

Minister Lamola, what happened to your promise of being a guardian of the Constitution and Bill of Rights?

Werner Horn MP - DA Shadow Deputy Minister of Justice and Constitutional Development

The rule of law is about much more than the basic requirement that every person and every state institution is subject to the law. It is also about accountability under the law, which not only demands the willingness to explain decisions, but also to take responsibility for decisions.

Now, I am not going to waste time today by dealing extensively with the self-contradictory disaster management regulations issued by this government. Rules like the ones making us criminals if we meet with one or two family members in the privacy of our homes, but not if we meet up with them at a restaurant or travel with them in a packed minibus taxi.

But let me say this: If you were serious Minister when you right at the start of the lockdown assured South Africans that you as the guardian of our Bill of Rights would ensure that our rights were not going to be unduly limited during the pandemic, you owe us an explanation on how the government you are part of justify criminalising South Africans on the basis of these regulations, which treats citizens like subjects; mushrooms which should be kept in the dark for their own good.

And Minister, allow me to add that when the Courts defer to the Executive in a time like this, as it seems to be doing, it does not mean that the Executive can boast about being right, it really only means that the responsibility becomes so much bigger to make double sure that those policy choices which our Courts are not prepared to review are reasonable and morally justifiable.

Chair: A few other things in desperate need of explanation by the Minister, closer to home and his Department are as follows:

What has the Minister done to deal with the poisonous rot that has engulfed the administration of the Department of Justice and most of the State Attorneys' and Masters' Offices, apart from having the SIU investigate the corruption.

More specifically: Are those implicated still employed by the Department, if so, are they suspended and at least facing disciplinary hearings, or have they been redeployed in the best tradition of the ANC? Like your government did with the former DG of this department who were rewarded with an ambassadorship rather than being held accountable for allowing the Department of Justice to seriously deteriorate under his leadership.

What has the Minister done to hold to account those who allowed the Sex Offenders Register to fall into administrative chaos up to the point where it will need a full audit, and not the recalibration the Minister and the President keep on talking about, before we can ever be sure that it is accurate and credible?

As the Minister responsible for the administration of justice, what has the Minister done to ensure that the millions of Rands promised to this Department to properly enable the campaign against gender-based violence are forthcoming?

What has been done by the Minister to ensure the development of a workable and credible plan to deal with the ever-ballooning size of the criminal case backlog roll?

This issue alone could lead to the evaporation of any public confidence there still is in the criminal justice system, which is the very last thing this country could afford if unemployment levels are going to rise to historical levels in the months to come and the only feedback we as the Portfolio Committee get from the Department is that the talks about talks in this regard are continuing at pace, which of course we know means at a "snail's pace".

Minister even if you, like the true politician you have become, choose to disregard all of our input because it comes from the opposition, please take on board at least this issue, for a lack of trust in our criminal justice system amidst high unemployment and the resultant snowballing of socio-economic problems, could be disastrous for law and order and ignite the type of lawlessness which could bring this country to its knees.

Minister, the state of our criminal justice should be what keeps you awake at night!