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**MINISTRY**

**JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL COUNCIL OF PROVINCES (NCOP)**

**FOR WRITTEN REPLY**

**PQ NO. 109**

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 21/02/2025 (INTERNAL QUESTION PAPER: NATIONAL COUNCIL OF PROVINCES NO. 03 – 2025)**

**109. Mr N Gotsell (Western Cape: DA) to ask the Minister of Justice and Constitutional Development:**

Whether any services of the State Attorney have been employed to assist a certain Mossel Bay Magistrate (details furnished) to apply for an interim protection order against certain journalists; if not, what is the position in this regard; if so, (a) what were the reasons for motivating such approval, (b) who approved the request and (c) what other services were rendered by the State Attorney to assist the said magistrate in litigation and/or otherwise? **CW109E**

**REPLY:**

1. The State Attorney Cape Town, did receive an application for representation from the Department of Justice on behalf of Magistrate office, who at the time had already initiated an application for protection order against certain journalist at all relevant times.
2. The said request was for the appearance at the court, as well as the drafting of the necessary affidavits. Given the capacity constrains within the office of the State Attorney and as per client’s instructions, counsel was appointed on an urgent basis, given an imminent court date as well as the nature of the matter concerned.
3. Counsel was appointed through deviation processes, recommended by the attorney of record, supported by the Deputy State Attorney and the Office Head, and final approval by the Acting Solicitor General.
4. The main consideration for approving legal representation by the office of the State Attorney, was the fact that the underlying issues emanate from and were intrinsically linked within the cause and scope of the applicant’s employment or capacity as a Magistrate.
5. Given the thin line between what will appear to be professional and personal issue in so far as the underlying issues are concerned, namely, harassment arising from the rulings she made at court which were not well received and challenged by the journalist, who went public with scathing comments, which attracted death threats and the like, against the applicant. Our office saw it fit to represent the applicant.