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PC Justice



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**SUMMARY AND ANALYSIS OF THE ANNUAL REPORT OF THE NATIONAL
PROSECUTING AUTHORITY (NPA) 2012/13**

1. INTRODUCTION

The purpose of this paper is to assist the Portfolio Committee on Justice and Constitutional Development in exercising its oversight responsibilities by providing a summary and analysis of the Annual Report of the National Prosecuting Authority (NPA) 2012/13.

2. LEGISLATIVE MANDATE

The NPA is established in terms of the Constitution of South Africa, 1996. Section 179 of the Constitution establishes a 'single national prosecuting authority in the Republic, structured in terms of an Act of Parliament'¹ and empowered to 'institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings'² 'without fear, favour or prejudice.'³

The NPA is empowered, governed and impacted on by the following legislation:

- National Prosecution Authority Act 32 of 1998: The Act gives effect to the Constitutional mandate of the NPA. The Act sets out the powers and function of the NPA and its officials. The Act is supplemented by the NPA Prosecution Policy.
- Prevention of Organised Crime Act 121 of 1998: The Act provides for the forfeiture of assets that are the proceeds of organised crime. The Assets Forfeiture Unit was accordingly established to fulfil this mandate.
- Witness Protection Act 112 of 1998: The Witness Protection Programme was established in terms of this Act.
- Public Finance Management Act 1 of 1999 (PFMA)
- Public Service Act 1994
- Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002
- Child Justice Act 75 of 2008
- Criminal Law (Sexual Offences & Related Matters) Amendment Act 32 of 2007
- Criminal Procedure Act 51 of 1977
- Prevention of Corrupt Activities Act 12 of 2004
- Treasury Regulations for Departments, trading entities, constitutional and public entities (GN R740 in GG 23463 on 25 May 2002)

The vision of the NPA is for 'justice in our society so that people can live in freedom and security. The mission of the NPA is 'guided by the Constitution, [to] ensure justice for the

¹ Constitution of the Republic of South Africa, Act 108 of 1996, section 179(1).

² Section 179(2), Constitution.

³ Section 179(4), Constitution.



victims of crime by prosecuting without fear, favour or prejudice, and by working with... partners and the public to solve and prevent crime..

Its espoused values are: integrity, accountability, service excellence, professionalism and credibility.

3. TECHNICAL ASPECTS

The Report provides a comprehensive account of NPA activities and performance during the reporting period. It represents information using tables as well as using the narrative form to describe outputs and achievements. Overall, the Report is clear and systematically set out, reporting on every programme.

The following points can be noted:

- There is specific reporting on the ENE targets enabling one to determine whether the NPA is performing in line with Government strategy.
- Detailed figures as well as percentages changes are provided in respect of certain performance areas. This enables one to gauge an accurate indication of performance in these areas.
- A comparison of data over the last five reporting periods is provided. This allows for a better overview of performance over the years.

Comment

In the Annual Report, the NPA admits that the overall performance against the predetermined targets is not satisfactory and puts this in context by pointing out that the NPA set stretch targets for the year under review that ranged between 2-100% increases (average of 7%) on the previous years actual performance.

When the NPA appeared before the Committee in April 2013, it informed the Committee that the budget shortfall of R200 million will result in vacancies which affect the NPA's strategic targets.

4.. CHALLENGES AND HIGHLIGHTS

4.1 CHALLENGES

- Last year a court judgment was granted against the NPA, which compelled it to pay R55 million, in relation to delays in implementing the outcome of a job evaluation done in 2004.



- The National Prosecutions Amendment Bill has yet to be finalised and/or tabled in Parliament.
- This year there was an overspending of 83% on the Compensation of Employees budget.
- The Aspirant Prosecutors Programme, a training programme for aspirant prosecutors, has been put on hold.
- The R200 million budget shortfall has resulted in a lot of unfunded vacancies.
- The recent North Gauteng High Court judgment in *Freedom under Law v The National Director of Public Prosecutions*, put the NPA in the spotlight as far as the decisions whether to prosecute or not prosecute are taken, and the finding by Murphy J that the withdrawal of the charges against General Mdluli was unlawful and irrational, does nothing to help its image.

4.2 HIGHLIGHTS

- The NPA has received a clean audit for the 2012/13 financial year.
- The President has recently announced the appointment of a new National Director of Public Prosecutions.
- Advocate Karen Van Rensburg was appointed CEO of the National Prosecutions Authority.

5.. STRATEGIC PRIORITIES

The NPA has the following measurable strategic objectives:

- Increased successful prosecution of serious crime
- Improved collaboration with JCPS partners
- Reduced corruption
- Improving justice services for victims of crime
- Increased prosecution of cybercrime

The achievement of these targets will be commented on in the relevant programmes.

Comment

- Cases finalised by means of ADRM is reported to have increased by 4.5% from 132 693 IN 2011/12 to 143 410 in 2012/13.
- The number of operational TCC's increased from 30 in 2011/12 to 35 in 2012/13..
- The value of freezing orders by the AFU has **decreased** from R553 million in 2011/12, to R518 million in 2012/13, with the 13.7 % deviation being due to trial readiness delayed because of complexity of investigations being offered as a reason.



- The value of completed forfeiture cases dropped from R163.6 million to R118.5 million, with the 29% deviation being caused by many cases not being finalised due to protracted litigation.
- No witnesses were harmed or threatened while on the witness protection programme.
- High and Lower Courts have finalised 323 390 cases with a verdict during this reporting period, against a planned target of 344 419, and achieving an 89.5% conviction rate. The reason offered for this reduction is, again, the steady decline in court utilisation. Are there measures to deal with this challenge? Has the Office of the Chief Justice, which is tasked with setting norms and standards for the judiciary, been informed of these developments?
- Regarding progress made on strategic objectives, some of the reasons given for not meeting performance targets include unavailability of criminal records and/or pre-sentence reports. Does this mean there are problems with other links in the chain, so to speak? If so, what are the plans in place to deal with these other stakeholders responsible for these records/reports?
- Has the reduction of 7.5% in new cases enrolled for Regional Courts meant more improvement in court utilisations?
- When the reason for a slightly lower target in respect of commercial crimes is given as that many of these matters are defended by senior counsel does that mean that the NPA does not have the skills to match them?

6. NPA AND THE BUDGET REVIEW AND RECOMMENDATION REPORT (BRRR)

The Committee once again congratulated the NPA for the excellent effort in maintaining an unqualified audit opinion (with emphasis of matter). It has already commented on the Auditor General's findings relating to the NPA's financial health and, more generally, of its concern regarding the impact of further budget reduction for service delivery and the combating of crime. The NPA has indicated very clearly that it will need to revise its targets downwards to accommodate the budget reductions, which will negatively affect effectiveness in combating crime.

The Committee was informed that the NPA's current compensation of employee's budget for 2012/13 is under severe strain: the NPA is not able to fill any vacancies at present; nor is it able to provide prosecutors for new courts. (The Committee notes that the NPA has 'solved' the problem of overall high vacancy rates by no longer counting posts for which it has no funds, reducing the overall vacancy rate from 15% for 2011/12 to 0.3% this year). The NPA requested an additional amount of R755 million over the medium term for the funding of additional capacity, which the Committee supports. The Committee was concerned that the budget cuts will adversely affect the ability of the NPA to perform its key function of prosecuting. The Committee is concerned at the high number of acting positions within the NPA, including that of the acting CEO. The Committee urged that the NPA (and, in the case of the position of the CEO, the Director-General: Justice and Constitutional Development) ensure that these positions are filled on a permanent basis as a matter of urgency.



The Committee noted the NPA's potential financial liability in connection with a recent court ruling on job evaluation. The Committee was informed that the NPA is petitioning the Constitutional Court on the decision and requests that it is kept informed of the outcome. Concerns have been raised relating to the NPA's accounting status and governance arrangements. At present, although the NPA's prosecutorial independence is constitutionally guaranteed; empowering legislation provides that its accounting officer is the DG: Justice and Constitutional Development. In addition, the NPA requires an exemption annually for it to prepare separate annual financial statements. Amendments to the National Prosecuting Authority are being prepared to resolve these problems, further strengthening the NPA's independence.

The Committee had already indicated its concerns relating to court performance and unnecessary delays in court processes. It believes that the conduct of all justice officials, prosecutors and public defenders needs to be strictly monitored and, if they are responsible for the causing unnecessary/unjustifiable delays, they should be sanctioned. The NPA agreed that the discrepancies between the number of arrests, the number of cases enrolled and the number of criminal cases finalised is an area of concern. The NPA reported that on the issue of premature enrolment of investigations, there are policies in place but these are not being followed. The Committee did not understand why this is and requested that the NPA provide it, in writing, by 30 January 2013, with more information on the policies and the challenges that it is facing with their use. The Committee did agree that the NPA can play an important role in earlier stages before matters are enrolled and notes that, in the past, it has done so, working effectively as part of project teams with SAPS.

The NPA requested that it receive additional funds (R100 million over the medium term) for the institutionalisation of donor-funded positions within the Thuthuzela Care Centres (TCCs). The Committee noted that the National Treasury's response to its previous recommendation regarding funding of TCC's was favourable (although only R10 million was allocated), as well as its suggestion that existing vacancies within the NPA could be used to absorb the donor-funded positions. Although as the NPA has no vacancies, having done away with unfunded posts, and cannot afford to employ additional capacity from its existing compensation of employees' budget, this argument no longer seems applicable. Given the priority on combating violent crime, especially sexual violence against women and children, the Committee strongly supported the NPA's request for additional funding for the institutionalisation of donor-funded positions.

The Committee recommended that the National Prosecuting Authority be provided with the following additional funds for the MTEF period:

Description	2013/14	2014/15	2015/16	Total
(R'000)				



Funding of vacant posts	120 000	306 000	328 950	754 950
Job creation	45 954	48 358	50 888	145 200
Labour Court judgment for OSD implementation	200 000	42 400	44 944	287 344
AFU- curator fees and increase in capacity	41 270	43 672	46 214	131 156
Institutionalisation of donor funded positions with TCCs	31 727	33 356	35 022	100 105
Increase in SCCU capacity to achieve JCPS output 3 and 5	3 505	3 715	3 937	11 157
Accountability status of the NPA	200 000	50,000	65 000	315 000
OWP- increase in capacity and acquisition of covert armoured vehicles	112 508	119 132	125 815	357 456
Security and risk business unit- purchasing of capital and security equipment	5 000	6 000	7 000	18 000
Total	759 964	652 633	707 771	2 120 368

7. PROGRAMME ASSESSMENT

The NPA is programme 4 in the vote of the Department of Justice and Constitutional Development. The purpose of this programme is to provide a co-ordinated prosecuting service that protects certain witnesses, investigates serious organised unlawful conduct and removes the profit of crime.

Service delivery is undertaken through the following sub-programmes:

SUB-PROGRAMME 1: PUBLIC PROSECUTION

- o National Prosecution Service (NPS)
- o Specialised Commercial Crimes Unit (SCCU)
- o Priority Crimes Litigation Unit (PCLU)
- o Sexual Offences And Community (SOCA)

SUB-PROGRAMME 2: WITNESS PROTECTION

SUB-PROGRAMME 3: ASSETS FORFEITURE UNIT (AFU)



SUB-PROGRAMME 4: SUPPORT SERVICES

7.1 ASSESSMENT OF PERFORMANCE

SUB-PROGRAMME 1: PUBLIC PROSECUTION

The public prosecution programme provides prosecution services to District, Regional and High Courts in all nine provinces in South Africa and collaborates with national and international stakeholders where necessary. The programme consists of the National Prosecution Services (NPS); Priority Crimes Litigation Unit (PCLU); Special Commercial Crime Unit (SCCU); Sexual Offences Community Affairs (SOCA)

National Prosecution Services (NPS)

The NPS is the largest unit within the NPA structure and its primary responsibility is to conduct prosecutions on behalf of the State.

Conviction Rates

	Actual 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from target	Comment on variance
High Court Conviction rate	84.6% (963)	87% (958)	87.5% (1 045)	0.5%	Cases proven beyond reasonable doubt
Regional Court Conviction	74.3% (28 665)	74% (28 491)	75.1% (28 198)	1.1%	More cases in which evidence was accepted by presiding officer
District Court Conviction rate	90.8% (251 030)	87% (276 068)	91.9% (261 591)	4.1%	More cases in which evidence was accepted by presiding officer
Specialised Commercial Crimes	91.6% (754)	93% (780)	92.9% (639)	0.1%	
Conviction rates in sexual offences	65.1% (4 501)	65% (4 591)	65.8% (4 469)	0.8%	More cases proven beyond reasonable doubt
Conviction rate on trio	84.8% (1 525)	85% (1 556)	83.4% (1 273)	-1.6%	Fewer cases resulting in conviction



crimes					
Conviction rate in organised crime	89.1% (171)	85% (174)	90.7% (273)	5.7%	More cases proven beyond reasonable doubt.

Table 1: Performance against ENE selected performance indicators

Comments

Despite prosecutorial vacancies, the conviction rates remain high. What has the NPA done differently to improve the conviction rates?

These questions may also be of relevance when the Department of Justice & Constitutional Development presents its annual report

- Is there any correlation between better and improved screening mechanisms and a higher yield of convictions?
- Is the Department aware that the NPA has blamed the steady decline in court utilisation as one of the reasons for missed targets?
- How has the extension of the jurisdiction of Regional Courts affected the delivery of services and access to justice, considering that the NPA advises that 7.5 % less of new cases have been enrolled at Regional Courts
- The NPA has also blamed the absence of stakeholders as one of the reasons while some targets are missed, with cases taking longer to be finalised. Is the Department aware of these challenges which affect the delivery of services?

Case Management: Finalised Cases

	2008/9	2009/10	2010/11	2011/12	2012/13	Change over prev year	Change over period
Finalised cases incl ADRM	431 819	469 541	460 891	448 793	466 800	4.0%	8.1%
Finalised cases excl ADRM verdict	350 032	350 910	331 045	316 098	323 390	2.3%	-7.6%
Cases finalised through ADRM	81 787	118 631	129 846	132 695	143 410	8.1%	75.3%



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Table 2: Finalised matters – year on year comparison

The total number of finalised cases including ADRM, which amount to 4466 800 deviated by -4% from the target.. Finalised cases excluding ADRM showed a deviation of 2.3% from the target.

The District Courts finalised 425 720 cases, which consist of 284 633 verdict cases (66.9%) and 130 887 ADRM cases (33.1%). These courts finalised 18 473 more cases (4.5%) and dealt with 60 609 formal bail applications while maintaining a 91.9% conviction rate. The finalisation rate is 2.4 cases per court per day. A total of 786 compensation orders were granted to victims of crime to the value of R8.1 million.

Regional Courts finalised 39 886 cases which include 37 563 verdict cases (94.2%) and 2 323 ADRM cases (5.8%), with a conviction rate of 75.1 % achieved. The finalisation rate is 0.5 cases per court per day.. A total of 436 compensation orders to the value of R66.2 million were granted to victims of crime, and 6 177 formal bail applications were dealt with.

High Courts finalised 1 194 cases, of which 1 119 were finalised by means of trial in the High Court, while 19 relate to convictions in the Regional Courts transferred to High Courts for sentencing, which were also finalised. A conviction rate of 87.5% was achieved, with the finalisation rate of cases per court per day not being provided by the NPA.

Case Backlog and Backlogs Project

This project is one of the various intervention mechanisms by the JCPS Cluster departments in dealing with the case backlogs. A Specific Case Backlog Reduction Project was implemented in November 2006 with Regional Courts as the main focus areas. Backlog cases comprise of the following:

- Cases longer than 6 months on the District Court roll.
- 9 months on the Regional Court roll.
- 12 months on the High Court roll

By the end of March 2012, more than 62 Regional and 16 District Backlog Courts were in session. The number of outstanding cases was reduced by 8.3% and backlog cases by 5.7%. Below are the statistics on the work of these courts

Outstanding matters and case backlogs at all Courts



Forum	Outstanding cases 11/12	Outstanding cases 12/13	%	Backlog Cases 11/12	Backlog Cases 12/13	%	Finalised Cases: 11/12	Finalised Cases: Courts 12/13	%
District Court	1273	1083	-14.9%	374	362	-3.2%	0	0	0.0%
Regional Court	49387	45543	-7.8%	17272	15633	-9.5%	5885	6070	3.1%
High Court	149872	143184	-4.5%	17280	15059	-12.8%	10001	11416	14.1%
Total	200532	189810	-5.3%	34926	31054	11.1%	15886	17486	10.1%

Table 4: Outstanding and backlog cases at all Courts⁴

Since inception of the project in 2006, a 20% reduction was achieved in the number of all Regional Court backlog cases, from 19 536 backlog cases (on an outstanding roll of 46 901) in November 2006, to 15 633 backlog cases (on an outstanding roll of 45 543) at the end of March 2013. The number of outstanding cases was reduced with 2.9%. The additional Regional Backlog Courts finalised a total of 30 674 cases since inception of the project in 1 November 2006 until the end of March 2013.

The additional District Backlog Courts achieved a 32.3% reduction in the number of backlog cases, from 22 238 backlog cases (on an outstanding roll of 178 461) in March 2011, to 15 059 backlog cases (on an outstanding roll of 143 184) at the end of March 2013. A similar reduction of 19.8% was also achieved in the number of outstanding district court cases. A total of 27 230 cases were finalised by the District Backlog Courts since 1 April 2010 until the end of March 2013.

This brings the total number of cases finalised from the Regional and District Court rolls as a result of the Backlog Courts, from 1 November 2006 until the end of March 2013 to 57 904 cases. Cases were also withdrawn due to various reasons and removed from the roll which brings the total cases disposed by the Backlog Courts since their inception to a total of 79 963 cases.

⁴ P48 of NPA Annual Report 2012/13



Number of Appeals Finalised and Appeal Backlogs

A total of 2 068 criminal appeals were finalised. A total of 828 appeals are outstanding (excluding those already enrolled for hearing) of which 323 (39%) have been outstanding for longer than 12 months. One of the problematic areas being addressed with stakeholders is the poor transcription of records. At the end of March 2013 a total of 37 appeals were postponed for judgment whilst 119 of the backlog appeals contain incomplete records.

Other Performance Areas:

- A total of 1277 plea and sentence agreements were successfully completed, an increase of 92.6% from the 663 agreements concluded during the last financial year.
- Sections dealing with organised crime finalised a total of 192 trial cases, with a conviction rate of 89.1%
- The SCCU exceeded its target of 74% by achieving a 100% conviction rate in cybercrime prosecutions. Over R35 million was returned to victims of crime, exceeding the annual target of R20 million.
- A total of 158 872 formal and informal maintenance enquiries were processed and 101 978 (64.2%) were finalised. 19 510 civil attachments were processed and 320 reciprocal maintenance orders were obtained.

The table below deals with manner in which the children in conflict with the law were dealt with

Forum	Sec 9 Referral	12/13	Progress	Sec 41 Diversion	12/13	Progress	Prelim Inq Diversion	12/13	Sched 3 Diversion	12/13	Progress
	11/12			11/12			11/12		11/12		
District Court	559	491	-122%	2057	1972	-4.1%	3534	3744 (5.9%)	104	194	86.5%
Regional Courts	26	50	92.3%	53	94	77.4%	78	53 (-32.1%)	7	7	0.0%
TOTAL	585	541	-7.5%	2110	2006	-2.1%	3612	3797 (5.1%)	111	201	81.1%



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PRIORITY CRIMES LITIGATION UNIT (PCLU)

The PCLU was created by Presidential proclamation to manage investigations and prosecute crimes that impact on State security. A training workshop with the Institute for Security Studies took place in December 2011 and 25 NPA prosecutors were trained

Some of the noteworthy cases by the PCLU include the State v Henry Okah case, which was a test case on the international principle, *aut dedere aut judicare*, and the conviction of two accused in State v Kiratzidis, on charges of conspiracy to engage in terrorist activities and attempting to recruit entities to engage in terrorist activities.

Missing Persons Task Team (MPTT)

Certain project initiatives undertaken by the MPTT include the spiritual handing over of remains and successfully conducting exhumations in matters involving Corlett 'Lolo' Sono and Siboniso Shabalala, as well as the Mofolo 3.

SEXUAL OFFENCES AND COMMUNITY AFFAIRS (SOCA)

The SOCA Unit develops strategy and policy relating to sexual offences, domestic violence, human trafficking, maintenance matters and young offenders. The broad outcomes that SOCA seeks to achieve are to:

- Improve the conviction rate in gender-based crimes and crimes against children.
- Actively protect vulnerable groups against violence and abuse.
- Ensure access to maintenance support.
- Systematically reduce secondary victimisation.

Additional TCC's were established, bringing the number from 30 to 35.

A total of 33 112 sexual offence matters were reported at TCCs (4 555 more matters this year) and a conviction rate of 61% was achieved.

SUB-PROGRAMME 2: WITNESS PROTECTION PROGRAMME



The WPU provides for protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.

There were 677 witnesses and related persons were handled on the programme. and 153 witnesses and their related persons were successfully discharged, relocated and integrated back into society.

- The Witness Protection Unit (WPU) achieved the ENE target of zero witnesses or family members harmed.
- 32 witnesses who provided evidence in the State v Henry Okah trial were protected in the programme.

SUB-PROGRAMME 4: ASSET FORFEITURE⁵

The purpose of this programme is to seize assets that are the proceeds of crime or have been involved in the commission of an offence.

Indicator	(11/12)	Planned	(12/13)		
Success rate (overall)	96.1%	94%	94.1%	0.1%	Marginal Deviation
Value of completed forfeiture cases per year	R163.6m	R167m	R118.5m	-29%	Many cases not finalised due to protracted litigation
Number of new completed forfeitures cases	318	324	276	-14.8%	Many cases not finalised due to lack of capacity
Value of new freezing orders (millions)	R553.4m	R600m	R518m	-13.7%	Trial readiness delayed due to complexity of investigations

Table 3:

Comment [g1]: title

The AFU achieved an overall success rate of 96.1%, losing only 12 of the 307 cases finalised. The combined value of recoveries to the Criminal Assets Recovery Account (CARA)

⁵ P 48 of the NPA Annual Report 2011/12



and victims was R131 million (R93.8 million to victims and R37.3 million to CARA). Over the next four years, AFU is intent on not increasing its number targets, but value targets, which will increase the current target for new freezing orders from R500 million in 2011/12 to R1 billion, as a result of the focus of its resources on larger cases that make a bigger impact.

SUB-PROGRAMME 5: SUPPORT SERVICES

Office of the Chief Executive Officer (CEO)

The office of the CEO provides support to the NPA through governance and resourcing.

Strategic Office: The NPA Strategic Plan 2013-2018 and Annual Performance Plan for 2013/14 were developed. The monitoring of the implementation of the Annual Performance Plan against targets, through monthly, quarterly and annual performance overview reporting..

Comment

The NPA reports that it has made good progress in addressing Resolutions from the Sixth Report of SCOPA which were adopted by the National Assembly, which ranged from accountability status, supply chain management and procurement and irregular, fruitless and wasteful expenditure. The NPA says some of these interventions are ongoing, while others have been dealt with.

Integrity Management Unit (IMU)

This programme seeks to foster integrity in the NPA through these programmes below.

- Organisational Integrity Strengthening:
- Integrity Promotion:
- Employee Integrity Enhancement:

Comment

How has the work of this Unit affected the number of prosecutors appearing before courts as accused persons on crimes/offences they are charged with?

Communications Unit



This Unit seeks to improve public education and awareness of the work of the NPA through events and exhibitions, Community Radio Campaigns, Road Shows, the NPA Public Relations Facebook Page and Career Awareness and School Campaigns.

Media Relations: The NPA's media relations team continues to provide information on court cases and outcomes, following a largely educational approach in which prosecutorial strategies and considerations are clarified.

Internal Communications: The NPA continues to make use of its newsletter Khasho to enable prosecutors to share success and challenges.

Human Resource Management and Development (HRM&D)

- **Vacancy Rate:** According to a DPSA directive, because of all the unfunded vacancies, the vacancy rate is now 0%.
- **OSD: Implementation:** The NPA reports that the higher-than-forecasted carry-through costs of the OSD impacted on the Compensation of Employees Budget⁶

Workplace Transformation

- **Employment Equity:** Employment Equity Report and Plan were submitted timeously, and the representation of women in management positions target of 35% has been achieved.
- **Employee Health and Wellness:** A number of initiatives aimed at health and wellness were conducted for NPA employees, which included sport and recreation programmes.

Finance and Procurement

During the 2012/13 financial year, the Finance and Procurement annual plan yielded results which included the following:

- Compliance with Supply Chain Management prescripts now fully embedded, but there is still a challenge of speedy finalisation of requests..
- Budget Management is now centralised in the Budget Unit since February 2013.

Information Management Service Centre (IMSC)

Phase 1 implementation of the Electronic Case Management System (ECMS) started in April 2012 through a rollout to 15 sites, and the system deployment to these sites was completed in September 2012, and process clerks were appointed in some provinces

Comment

⁶ P 13 of the NPA Annual Report 2012/13



The implementation of Phase 2 of the ECMS is planned for the next financial year. However, it is not clear what the overall timeframe is for the eventual and successful implementation and functioning of the ECMS?

Research and Policy Information

Research: Four major research projects were undertaken dealing with the Crime and Criminal Justice Survey, the Situational Analysis Report, a Customer Satisfaction Survey, a Governance Delivery Framework and a Continuing Professional Development Project.

8. HUMAN RESOURCES

Vacancy Rate

There are 5 811 funded posts of which 5 012 are filled. The vacancy rate is 13.7%.

In critical positions there is a 0.9 % vacancy rate for advocates, Prosecutors (0.7%), General and special investigations (0%), finance and related professionals (10%) and administrative related (0.6 %). There is a 11.1% vacancy in respect of library, mail and related clerks.

Turnover Rate

	Posts as of 31/3	Appointments	Terminations	Turnover Rate
Advocates	444	12	8	1.8
Prosecutors	2936	18	87	3
Senior Managers	154	6	9	5.8
General and Special Investigators	77	0	2	2.6
Administrative related	872	100	40	4.6

Performance Rewards

Of the 4 972 staff employed at the NPA, 875 or 17.6% received monetary performance rewards during the reporting period.

Comments

- What criteria are used to determine good/excellent performance?



The Judicial Matters Amendment Bill {B11-2012} was introduced into Parliament during March 2012, and envisages to amend the NPA Act so as to further regulate the remuneration of Deputy Directors and prosecutors and to regulate the continued employment and conditions of service of certain persons employed by the NPA.

10. FINANCIAL STATEMENTS AND AUDITOR GENERAL REPORTS

The NPA received an amount of R 2,621,665 in the adjusted appropriations and spent 100% of its budget. (An amount of R30 million was used to assist the SIU with its funding problems.)

11. REPORT OF THE AUDITOR GENERAL

The NPA received a clean audit for 2012/13.,

Sources:

Estimates of National Expenditure 2013

National Prosecution Authority Annual Report 2012/13