



COMMUNITY COURTS IN THE WESTERN CAPE

1. Introduction

The Sub-directorate: Safety Planning was requested to collect information on the process of establishing of community courts in the Western Cape. This is a summary of the process of establishing community courts in the Western Cape and is based on the information that was received from the Department of Justice and Constitutional Development and National Prosecuting Authority.

2. Background

During the State of the Nation address, President Thabo Mbeki re-iterated that it is our duty to improve the safety of all our citizens and communities. He stated that *“we will in the current financial year (April 2004 to March 2005) establish at least two Community Courts in each province, modeled along the Hatfield Community Court in the City of Tshwane, ... and the programme to set up specialized courts, including those dealing with commercial crimes and woman and child abuse, will be intensified as will the process of transforming the entire judicial system”*. Hatfield Court situated at Brooklyn Police Station, commenced on 5 April 2004 and serves as a pilot project for five months (see annexure A). By locating the Court Room in close proximity to the Police Station, it brings about efficiency. Suspects are processed speedily, and, where necessary, witnesses and arresting officers are readily available to testify thus making it possible for a case to be tried within a day or two. The Western Cape Directorate of Public Prosecution initiated the process by lobbying all stakeholders to support it (see annexure B).

3. The Process of Establishing Community Courts in the Western Cape

Following the President's address, all Directors of Public Prosecutions were requested to identify sites for the establishment of such courts and submit feasibility reports. The focus of the feasibility reports were based on areas where a general state of lawlessness threatens the safety and security of law-abiding citizens. The aim is to restore respect for

the law by enforcing compliance with all prescripts.

Offenders would be dealt with immediately, and effective diversion options or sentences would be considered and imposed. This will serve as a warning to all offenders that no matter will be withdrawn due to youth or pettiness. All crimes will be addressed in a speedy fashion and will be met with appropriate sanction. It will, in the long run, serve as a positive crime prevention strategy. As can be seen from the Hatfield document (Annexure A), the court will also deal with the less serious offences, which are often neglected in the main courts due to the heavy load of more serious cases.

4. Identification of Sites for the Community Courts in the Western Cape

In the Western Cape three sites were provisionally identified for the establishment of community courts at the monthly meeting of the Directors of Public Prosecutions and are:

- Manenberg;
- Mitchell's Plain; and
- Sea Point

The possible commencement date of functioning of these courts was the 1st of July 2004. The Directors of Public Prosecutions were also requested to investigate the feasibility of maintenance defaulter courts, hijacking courts, drug courts, stock theft courts, cash in transit courts and housebreaking courts. All the feasibility reports were submitted on the 18 June 2004. The Western Cape feasibility report indicated that the Directors of Public Prosecutions are already liaising with the other role-players on local level such as Magistracy, Legal Aid Board, SAPS, Metro Police, Community Representatives, Business Chambers, etc. The Western Cape feasibility report only states meetings that were initiated and resolutions taken (see annexure B).

5. Conclusion

The process of establishing three community courts has been characterized by a consultative process with all relevant stakeholders led by the Directorate of Public Prosecutions in the Western Cape. All stakeholders indicated a willingness to play a role in the community courts either by making funds available or personnel (see the attached



annexure B). Community courts focus on lower court cases of a specific area to deal with specific offences that are rife, for example, handbag and cellular phone theft, offences relating to drug and alcohol abuse, municipal by-law offences and petty offences. What remains to be a concern is the shortage of key staff members to start the project, this might be one of the reasons why these courts are not yet in operation.

