



26 February 2021

**Key Focus Areas for the National Prosecuting Authority (NPA) Progress Report on Section 100 (1) (a) and (b) in the North West Province**

**1. BACKGROUND**

This brief seeks to provide summary of focus areas to be covered by the National Prosecuting Authority (NPA) presentations for the Ad Hoc Committee progress report with regards to the section intervention inquiring in the North West Province. The table below provides two different categories of departments under section 100 intervention, which the presentation shall focus on.

| <b>Section 100 (1)(a)</b>                                              | <b>Section 100 (1)(b)</b>                       |
|------------------------------------------------------------------------|-------------------------------------------------|
| 1 North West Department of Social Development                          | 1 Office of the Premier                         |
| 2 North West Department of Local Government and Human Settlements      | 2 Department of Health                          |
| 3 North West Department of Finance, Economy and Enterprise Development | 3 Department of Education and Sport Development |
| 4 North West Department of Tourism                                     | 4 Department of Transport and Community Safety  |
| 5 North West Department of Rural Economy and Agricultural Development  | 5 Department of Public Works and Roads          |

**2. The presentation to the Ad Hoc Committee should answer the following questions and beyond:**

- How many cases emanating within departments subject to Section 100 intervention, since 2018, has been referred to the National Prosecuting Authority for prosecution?
- What is the nature of the cases referred for prosecution? Can one find a pattern in these cases – e.g. the level of persons (e.g. mostly management) implicated in the investigations? Are there systemic issues that prevail in these cases?

- How many of the cases referred are deemed prosecutable? Do you employ a certain strategy in these cases; e.g. focus on certain areas or persons?
- How many of the referred cases are not prosecutable and what are reasons thereof?
- What are the challenges or factors that are hindering the finalisation of cases?
- What remedial measures has been undertaken to resolve any technical aspects of referred cases that do not meet the prosecution criteria?
- What is the status of the referred cases that are prosecutable?
- Provide details regarding Court judgements passed due to successful prosecution of cases emanating within departments subject to Section 100 intervention?