



the doj&cd

**Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA**

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PROVINCIAL INTEGRATED JUSTICE FORUM

MINUTES OF 6th July 2007

Held at: The Hilton Hotel at 9H00

Chairperson: Mr. T. Mabaso

Secretariat: Ms. Noma Chiliza (DOJCD Regional Office)

1. Opening and Welcome:

The chairperson welcomed everybody, especially to Ms. Sheron Marks who is the Acting Regional Court President and to Ms. Khumsila Naidoo from the Department of Education and declared the meeting duly constituted.

2. Attendance and Apologies

2.1 Attendance:

The list will be provided by Noma.

2.2 Apologies:

Judge Jappie

Mr. Hamilton Cele - Regional Court President

Mr. Vela Mdaka - Legal Aid Board

Adv. Lakhi - ICD

Mr. Ray Sansom- NPA

Ms. Irene Dugmore - NICRO

Ms. Pat Moodley - DOJ&CD

Mr. Eric Sibeko - NPA

3. Previous minutes

3.1 Adoption of previous minutes

Mr. Ngcobo confirmed the minutes as true and to be adopted and he was seconded by Adv. Shamila Batohi.

AGENDA ITEM	DISCUSSION	DECISION
4. Matters arising:		
4.1 Case Flow Management	4.1.1 A one page report from the Judicial Monitoring Committee was read (see the attachment) The Judicial Case Flow Monitoring Committee proposed the adoption of the Inanda Case Flow Management Plan. (see the attachment)	The input was appreciated by the house.

	<p>4.1.2- At a recent meeting of the Case Flow Management Monitoring Committee the structure was opened to other partners of the criminal justice system and its mandate was extended to monitor other projects aimed at improving the functioning of the courts.</p> <ul style="list-style-type: none"> - Terms of Reference for the Monitoring Committee were discussed and adopted. It was agreed that the Judicial Case Flow Monitoring Committee will continue to exist and the Judiciary will continue to chair the broader Monitoring Committee as the custodian of Case Flow Management. - The Regional Court President will be the Chairperson of the CFMMC and the two Chief Magistrates or their representatives will act as Deputies. - The meetings of the CFMMC will sit two weeks before the PIJG meetings. <p>(Terms of Reference)</p>	<p>The resolutions of the CFMMC were adopted by the house.</p>
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	<p>4.1.3 There is need to align the agenda of the PIJF with the JCPS priorities. To this end the relevant Sub-Committees of the PIJF should focus on the priorities and the Government Programme of Action. All departments should take responsibility for the sub-committees of the PIJF which are aligned to their core functions like Overcrowding which should be led by DCS, Crime Prevention will be led by Safety and Liaison etc.</p> <p>Examples of other sub-committees are Child Justice, Restorative Justice, Victim support etc.</p>	<p>It was agreed that there is a need for a workshop to discuss the formation and formalization for the various sub-committees.</p>
	<p>4.1.4 Mr. Mabaso reported that a report on the performance of the lower courts has been drafted but is yet to be released by the authorities</p>	<p>There should be stricter Case Flow Management at local level interrogating these issues in time.</p>
<p>4.2 Backlog Project</p>	<p>4.2.1 The Public Servants strike had an impact on the courts operations Quality Assurance magistrates have been appointed to look at the backlog problems and the report so far is very negative, e.g. there are cases that are being withdrawn from the regional courts because they were not trial ready.</p> <p>Durban was better although there were intimidations. The CFMMC was informed that the Pmb backlog project is not addressing the backlog problem properly, Kokstad and Izingolweni were operating fully</p>	<p>The Regional Court President has started addressing this problem.</p> <p>All stakeholders must work together and work out a solution.</p> <p>Continuous roll should be implemented</p> <p>Progress report on all additional Backlog Courts be reported to every PIJF</p>

	<p>Maluti's problem is still being discussed, especially whether there is a need to have a Regional Court at the Court. (On the 20th of July 2007,</p> <p>4.2.2 Maluti falls under EC and they don't have resources; the re-demarcation process is not yet finalized therefore it is not safe to make a decision regarding the Maluti Regional Court.</p> <p>4.2.3 Different Magistrates are rotating or not available or they arrive late at the backlog courts.</p> <p>4.2.4 Thorough research was not conducted when the Backlog project was started as no court rolls were set from the outset.</p> <p>4.2.5 SAPS also want to be updated on which cases were withdrawn during the strike action so that they are also able to find out what were the problems</p>	meeting;
<p>4.3 Filling of Vacant Posts</p>	<p>4.3.1 The NPA, there are about 116 vacant posts and they are under tremendous pressure to fill them. The recruitment process will be finalized by the end of July instant.</p> <p>4.3.1 More interpreters and Intermediaries are required at the courts.</p>	Progress reports in this regard will be tabled at the next meeting.

4.4 Offer by the Natal Law Society	4.4.1 KZN Law Society is waiting for the approval from the PIJF forum to continue with their offer to help reduce backlogs at courts.	KZN Law Society to engage with each role players to finalize this issue
5. Progress reports: 5.1 Provincial Child Justice; Review of statistics	5.1.1 Statistics reveal that since DSDCW withdrew their funds from Khulisa, there's been an increase in the number of children awaiting trial.	Mr. Byroo corrected the view to say that Khulisa's contract expired and due process has to be followed for the allocation of funding to NGO's
5.2 Restorative Justice Committee	<p>5.2.1 The NPA has a project that is running and Iole Matthews is the project manager. This projects highlights that cases can also be resolved as a means of mediation or diversion. A manual has been developed. KwaMashu is one of the sites out of three that has been chosen to pilot this project.</p> <p>5.2.2 Good practices within the traditional system should be recognized. SAPS recognize them and DCS would like to be part of the Restorative Justice forum.</p> <p>5.2.3 DSDCW will capacitate the stakeholders.</p>	Adv. Shamila Batohi to work with the DOJ&CD Regional Head, Ms Shabalala in this regard.
6. New Matters:		
6.1 Launch of the JCPS Cluster	<p>6.1.1 PIJF and JCPS will sit together to align their mandates.</p> <p>6.1.2 JCPS deals with crime issues, crime prevention, and alcohol contribution to crime while PIJF deal with the functioning of the courts. There will be no any duplication between these two clusters.</p>	<p>JCPS will meet quarterly</p> <p>See attached is the Governments Programme of Action - 2007</p>

<p>6.2 Visit by the JCPS Directors-General</p>	<p>There is no date as yet but before this delegation arrives, the alignment of the PIJF activities to the JCPS Cluster priorities and the Government Programme of Action should have happened. There are also areas that they want a report on.</p>	<p>JCPS Cluster should handle this process.</p>
<p>6.3 Overcrowding</p>	<p>6.3.1 DCS feels that the overcrowding issue isn't dealt with properly at the forums 6.3.2 The stats from DCS gets delayed because there is confusion as to what exactly do different stakeholders require from DCS Westville is not the only court that deals with children awaiting trial, there is Qalakabusha Prison and stats should be collected from them as well</p>	<p>-DCS is to lead the awaiting trial detention Sub-Committee - DCS should submit statistics timeously and assist in tracing children held in correction centres. (See the attached manual from DCS) Stakeholders are to identify which stats they require from DCS</p>
<p>6.4 Effects of the Strike</p>	<p>Chief Mabaso and Chief Ngcobo have written a letter to all Heads asking them to report on the effects of the strike, by the end of July. SAPS have also called on all the data from members especially those who were trial-ready so that they can be the first to be dealt with</p>	<p>Only at the end of July will the effects of the strike be properly analyzed.</p>

7. General

7.1 Dr. Akoojee reported that following a cabinet resolution in 2006, a project for the Department of Health to take over SAPS mortuaries was started in April 2006. The auditing and the handover have been completed. Every year a report will be submitted to SAPS for purposes of archiving. It was a long and hard process because a lot had to be done especially when dealing with unregistered funeral undertakers.

7.2 Director Zulu reported that the Video Remand System is excellent; however, there is a problem of funding to cater for paying the Telkom bill. Four (4) new sites be launched in KZN viz. Durban, Verulam, Pietermaritzburg, Ladysmith. Statistics of offenders who go through the system at the sites informed the decision to roll out the

system to the new areas.

8. Date for the next meeting:

The next meeting will be held on the 5th of October 2007 at the Hilton Hotel.

9. Closure:

The Chairperson thanked everybody for their attendance and adjourned the meeting.