

The Constitutional Court received 62 petitions for hearings during 2005, of which 44 applications were dismissed and 18 were granted.

	2004	2005
Civil Appeals Total Workload	348	312
Pending Beginning	182	154
Nr Received Against	166	158
full court	19	15
single judge	136	135
other courts	11	8
Nr Finalised	159	300
Pending End	189	12
Criminal Appeals Total Workload	66	59
Pending Beginning	35	34
Nr Received Against	31	25
full court	1	2
single judge	9	14
other courts	21	9
Nr Finalised	26	47
Pending End	40	12
Requests for Leave to Appeal	560	634
Civil Petitions	408	445
Criminal Petitions	152	189

Composition of the High Court Judiciary as at December 2006.

Court	African		Coloured		Indian		White		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Constitutional Court	5	1	-	-	1	-	2	1	10
Supreme Court of Appeal	4	-	-	-	2	-	14	2	22
Land Claims Court	2	-	-	-	-	1	1	-	4
Labour Court and Labour Appeal Court	1	-	1	-	-	1	0	1	4
Natal Provincial Division	10	-	2	1	3	2	10	1	29
Free State Division	2	-	1	-	-	1	10	-	14
Eastern Cape Division	2	2	-	-	2	-	11	-	17
Cape Provincial Division	3	1	5	1	-	-	16	3	29
Northern Cape	2	-	1	1	-	-	2	-	6

	African		Coloured		Indian		White		
Division									
Witwatersrand Local Division	5	3	-	-	3	1	14	3	29
Transvaal Provincial Division	12	1	1	-	1	-	17	1	33
Transkei Division	3	1	-	-	-	-	3	1	8
Ciskei Division	2	-	-	-	1	-	1	-	4
Bophuthatswana Division	2	2	1	1	-	-	1	-	7
Venda Division	2	-	-	-	-	-	-	-	2
Total	57	11	12	4	13	6	102	13	218

During the period January – December 2005, 1 348 new cases were registered the high courts to the 1067 carry over/outstanding from 2004 resulting in a workload 2145. Of the 2145 cases 1 492 were cleared from the roll, leaving an outstanding roll of 923 carried over to 2006.

Breakdown of outstanding case roll (backlog) per province:
High Courts

Division	Outstanding Roll
Bophuthastwana	40
Ciskei	40
Cape Provinsial Division	68
Eastern Cape Division	51
Free State Division	44
Northern Cape Division	34
KwaZulu Natal Division	92
Transvaal Provincial Division	229
Transkei	156
Venda	11
Witwatersrand Division	158
Total	923

Based on the average of approximately 4 cases per court per month being finalised, 76 additional high courts are required to deal with the outstanding roll of 923 cases over a three month period.

Recess Periods

It is important to note that during the following periods (recess periods) the High Court is only dealing with undefended matters. During the rest of the year (sittings of the High Court) it is dealing with defended matters:

Free State	1 January to 22 January 1 April to 23 April 1 July to 30 July 16 December to 31 December
Natal (Durban Local)	1 January to 29 January 3 April to 17 April 3 July to 30 July 2 October to 15 October 16 December to 28 January 2007
Cape	1 January to 31 January 1 April to 8 April 24 June to 31 July 1 October to 14 October 16 December to 31 December
Transvaal	1 January to 22 January
Witwatersrand	1 April to 16 April 24 June to 30 July 30 September to 8 October 9 December to 28 January 2007
Northern Cape	1 January to 27 January 23 March to 7 April 22 June to 31 July 21 September to 6 October

Eastern Cape 1 January to 27 January

(South Eastern Local) 3 March to 14 April

19 June to 28 July

2 October to 13 October

18 December to 31 December

Performance during recess periods:

provide any information in this regard to either the relevant judge-

Supratrawana	57	55
Cape Provincial Division	70	63
Ciskei	72	77
Eastern Cape Division	156	134
Free State Division	56	61
KwaZulu Natal Division	176	233
Northern Cape Division	66	52
Transkei Division	127	110
Transvaal Division	254	171
Venda Division	81	86
Witwatersrand Division	144	152
Not Guilty	197	211

Bophuthatswana	4	5
Cape Provincial Division	8	8
Ciskei	23	20
Eastern Cape Division	35	30
Free State Division	5	3
KwaZulu Natal Division	18	37
Northern Cape Division	10	9
Transkei Division	20	18
Transvaal Division	29	33
Venda Division	25	24
Witwatersrand Division	20	24
Minimum Sentencing	1017	1288
Bophuthatswana	84	177
Cape Provincial Division	206	195
Ciskei	6	3
Eastern Cape Division	82	47
Free State Division	100	97
KwaZulu Natal Division	191	205
Northern Cape Division	23	35
Transkei Division	1	17
Transvaal Division	224	372
Venda Division	21	4
Witwatersrand Division	79	136
Withdrawals	90	106
Outstanding End	1012	1117

2005 LOWER COURT PERFORMANCE STATISTICS

In the regional court 81 724 cases were registered and 80 168 cases were cleared from the roll. A total of 983 407 cases were registered in district courts of which 958 254 were cleared from the roll. Cases cleared from the roll are cases:

- Finalised with a verdict of guilty or not guilty
- Withdrawn
- Diversions
- Admission of guilty

District and regional courts information is summarised as follows:

January – December 2004 (Criminal cases) –for comparison purposes:

Data	District Courts		Regional Courts	
	2004	2005	2004	2005
Outstanding Roll Beginning	149,681	132,779	43,890	45,556
New cases	990,325	983,407	84,322	81,724
Total Workload	1,140,006	1,116,186	128,212	127,280
Cleared from the roll	1,007,227	958,254	82,656	80,168
Not guilty verdict	45,817	42,999	13,071	11,927
Guilty verdict	289,891	294,305	29,437	27,900
Withdrawals	303,633	311,907	24,428	23,617
Diversions	17,744	25,242	314	278

Other (warrants, struck from roll, admission of guilt, etc.)				
	350,142	283,801	15,406	16,446
Outstanding roll	132,779	157,932	45,556	47,112

Info from certain Regional court centres:

Cape Town	2004	2005
Outstanding		
Beginning	797	682
New Cases	903	799
Total Workload	1700	1481
Cases Finalised	846	617
Guilty Verdict	421	318
Not Guilty Verdict	219	162
Diversions	1	0
Withdrawals	205	137
Other	172	124
Outstanding End	682	740

Johannesburg	2004	2005
Outstanding		
Beginning	1933	1922
New Cases	2550	2619
Total Workload	4483	4541
Cases Finalised	2087	2056
Guilty Verdict	867	840
Not Guilty Verdict	228	288
Diversions	0	0
Withdrawals	992	928
Other	474	661
Outstanding End	1922	1824

Pretoria	2004	2005
Outstanding		
Beginning	1921	2360
New Cases	2745	2981
Total Workload	4666	5341
Cases Finalised	3225	2601
Guilty Verdict	1269	1149
Not Guilty Verdict	425	439
Diversions	1	0
Withdrawals	1530	1013
Other	-919	140
Outstanding End	2360	2600

KZN	2004	2005
Outstanding		
Beginning	7725	7825
New Cases	13145	16402
Total Workload	20870	24227
Cases Finalised	9830	10985
Guilty Verdict	4121	4730
Not Guilty Verdict	1956	2122

Diversions	29	81
Withdrawals	3724	4052
Other	3215	4278
Outstanding End	7825	8964

Info from certain District court centres:

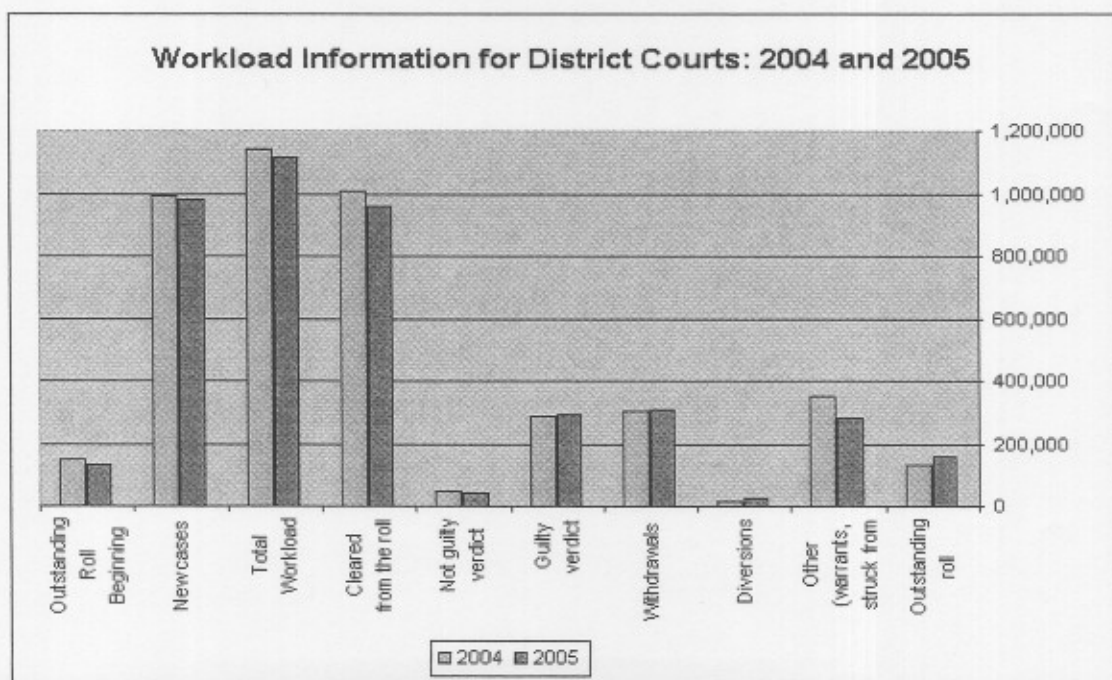
Bloemfontein	2004	2005
Outstanding		
Beginning	1558	1412
New Cases	9912	8983
Total Workload	11470	10395
Cases Finalised	5717	4946
Guilty Verdict	1916	1560
Not Guilty Verdict	229	164
Diversions	216	343
Withdrawals	3356	2879
Other	4341	4132
Outstanding End	1412	1317

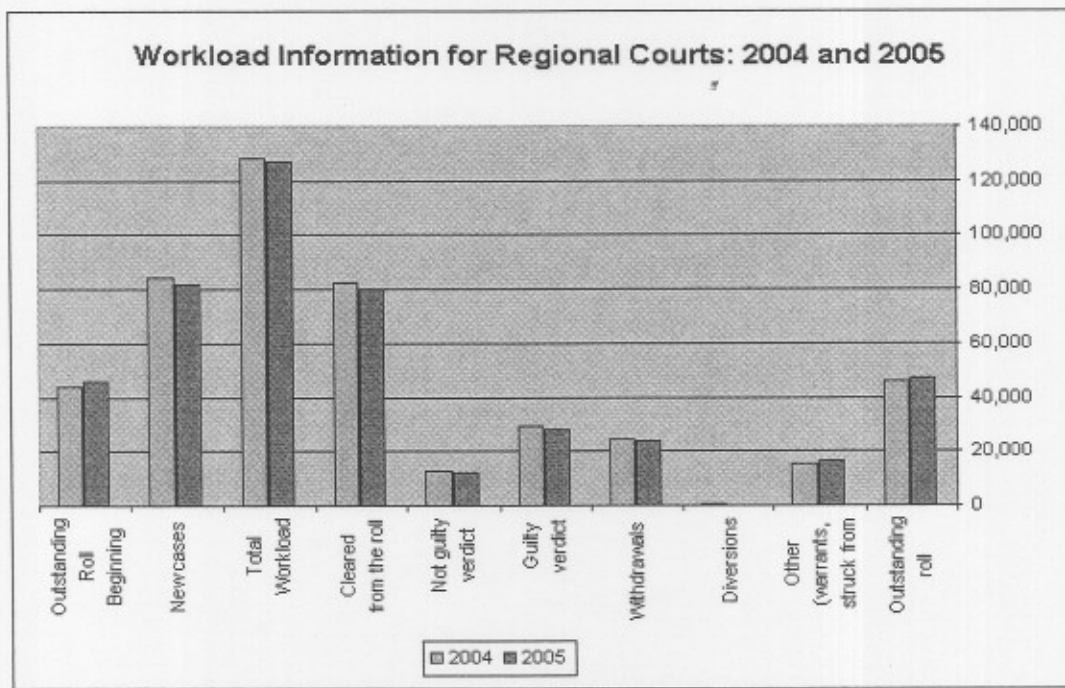
Cape Town	2004	2005
Outstanding		
Beginning	1973	2518
New Cases	17732	25258
Total Workload	19705	27776
Cases Finalised	10558	16012
Guilty Verdict	7020	9350
Not Guilty Verdict	757	887
Diversions	299	1222
Withdrawals	2482	4553
Other	6629	8278
Outstanding End	2518	3486

Durban	2004	2005
Outstanding		
Beginning	3109	3990
New Cases	27179	27014
Total Workload	30288	31004
Cases Finalised	12876	13929
Guilty Verdict	4893	5210
Not Guilty Verdict	432	647
Diversions	862	1253
Withdrawals	6689	6819
Other	13422	13966
Outstanding End	3990	3109

Johannesburg	2004	2005
Outstanding		
Beginning	1134	1226
New Cases	5104	5628
Total Workload	6238	6854
Cases Finalised	3811	4696
Guilty Verdict	2328	3526

Not Guilty Verdict	187	351
Diversions	646	238
Withdrawals	650	581
Other	1201	1423
Outstanding End	1226	735
Port Elizabeth		
Outstanding Beginning	2004	2005
New Cases	4132	2238
Total Workload	20900	19340
Cases Finalised	25032	21578
Guilty Verdict	6059	6733
Not Guilty Verdict	2438	2476
Diversions	318	345
Withdrawals	19	99
Other	3284	3813
Outstanding End	16735	12993
Pretoria		
Outstanding Beginning	2004	2005
New Cases	3553	3007
Total Workload	24230	19704
Cases Finalised	27783	22711
Guilty Verdict	17307	13599
Not Guilty Verdict	4251	5734
Diversions	844	818
Withdrawals	416	628
Other	11796	6419
Outstanding End	7469	6920
	3007	2192





**Breakdown of outstanding case roll (backlog) per province
District courts**

Province	Outstanding Roll
Eastern Cape	21322
Free State	7725
Gauteng	22914
KwaZulu Natal	22733
Limpopo	7803
Mpumalanga	8835
North West	8567
Northern Cape	5476
Western Cape	27052
Total	132 427

Based on the average of approximately 40 cases per court per month approximately 275 additional courts are required to deal with the outstanding roll of 132 427 cases over a 12 months period.

Regional courts

Province	Outstanding Roll
Eastern Cape	6298
Free State	3384
Gauteng	12814
KwaZulu Natal	8964
Limpopo	2078
Mpumalanga	2684
North West	3700
Northern Cape	876
Western Cape	6314
Total	47 112

Based on the previous experience in terms of which 72 additional courts finalized 24 000 cases per annum, approximately 144 additional courts will be required to clear the outstanding roll in 12 months.

Appeals

	Bisho	Bloemfontein	Johannesburg	Kimberley	Pietermaritzburg	Pretoria
Civil Appeals	9	123	230	9	126	312
Pending beginning	2	111	34	5	6	23
Nr Received from	7	12	196	4	120	289
Magistrates Court	7	12	142	4	99	208
Other Courts	0	0	54	0	0	0
Full court	0	0	0	0	21	81
Nr finalised	5	-276	122	9	113	90
Pending End	4	399	108	0	13	222
Criminal Appeals	40	816	575	299	773	3852
Pending beginning	2	760	0	271	126	2708
Nr Received from	38	56	575	28	647	1144
District Court	38	6	0	8	84	314
Regional Court	0	48	575	16	304	794
Correctional Services	0	0	0	0	216	0
Full court	0	2	0	4	43	36
Nr finalised	12	-1422	575	-975	554	1078
Pending End	28	2238	0	1274	219	2774

* These figure are average figures as the data is not readily available.

The type of crimes relating to the outstanding cases is not easily determined. However, statistics from Correctional Services regarding sentenced and unsentenced detainees indicate the following:

Correctional Services: Crime Categories: 31 July 2005			
Crime Categories	Unsentenced	Sentenced	Total
Aggressive	21 840	64 875	86 715
Economical	12 229	22 021	34 250
Sexual	7 754	18 149	25 901
Narcotics	1 063	2 321	3 384
Other	2040	3 372	5 412
Total	44 926	110 736	155 662

It is a concern that we have so many unsentenced as well as sentenced inmates in the aggressive category. This sentence category as well as the sexual sentence category receives in the normal course of events the longer sentences.

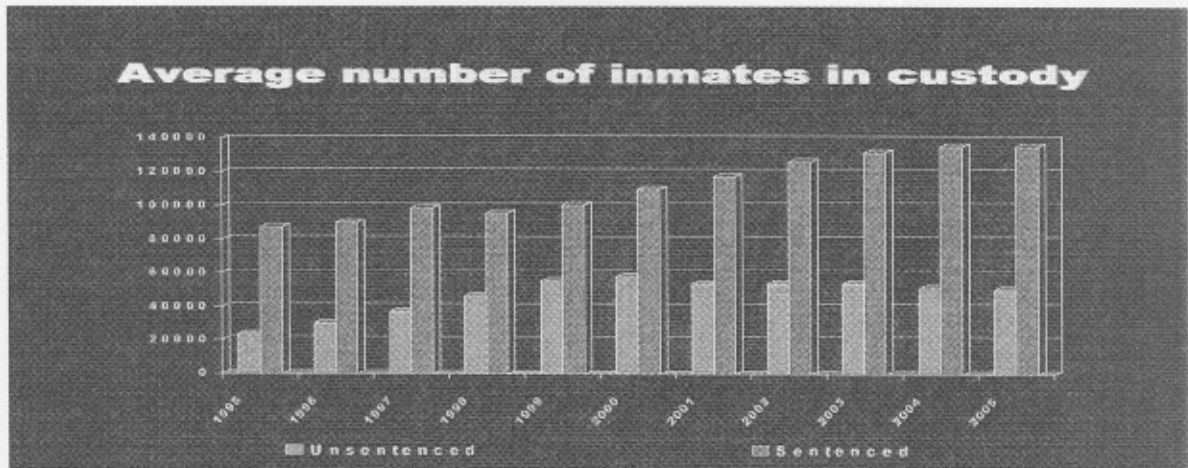
During January to December 2005, a total number of 759 523 civil cases were registered at the district courts of which 11 000 resulted in trials. Default judgments granted during the same period total 441 294. In the Small Claims Court of the 96 837 summons issued 50 001 were settled out court and 20 758 are outstanding.

In family law matters 195 972 new maintenance complaints were dealt with in the 528 district courts. A total of 31 932 foster care orders were granted by the Children's in respect of children in need of care. In the same period Children's courts granted 3 923 adoptions.

Increase in SAPS productivity.

The increase in SAPS productivity has been taken into account in planning our budget.

In terms of overcrowding the statistics are promising in that a continuous decrease is indicated in terms of awaiting trial detainees;



WITHDRAWAL OF CRIMINAL CASES

Statistics relating to the reasons for withdrawal of criminal cases are not available. These statistics are not being kept and there are no plans to design the data collection tool to reflect the reasons for withdrawals. The reasons for withdrawal is not always reflected in the charge sheet or made known to the court. It is therefore not available to the clerk of the court. A recent judgement dictates that "up until the point where a plea has been formally tendered and duly entered, the prosecutor is the master of the suit (*dominis litis*). The court has no control over the prosecutor's actions and they have the authority to decline to prosecute an accused person, even when a *prima facie* case had been made out against the accused." (See *North Western Concrete CC and Another v Director of Public Prosecutions, Western Cape 2000 SA 78 (C)*). In many cases there is a duty of secrecy on the prosecutor not to make information available. (See ***Hyundai Motor Distributors (Pty) Ltd and Others v Smit NO and Others 2000 (2) SA 934 (T)***). For these reasons many prosecutors do not provide reasons for withdrawals.

The National Prosecuting Authority indicated that, from their experience, the most common reasons for withdrawals are:

- No *prima facie* case against the accused;
- Witnesses cannot be traced;
- On request of the complainant;
- Further investigation incomplete and court refuses further postponements. In this instance the charges are withdrawn until the investigation is complete. Criminal proceedings are then instituted by way of a summons.