justice denied".

We can make all the right sounds to scream against rape and other related crimes but if ineptitude is the norm all those efforts are pointless. Why should our police and courts fail to enforce legislation such as the Sexual Offences Act?

Delays in rape trials take up to two years to get through the trial process and only 12% of cases result in conviction. It is scandalous that the vulnerable of society, women and children are not receiving the services they are entitled to. There is no excuse for this, laws are meant to be complied with not broken.

The NPA's ability to fulfill its constitutional duty without fear, favour or prejudice will be put under the microscope in so far as, among others, its brazen disregard of an order of the Supreme Court of Appeal to produce its record of decision including the controversial "spy-tapes" which led to the withdrawal of criminal charges against President Zuma is one example of real concern. Their autonomy does not entitle them to Selkirk's status on the Island of Juan Fernandes.

Our justice system continues to embarrass us all, what with the state letting go and opting not to oppose bail in Oscar Pistorius case? We have police officials contaminating crime scenes and hope that we'll ever see justice being done?