**NATIONAL COUNCIL OF PROVINCES (NCOP)**

**FOR WRITTEN REPLY**

**PQ NO. 871**

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***Arrests for illegal possession of firearms***

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

(a) How many of the 13 727 arrests as calculated from the SA Police Service quarterly reports in the Western Cape between 1 January 2020 and 31 December 2024 for the illegal possession of firearms were (i) successfully prosecuted and resulted in convictions, (ii) unsuccessfully prosecuted and (iii) removed from the court roll and (b) what are the reasons for the removal of such cases? CW996E

**REPLY:**

1. The National Prosecuting Authority (NPA) in the Western Cape is not able to link the number of cases enrolled and prosecuted with the number of arrests made by the South African Police Service (SAPS) in respect of firearm-related offences. Cases resulting from arrests in one year may only be finalised the following year or even later if such cases include more serious crimes such as murder, robbery with aggravating circumstances or rape.

While the Integrated Case Management System (ICMS) system provides data on the number of charges enrolled, this information cannot be reliably compared against SAPS’ Crime Administration System (CAS) data. A significant proportion of matters recorded on the CAS system are not necessarily registered or captured on the Electronic Case Management System (ECMS) and ICMS, which creates a distorted or incomplete picture if one attempts to rely solely on ICMS reports for a case-by-case analysis against arrest data.

It is also important to note that the NPA does not maintain independent statistics on the prosecution of illegal firearm possession cases. The formal record of prosecution outcomes is drawn from the ICMS, which serves as the official source of data regarding the number of charges enrolled and finalised. However, as indicated, the ICMS data does not account for all cases that were not enrolled, making it unsuitable for a comprehensive correlation with SAPS arrest statistics.

1. With the above caveats in mind, the NPA can provide the numbers based on cases (not accused arrested) in the Lower courts, both District and Regional courts, based on information captured on the Electronic Case Management System (ECMS). However, the information on the system has only been implemented as at April 2024 and there are a few problems which continue to impact on the integrity of the data. However, for the period requested a total of 1 745 cases were successfully prosecuted with convictions.
2. A total of 395 cases resulted in acquittals.
3. The number of cases struck off the roll amounted to 1 897 of which 1 613 were in the District courts.
   1. The reasons for the matters being struck off the court roll are unfortunately not captured or available.

Regarding withdrawals and enrolments, in many instances, cases are not enrolled or are later withdrawn due to the poor quality of evidence presented at the time of submission or due to the incomplete status of police investigations. Presiding officers are increasingly reluctant to allow such matters to remain on the court roll, particularly in circumstances where the case has become a backlog matter and no substantive progress has been made, regardless of the fact that the charge involves a priority offence such as the illegal possession of a firearm.

Recognising the systemic nature of these challenges, the NPA in the Western Cape has undertaken several targeted interventions to address the root causes of poor enrolment and prosecution outcomes. These include:

**Training Initiatives for SAPS Members**

We have provided training, particularly to uniformed SAPS members who effect firearm seizures, to enhance their understanding of:

* The evidentiary requirements relating to their affidavits.
* The proper handling, preservation, and chain-of-custody procedures for seized firearms.

**Strategic Project Initiated by the Office of the DPP**

A dedicated project, coordinated by the Office of the Director of Public Prosecutions (DPP), has been launched with the following key objectives:

* Promote awareness and introduce normative standards in the application of legal principles at the docket-enrolment stage, particularly for first appearances in the district courts.
* Provide both foundational and technical training to prosecutors and SAPS members on firearm-related offences in terms of the Firearms Control Act, No. 60 of 2000.
* Identify and address coordination gaps between SAPS, law enforcement agencies and the prosecution.

Although the project is still in its early stages, it has already begun to yield encouraging results, including:

* The identification of systemic failures in the handling of first appearance matters across SAPS, law enforcement and the prosecution.
* The re-enrolment of dockets previously withdrawn due to poor investigation standards.
* A workshop conducted specifically to address common challenges in docket enrolment and substandard investigations.

**Expected and Emerging Impact of the Project**

The following are the expected outcomes of the project:

* An increased number of enrolments for firearm-related offences.
* Improved quality and consistency in the dockets submitted by SAPS.
* A strengthened understanding of firearm legislation and evidentiary requirements among both prosecutors and law enforcement officials.

These interventions are ongoing and form part of our broader strategy to strengthen the prosecution of priority crimes through improved inter-agency collaboration, capacity-building, and standardisation of prosecutorial practices. We remain committed to working with all stakeholders to address these challenges and to ensure the effective prosecution of firearm-related offences.