

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2343**

**DATE OF QUESTION: 28 OCTOBER 2016**

**DATE OF SUBMISSION: 11 NOVEMBER 2016**

**Ms N I Tarabella Marchesi (DA) to ask the Minister of Justice and Correctional Services:**

Whether any measures have been put in place to address the decline of 11,4% of National Prosecuting Authority cases finalised with court verdicts from 2010 to date; if not, why not; if so, what are the relevant details?

**NW2678E**

**REPLY:**

I have been informed that in the NPA’s annual report, the year-on-year decline in the achievements of this indicator, was indicated. A comparative analysis with the achievements during previous years indicates a gradual decline of 11.4% from 2009/10 in the number of cases finalised with a verdict. The decline may be correlated with a similar decline of 17.2% in the influx of new cases and a 12.8% reduction in court hours.

The courts finalised 310 850 verdict cases with a conviction rate of 93% (289 245 convictions). Compared to the previous year, 8 299 (2.6%) fewer cases were finalised with a verdict. The high conviction rate illustrates the focus on high quality prosecutions, notwithstanding the reduction in cases finalised. The progress per forum during 2015/16 is indicated in the table below:

Table 6: Progress on cases finalised with a verdict

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FORUM** | **2014/15** | **% of National** | **2015/16** | **% of National** | **Progress** |
| **HIGH COURT** | 978 | 0,3% | 1012 | 0,3% | 3,5% |
| **REGIONAL COURT** | 33 430 | 10,5% | 31 832 | 10,2% | -4,8% |
| **DISTRICT COURT** | 284 741 | 89,2% | 278 006 | 89,4% | -2,4% |
| **ALL** | 319 149 | 100,0% | 310 850 | 100,0% | -2,6% |

A decline in performance is noted in both lower court forums compared to the previous year. The regional courts finalised 1 598 (4.8%) fewer cases and the district courts 6 735 (2.4%). The high courts managed to finalise 34 more cases during this period, which represents an improvement of 3.5% compared to the corresponding period during the previous year.

The NPA furthermore indicated that in order to save valuable court time and speed up the finalisation of cases without impeding on the quality of prosecutions, a total of 1 901 plea and sentence agreements were successfully concluded, comprising of 7 066 counts (see Appendix 1 at the end of the annual report for a full list). This represents an increase of 8.2% compared to 1 757 agreements concluded last year. Even though the number of agreements concluded does not appear to be significant if compared to the total number of finalised cases, the counts involved in these matters would have taken up valuable court time had trials been conducted. In 15 of the cases, the counts involved more than 100 counts per case.

Enhanced screening processes may impact on the number of new cases as prosecutors ensure, as far as possible, to enrol only trial ready matters. In order to curb the notion that prosecutors are selective with cases dealt with, the number of withdrawals is also measured to ensure quality prosecutions and a just outcome in all cases. The comparison indicates a positive reduction of 17.7% in the number of cases withdrawn in all courts.

The NPA has informed me that the effective performance of the NPA is directly linked to the effective performance of the other role players within the criminal justice system. Ensuring that cases proceed when they are set down for trial remains a primary challenge that the system has not adequately addressed. The implementation of pre-trial hearings identified by the NPA, Legal Aid South Africa and the Office of the Chief Justice as one of the solutions to prevent remands of trial ready cases has been slow in gaining traction, particularly in the lower courts. This has been compounded by the placing of too few trial cases on the court rolls, resulting in wasted court hours.

The norms and standards issued by the Chief Justice have not yet led to increased court hours. Inadequacies of role-players in the system remain a concern as they impact on the finalization of cases. However, these are monitored and reported at the Provincial Efficiency Enhancement Committee (PEEC) meetings, chaired by the Judges President in each province.