**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1655**

**DATE OF QUESTION: 25 MAY 2018**

**DATE OF SUBMISSION: 08 JUNE 2018**

**Adv H C Schmidt (DA) to ask the Minister of Justice and Correctional Services:**

(a) What number of cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended, have been referred to the (i) SA Police Service (SAPS) and (ii) Directorate for Priority Crime Investigation (DPCI) by (aa) his department and (bb) each entity reporting to him for further investigation since the Act was assented to and (b) what number of the specified cases have (i) been investigated by SAPS and DPCI, (ii) been followed up by the respective accounting officers and (iii) resulted in a conviction in each specified financial year since 2004?

**NW1805E**

**REPLY:**

(aa) According to information kept by the Forensic Audit Unit (FAU), the statistics being provided are from 2005 until 2018. However, only few records for the years 2005 – 2009 could be retrieved and provided. The statistics for the year 2007 and 2010 could not be retrieved at all.

The FAU then provided the statistics for the years 2011 – 2018 with the exception of those cases that were referred to the South African Police Service (SAPS) and those that were referred to the Directorate for Priority Crime Investigation (DPCI). All the statistics for the years 2005 - 2009 were largely stated as only being referred to the SAPS.

The presentation of the statistics was done in four categories to indicate (i) successful prosecution (ii) Withdrawn and closed by either the SAPS or DPCI (iii) Feedback not being provided by (in most cases the SAPS) despite several efforts trying to contact them and (iv) Investigation is still in progress and further update was never provided.

It must be noted that there has been and still is a problem as far as the communication between the SAPS and those directorates in the Department of Justice & Constitutional Development to obtain the feedback on all the matters/cases referred to the SAPS. It appeared to be a bit effective between the DPCI and the directorates of the Department to provide feedback on the matters/cases referred to the DPCI.

The table representing the statistics of the cases referred to either the SAPS or DPCI (or both) for the years 2005 until 2018 (excluding 2007 and 2010):

| Financial Year | Number of cases reported to SAPS/DPCI | South African Police Service (SAPS) | Directorate for Priority Crime Investigation (DPCI) |
| --- | --- | --- | --- |
| 2005 | 5 | 1. Three (3) successful prosecution 2. Two (2) feedback never provided | 0 |
| 2006 | 6 | 1. Six (6) feedback never provided | 0 |
| 2008 | 4 | 0 | 1. Four (4) closed by the commercial crime |
| 2009 | 5 | 1. One (1) successful prosecution 2. Four (4) feedback never provided | 0 |
| 2011 | 3 | 1. One (1) still being investigated | 1. Two (2) further update was never provided. |
| 2012 | 3 | 1. One (1) successful prosecution 2. One (1) withdrawn 3. One (1) feedback never provided | 0 |
| 2013 | 8 | 1. One (1) successful prosecution 2. Five (5) investigation still in progress | 1. Two (2) investigation still in progress |
| 2014 | 15 | 1. Four (4) successful prosecution 2. One (1) withdrawn 3. Three (3) feedback never provided 4. One (1) investigation still in progress | 1. Two (2) successful prosecution 2. Two (2)withdrawn 3. Two (2) investigation still in progress |
| 2015 | 27 | 1. Three (3) successful prosecution 2. Five (5) withdrawn 3. Seven (7) feedback never provided 4. Ten (10) investigation still in progress | 1. Two (2) investigation still in progress |
| 2016 | 13 | 1. Four (4) successful prosecution 2. Three (3) feedback never provided 3. Six (6) investigation still in progress | 0 |
| 2017 | 25 | 1. One (1) successful prosecution 2. Five (5) withdrawn 3. Two (2) feedback never provided 4. Seven (7) investigation still in progress | 1. One (1) successful prosecution 2. Three (3) withdrawn 3. Six (6) investigation still in progress |
| 2018 | 16 | 1. One (1) successful prosecution 2. Two (2) withdrawn 3. Eleven (11) investigation still in progress | 1. Two (2) investigation still in progress |

The Honourable Member should kindly note that all the category of cases that are being reflected as “investigation still in progress” on the above table, is due to unavailability of case dockets in certain instances and also the fact that the key officers could not be located within the Law Enforcement Agencies. These cases are still kept open even though they are more than three (3) years old, due to the fact that the Law Enforcement Agencies are of the view that evidence may still come to light.

(bb) The entities reporting to me have reported as follows:

1. **National Prosecuting Authority:** Questions (a)(i); (ii); and (b)(i) are not applicable to the NPA.

(b)(ii)The table below indicates the number of cases investigated by the Integrity Management Unit within the NPA which were referred to diferrent Agencies within the Justice Cluster since 2012.

|  |  |
| --- | --- |
| **Agency** | **No. of cases** |
| SAPS | 12 |
| SCCU | 1 |
| DPP offices | 3 |
| Hawks | 4 |
| ACTT | 1 |
| IPID | 1 |
| Magistrates Commission | 1 |

The table below indicates the number of matters referred to the Labour Unit within the NPA involving officials for dishonesty/corruption, the number of officials dismissed as well as matters that were referred by the Unit to the SAPS since 2012.

|  |  |  |
| --- | --- | --- |
| **Number of disciplinary actions** | **Number of Officials Dismissed** | **Number of matters referred to the SAPS** |
| 28 | 20 | 26 |

(b)(iii) The table below indicates the number of officials convicted from the various Departments within the Justice Cluster. The corruption was measured only since 2011 and no data is available to include before the 2011/2012 financial years.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Financial Year** | **Total Convicted**  **DoJ&CD Cluster** | **DoJ&CD** | **JUDICIARY** | **LASA** | **NPA** |
| 2011/12 | 9 | 5 | 1 | 1 | 2 |
| 2012/13 | 18 | 16 | 0 | 0 | 2 |
| 2013/14 | 17 | 16 | 0 | 0 | 1 |
| 2014/15 | 11 | 8 | 0 | 0 | 3 |
| **Grand Total** | **55** | **45** | **1** | **1** | **8** |

Since the financial year 2015/16 the reporting template of the NPA was altered without differentiating between specific Departments. Apart from NPA, information pertaining to other Departments was not measured separately. The only information that is available consists of the number of officials from the NPA convicted of corruption since 2015/16 as indicated on the table below:

|  |  |
| --- | --- |
| **FINANCIAL YEAR** | **NPA** |
| 2015/16 | 0 |
| 2016/17 | 3 |
| 2017/18 | 4 |
| **Grand Total** | **7** |

1. **Legal Aid South Africa:** Legal Aid SA has not referred any cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended to the (i) SA Police Service (SAPS) and (ii) Directorate for Priority Crime Investigation (DPCI) for further investigation since the Act was assented to.
2. **Special Investigating Unit:** The table below provides details of the SIU’s response:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ACHIEVEMENTS FROM INCEPTION TO DATE** | | | | | | | | | | | |
|  | **2005/6** | **2006/7** | **2007/8** | **2008/9** | **2009/10** | **2010/11** | **2011/12** | **2012/13** | **2013/14** | **2014/15** | **Total** |
| Total Cases Referred | 632 | 2 675 | 4 204 | 3 930 | 3 797 | 2 809 | 2 213 | 865 | 170 | - | **21 295** |
| Convictions | 355 | 2 215 | 3 625 | 3 605 | 3 345 | 2 477 | 2 258 | 855 | - | - | **18 735** |