



**Ministry of Justice and Constitutional Development**

**Republic of South Africa**

**MINISTER SIMELANE REMARKS DURING THE DEBATE ON VOTE 1 2024**

**CAPE TOWN, WESTERN CAPE**

**23 July 2024**

Speaker of the National Assembly, Honourable Thoko Didiza

Chairperson of the National Council of Provinces, Honourable Refilwe Mtsweni-Tsipane

Your Excellency; President Cyril Ramaphosa

His Excellency; Deputy President Paul Mashatile

Honourable Premiers

Honourable Members

Fellow South Africans

Good day!

The history of a democratic South Africa is made of different epochs.

One of the defining epochs that ushered our democratic breakthrough was the CODESA negotiations that resulted in the crafting of our universally admired constitution.

Recently, the most defining epoch was the negotiations which followed the 29<sup>th</sup> of May National and Provincial Elections.

Those who recorded history properly would attest to the fact that you Mr President, you have been there throughout these defining moments. You have not only been there, but you have also played a vanguard role as a true patriot of our beloved South Africa.

It is a laughable gimmick to hear the echoed sentiments of selling out, notwithstanding the role you and the other founding progressives of this democracy played.

Your role played in history is uncontested!

But we also remember that your efforts and the efforts of your compatriots in helping to form the first democratic government in the early 90s was not without opposing.

Your revolutionary efforts were opposed by Afrikaner nationalist, white supremacist, and neo-Nazi political parties such as the AWB.

Today, the AWB is wearing a different mask, but continuing with the same destructive opposition to anything that is about building and bringing our nation together. Scholars of chaos theory assists us in this GNU epoch – when the present determines the future – but

the approximate present does not approximately determine the future. You are bound to be confused!

**Madam Speaker,**

Fredrick Nietzsche says, 'They muddy the water, to make it seem deep' because they want to create a deliberate complication of matters, to create an illusion of complexities where none may exist'.

Things are clear, we are in a government constituted by different political parties that believe in upholding the interest of South Africans, we are fixated in serving the nation than endless political bickering.

Mr. President your we are enjoined to your commitment to deliver justice to the victims of crime and corruption.

The GNU has commitment itself to continue building a capable, ethical and developmental state. Our guiding mantra is the upholding of the rule of law.

Mr President, as part of this commitment, the Department of Justice and Constitutional Development has established a permanent prosecution-led unit, within the NPA known as the Investigating Directorate Against Corruption (IDAC). This Unit is bestowed with criminal investigative powers.

This has been done through a newly enacted legislation which is aimed at addressing complex corruption, including state capture-related crimes.

The Investigating Directorate (ID) has authorised 117 investigations and there are currently 39 matters before the criminal courts. 21 of these are state capture recommendations. One matter has been finalised through a plea and sentence agreement.

Many more are well advanced and will be ready for trial in due course. These are complex cases that cannot be rushed. The ID has adopted a tried, tested, and international best practice approach to developing its case strategies, and despite some setbacks along the way, the ID remains on track to deliver on its mandate without fear or favour.

Apart from the ID, the Serious Commercial Crime Unit (SCCU) also finalised 3 cases related to State Capture and together with the ID, enrolled 11 State Capture cases involving 47 individuals and 67 companies. Progress on the State Capture Commission recommendations is closely monitored by the Integrated Task Force consisting of all law enforcement agencies working in collaboration. To date, freezing orders of 14.19 billion have been granted to the NPA and R6.29 billion has been recovered and returned to the State, the highest amount achieved over 2 years compared to since the establishment of the AFU.

Since 2019, the NPA has finalised 1 665 criminal cases involving corruption of which 663 are government officials achieving a conviction rate of 89%. We are recovering stolen monies and sending criminals to jail.

The performance of the NPA is really boosting our efforts in this regard. As things stand, the NPA stands at an impressive 93.4% conviction rate regarding cases of organised crime and these prosecutions relate to crimes committed by a person or a group (syndicate) acting in an organized fashion which could result in substantial financial gain.

The NPA has collaborated with the Global Initiative against Transnational Organized Crime to develop a precise and focused Organized Crime Strategy. The success of any organized crime strategy is highly dependent on collaboration with JCPS partners, particularly the DPCI. The NPA has been working closely with them in this process.

**Some examples of most recent organized crime cases include:**

On 26 April 2024, nine people were sentenced for a cumulative of 10 939 years for committing various crimes including money laundering, fraud and forgery. The sentence was handed down at the South Gauteng High Court for 391 counts of money laundering, fraud, forgery, uttering, assisting another to benefit from unlawful activities and acquisition, possession, or use of proceeds of unlawful activities They also contravened legislation in relation to birth and death registration, the Identification Act as well as the Prevention and

Combating of Corrupt Activities Act. Various illegal activities also led to SARS being prejudiced to an amount of R300 million.

In January 2024, the High Court of South Africa: Western Cape Division has sentenced drug dealer and kingpin, Fadwaan Murphy, to an effective 18-year imprisonment and fined him R2m after the State successfully argued that his drug dealing came from his greed for money and power and that his actions destroyed communities and people living among them. It also sentenced his ex-wife, Shafieka Murphy, to 15 years imprisonment.

Our Organised Crime Strategy involves close collaboration with key partners such as the SAPS, the Directorate for Priority Crime Investigation, and the South African Revenue Service.

Tax prosecution is performing relatively well, hence the recent cowardly attack on Adv Coreth Naude in Durban by assassins (izinkabi), and we will stop at nothing to protect our judicial officers and other officers of the courts against what it seems to be a well-orchestrated attack on them, especially when closing the net against wrongdoers.

**Madam Speaker,**

The Directorate for Priority Crime Investigation (Hawks) are probing the attempted assassination on SARS Advocate, Coreth Naude and will ensure it reaches its logical conclusion with successful prosecution and conviction.

We wish Adv Naude a speedy recovery, and working together with the SAPS, we will ensure the perpetrators of this cowardly and backward violence are brought to book to face the full might of the law.

**Madam Speaker,**

True to our unwavering commitment to the effective delivery of justice, we have relaunched and repositioned the Brigitte Mabandla Justice College as a hub for provision of upscaling skills in various fields of law.

In May 2023, the NPA welcomed 700 young professionals through the Aspirant Prosecutor Programme, marking the largest intake since the programme's relaunch. While financial constraints prevented a new intake for 2024, there are plans for a smaller intake in 2025, ensuring the continuous infusion of fresh talent into the NPA.

Notably, we are establishing the Anti-Corruption and Cyberforensic Academy.

The Anti-Corruption Academy will specialize in training individuals in the latest methods of detecting, investigating, and preventing corruption, thus equipping public servants and law enforcement officers with essential skills to combat corruption at all levels of government.

These initiatives mark significant progress in our effort to promote integrity and improve the skills of our legal professionals, the JCPS, and the public sector.

Mr. President, the Department continues to strive to improve ease of access to justice for victims of domestic violence. To make the process related to application for protection orders more accessible, we have introduced an online application service of domestic violence protection orders.

The Department continues to strive to improve ease of access to justice for victims of domestic violence. To make the process related to application for protection orders more accessible, we have introduced an online application service of domestic violence protection orders. Those who feel threatened with domestic violence may now apply for protection order wherever they are through their smartphone.

Following an online application, the clerk of the court must serve the protection order on the respondent via email within 24 hours. With this intervention, victims of domestic violence receive speedy protection, which may significantly reduce the risk of domestic violence escalating to an incident of femicide and domestic homicides.

And as the President mentioned, the implementation of the National Strategic Plan on Gender-Based Violence and Femicide, is our strategic priority, and the effective and efficient management of the Thuthuzela Centres.

In 2023/24 FY, a *National Strategy on Domestic Violence Court-based Support Service* was approved to provide a basket of support services for survivors of domestic violence so as to



eliminate attrition, secondary victimization, and traumatization from the court system. This intervention is in line with article 13 of the Presidential Summit Declaration against GBVF of 2019, which requires the establishment of a victim-centric court system.

On 7 February 2020, the Minister signed into operation the *Regulations relating to Sexual Offences Courts* to provide a catalogue of victim-support services to victims of sex crimes, which include private waiting service, court preparation services, intermediary services, private testifying services, etc. During this period **100** courts have been upgraded in line with the Regulations.

**Madam Speaker,**

Court infrastructure is also a strategic enabler to the concept of access to justice.

It is for this reason that the Department has invested in infrastructure upgrades. This includes the construction of new courts. We have recently conducted the official opening of the magistrate courts Polokwane and Port Shepstone.

Work is ongoing in other parts of the country in the renovation and construction of new courts.

At the least, 8 capital projects for construction of new facilities and refurbishment of existing facilities are targeted for implementation in the current financial year. These include:

- Durban High Court
- Soshanguve Magistrate Court
- Revitalisation of Mamelodi Magistrate Court
- Pretoria Magistrate Court
- Rustenburg Magistrate Court
- Klerksdorp Magistrate Court
- Keimoes Magistrate Court, and
- Boksburg Magistrate Court

In the context of transformation of the judiciary, the democratic government made commendable strides, and testament to this is the fact that in contrast to the 186 white male dominated Judges in 1994, today the bench comprises of 252 Judges of which 134 are males and 118 are females. This translates to 53% representing males and 47% females.

Out of 252 Judges, 124 are Africans, 27 Coloureds, 22 Indians and 79 Whites. We won't rest until the judiciary has a fair and disproportionate representation of females, as we continue with our noble task of transforming the South African judiciary to reflect the demographics of the country.

However, gender and racial representativity are not the only facets pertaining to the transformation of the Judiciary. Judges themselves are required by the Constitution to play an active role in transforming the Judiciary.

**Madam Speaker,**

Strengthening law enforcement agencies for fight against crime and corruption is one of the key priorities of this Government. To this end, government will continue to support the effective functioning of the Specialised Commercial Crimes Courts and the Special Tribunal.

I am proud to indicate that today, each of our provinces now have a dedicated court to deal with specialised commercial crimes.

We work to support the Presidential Joint Initiative on Crime and Corruption to work with business in the fight against complex crimes. This collaboration will result in a more effective approach in bringing those accused of crimes of fraud and corruption to face the might of the law.

**Madam Speaker,**

We support this Budget Vote with an understanding that this is a budget well-crafted to enable the Presidency to fulfil its constitutional and legislative mandate.

Through this budget, the presidency will be better empowered to execute its constitutional responsibilities in leading and galvanising government and society to implement the electoral mandate.

Our support for this budget is our support for the Presidency's key role in the executive management and coordination of government work.

We believe that this budget will go a long way in the facilitation of an integrated and coordinated approach to government work.

This should be achieved through creative, cross-sectoral thinking on policy issues. The presidency must lead all of us, to ensure the alignment of sectoral priorities with government priorities adopted at the recent Cabinet Lekgotla.

The success of this 7<sup>th</sup> Administration rests largely on the work of this department.

The success of this 7<sup>th</sup> Administration will mean the realisation of the aspirations of our people.

These aspirations include access to gainful employment, the ending of poverty, defeating the scourge of crime and corruption, and most importantly, ensuring access to justice for all our people.

They may muddy the water, but work will continue until there is adequate access to justice for all.

I THANK YOU.