



NATIONAL PROSECUTING AUTHORITY
South Africa

Justice and Constitutional Development

Programme 4: National Prosecuting Authority

Q3 Performance Information Report

2014/15

We have the honour of submitting the Q3 Report for the National Prosecuting Authority for the 2014/15 financial year.

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20/ 2 /2015

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24/ 02 /2015

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INTRODUCTION

This report provides a brief overview of the Quarter 3 (Q3) 2014 performance for the National Prosecuting Authority (NPA) against the 2014/15 Amended NPA Annual Performance Plan (APP) for the period under review.

The report is divided into 4 sections, i.e. overview of the -

- service delivery environment
- organisational environment
- expenditure estimates and
- organisational performance based on programme performance information

The NPA uses the following color codes to indicate performance against targets:

- **Red** – Indicators where the deviation from target is 2% and more
- **Amber /orange** – indicators where the deviation from target is less than 2%
- **Green** – performance matches or exceeds the targets set

When measuring the overall performance each indicator is weighted equally. During Q3 the NPA reported on 30 targets, of which 21 (70%) were achieved and 9 (30%) were not achieved.

Figure 1: Overall NPA Performance for Q3

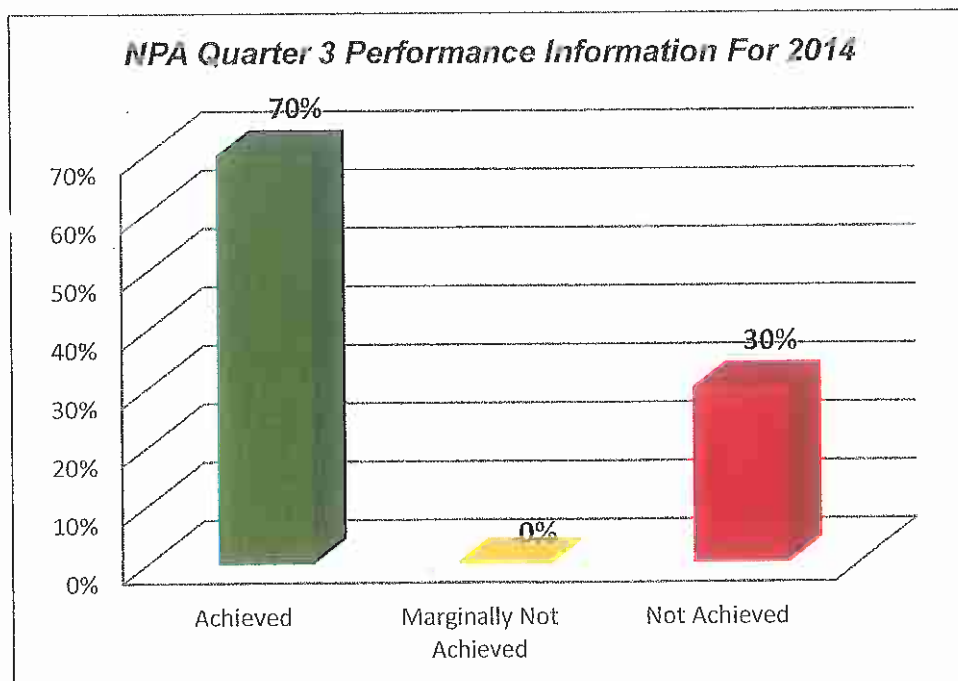
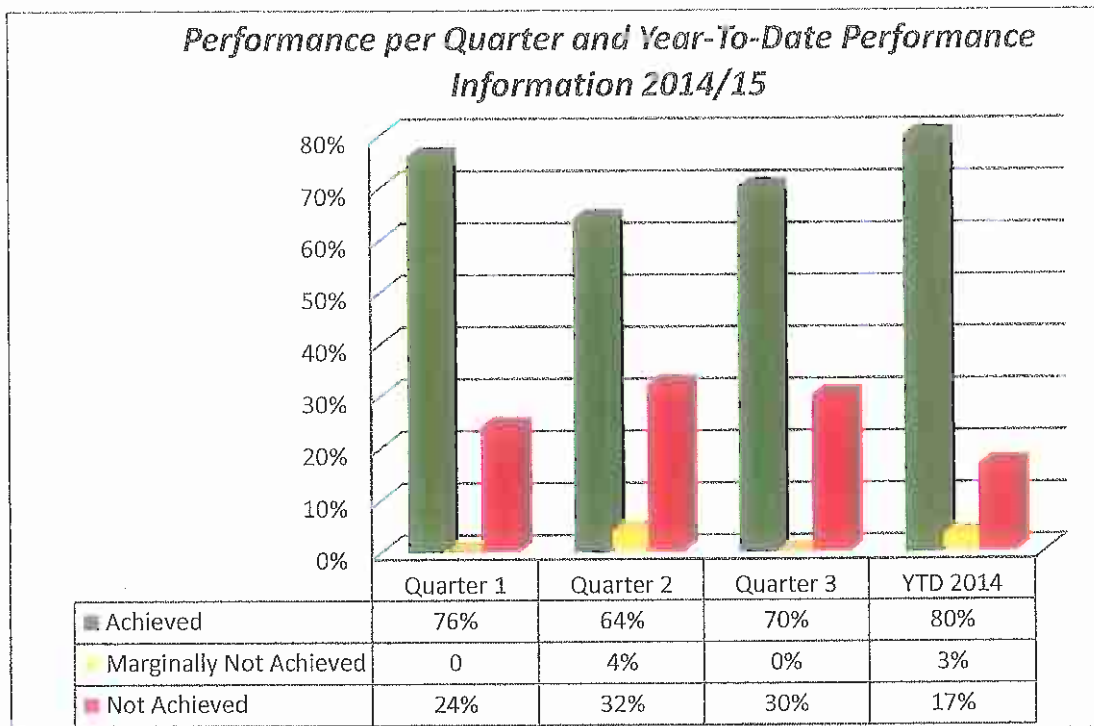


Figure 2: Performance per Quarter and Year-To-Date Performance Information 2014/15

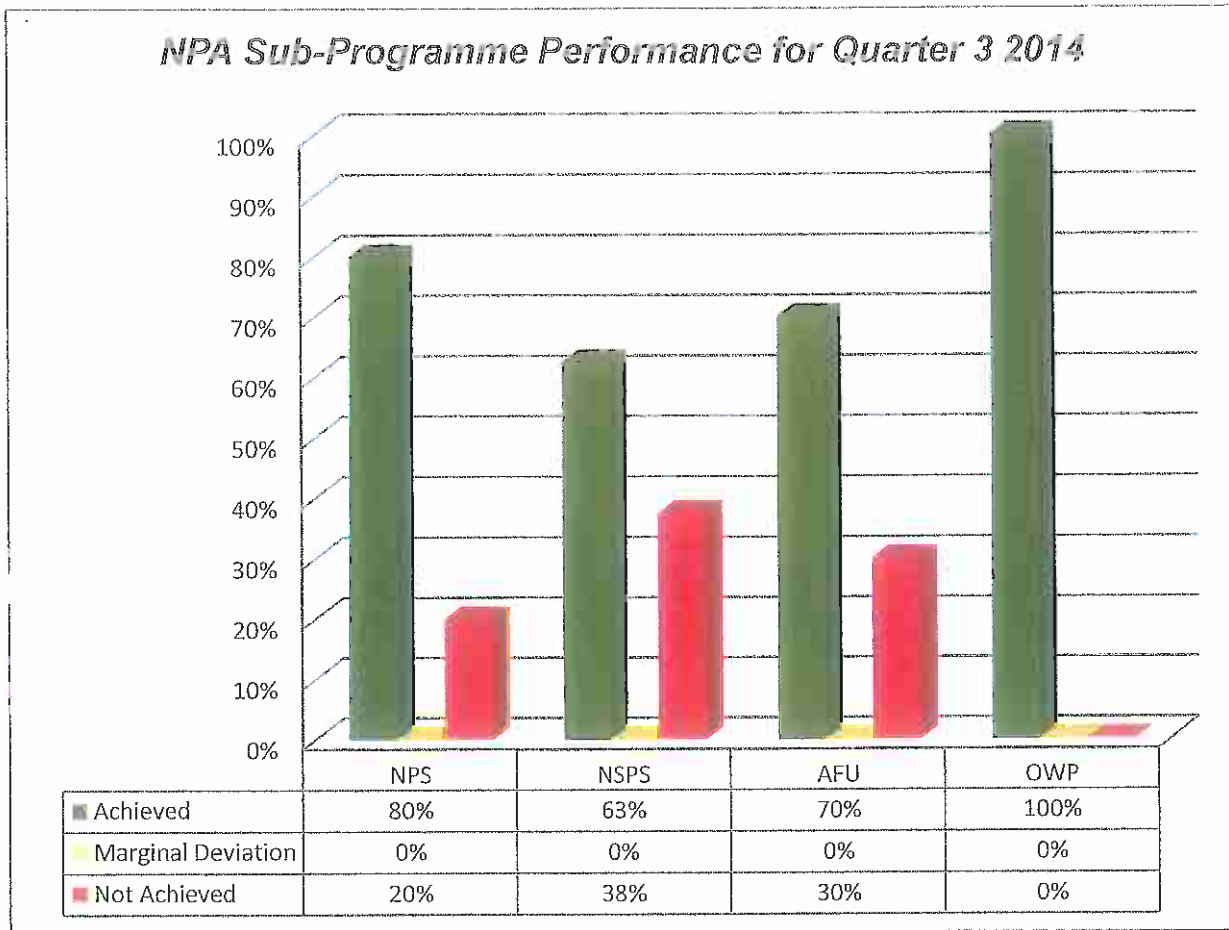


During the 2014/15 financial year, Q1 was to date the best performance quarter. After a decline in performance in Q2, performance started to increase in Q3, with 70% of the performance indicators being achieved or exceeded and only 30% of the indicators not being achieved.

Challenges such as insufficient integrated operational planning at all levels, the ineffective implementation of case flow management, the prioritisation of civil work by magistrates, inadequate accommodation for prosecutors, lack of joint training and the loss of skills and expertise were identified as contributing factors for why some of the targets still were not met.

The good performance during Q1 and Q3 has ensured that year-to-date (YTD) the NPA still achieved or exceeded 80% of the targets, whilst only 17% of the targets were not achieved and 3% marginally not achieved. Action plans were implemented by the various business units to address the targets that were not achieved. All regions were also requested to enhance the efficiency of the courts through continuous stakeholder engagement.

Figure 3: Performance per sub-programme for Q3



The achievement of the sub-programme against targets for Q3, as depicted in figure 3, is as follows:

- **Sub-programme 1:** National Prosecutions Service (NPS) reported on 10 targets of which 8 (80%) were achieved and 2 (20%) were not achieved.
- **Sub-programme 2:** National Specialised Prosecutions Service (NSPS) reported on 8 targets of which 5 (63%) were achieved and 3 (38%) were not achieved.
- **Sub-programme 3:** Asset Forfeiture Unit (AFU) reported on 10 targets of which 7 (70%) were achieved and 3 (30%) were not achieved.
- **Sub-programme 4:** Office of the Witness Protection (OWP) reported on 2 targets and both achieved 100%.

OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT

The NPA performed exceptionally well and the overall performance improved with 6% in Q3, as depicted in figure 2.

The NPS performed exceptionally well during this reporting period. Case flow related challenges continued to result in a reduction of court utilisation, especially in the district courts, which impacted negatively on the finalisation of cases. The finalisation of the backlog cases also remained a challenge in some regions. The NPA continues to make contributions toward the improvement of caseflow management at the Provincial Effectiveness Enhancement Committee (PEEC) and the National Effective Enhancement Committee (NEEC). Strategies, such as working more closely with the NPA's partners and stakeholders, as well as making use of prosecutor-guided investigations will be utilised to address these challenges.

The PCLU continued with initiatives in transferring of skills and in building capacity. The Counter Terrorism Training Manual for Prosecutors on the African Continent was accepted by the Executive Leadership of the African Prosecutors Association (APA) and training on it was provided to a small corps of prosecutors from the African continent.

One of the indicators that remain a priority for government is the number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m. The NPA performed well during Q3 in respect of this indicator, exceeding the quarterly target with 40%. Prosecutor guided methodology, co-location with the SAPS and dedicated courts contributed to this exceptional performance. Training also proceeded in all regional offices, including joint training with the SAPS.

The AFU continued with the strategy of working closely with the DPPs on smaller s18 orders. The unit also focused its resources and efforts on working closely with the Hawks, Specialised Investigation Unit (SIU) and National Treasury (NT) at the Anti-Corruption Task Team (ACTT). These interventions significantly impacted on ensuring that investigations and court preparation of big cases were finalised more speedily and effectively, which assisted with the improvement of performance from Q2.

No witnesses were harmed, threatened or killed whilst on the witness protection programme.

OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT

Improved stakeholder collaboration remains a strategic priority for the NPA, since performance of the majority of its indicators is dependent on the cooperation of the JCPS cluster stakeholders.

The pilot of phase 2 of the Electronic Case Management System (ECMS) and Integrated Electronic Case Management System (ICMS) project only commenced in December 2014 due to business process challenges, connectivity challenges from the users on the Department of Justice & Constitutional Development (DoJ&CD) network and connectivity issues. Changes in functionality that impacts on the successful implementation of pre-adjudication integrated phase were recorded.

The NPA submitted the second draft of the Estimates of National Expenditure (ENE) in December 2014, as per the prescribed timeframes to NT and the Department of Planning, Monitoring and Evaluation (DPME).

The resourcing and accommodation of the lower courts remains a problem. At some courts prosecutors share offices, which impacts negatively on the consultation process and it compromises the rights of victims to dignity and privacy. Another factor that also impacts on service delivery is a lack of support systems for victims of crime. Offices where the lack of suitable accommodation and resources are critically impeding on performance have to be identified and be addressed with the Director-General (DG) of the DoJ&CD.

REVISION TO LEGISLATION AND OTHER MANDATE

During the period under review there was no revision to related legislation and other policies affecting the mandate of the NPA.

OVERVIEW OF THE 2014/15 BUDGET AND MTEF ESTIMATES

The table below reflects the percentage of the allocated budget per economic classification that was spent by 31 December 2014:

Table 1: Expenditure Estimates as at 31 December 2014

Economic Classification	Total Expenditure	AENE Budget	Budget Available	% Spent
Compensation of Employees	1 967 162 981	2 635 915 000	676 495 907	74.63%
Financial Transactions in Assets and Liabilities	787 379	539 000	-248 379	146.08%

Goods and Services	340 699 219	513 646 000	173 777 942	66.33%
Household	5 171 332	8 220 000	2 936 668	62.91%
Machinery and Equipment	28 142 431	73 825 000	45 683 929	38.12%
Departmental Agencies and Accounts	22 608	2 800 000	2 777 392	0.81%
Buildings and Other Fixes Structures	5 738 730	19 178 000	13 439 270	29.92%
Grand Total	2 347 724 681	3 254 123 000	914 862 729	72.15%

As at the end of December 2014, the NPA's overall expenditure was at 72.15%. Expenditure on **Compensation of Employees** was at 74.63% (R1 967 162 981) and on **Goods and Services** at 66.33% (R340 699 219). The NPA is expected to fully utilise its budget allocation.

PART A: STRATEGIC OVERVIEW

Improved stakeholder collaboration remains a strategic priority for the NPA, which is dependent on the co-operation of the JCPS cluster stakeholders to succeed in the realisation of its mandate and strategic objectives.

PERFORMANCE AGAINST ENE TARGETS

The NPA's performance in respect of the ENE indicators is set out in the table below.

Table 2: Progress on ENE Indicators

Sub-programme 1: National Prosecutions Service									
Indicator as published in the ENE	ENE Quarterly Target	Q3 2014 Actual	% Deviation from Q3 2014 Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of criminal court cases finalised with verdict	77 826	75 554	-2.9%	78 991	-4.8%	243 207	242 208	-0.4%	Less verdict cases finalised due to reduced court utilisation

Sub-programme 1: National Prosecutions Service

Indicator as published in the ENE	ENE Quarterly Target	Q3 2014 Actual	% Deviation from Q3 2014 Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of criminal court cases finalised (through) alternative dispute resolution mechanisms	35 809	43 587	21.7%	41 814	4.3%	111 903	135 172	20.4%	More accused successfully completed diversion programmes
Overall conviction rate: High courts	87% (235)	94.4% (251)	7.8%	90.9% (240)	3.8%	87% (735)	90.8% (661)	4.1%	Conviction rates fluctuate from year to year
Regional courts	74% (6 569)	76.3% (6 014)	2.9%	76.8% (6 288)	-0.5%	74% (20 529)	76.6% (19 742)	3.1%	Conviction rates fluctuate from year to year
District courts	87% (64 044)	94.4% (63 656)	7.8%	94% (66 318)	4.3%	87% (200 137)	94% (202 879)	7%	Conviction rates fluctuate from year to year

Sub-programme 2: National Specialised Prosecutions Service

Total number of operational Thuthuzela care centres	47	43	-8.5%	39	11.3%	47	43	-8.5%	The SOCA unit continued in Q3 to focus on the pre-requirements for sites to be operational
Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m ¹	5	7	40%	14	80%	15	16	6.7%	More persons convicted which benefitted
Conviction rate on complex commercial crime	93% (220)	94.3% (230)	1.3%	92.7% (279)	1.6%	93% (689)	94.2% (790)	1.2%	Conviction rates fluctuate from year to year

¹ Revised indicator as per the Refined JCPS Service Delivery Agreement (July 2012)

Sub-programme 3: Asset Forfeiture Unit

Indicator as published in the ENE	ENE Quarterly Target	Q3 2014 Actual	% Deviation from Q3 2014 Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of completed forfeiture cases	86	117	136%	84	369%	246	346	140%	Big increase in smaller orders due to good collaboration with DPPs
Value of completed forfeiture cases	R48m	R1 590.6m	3314%	R63m	1049%	R137m	R1 662.3m	1213%	Focus on high value cases, better investigation of big ACTT cases and more use of non-conviction based forfeiture to speed up cases
Number of freezing orders	75	65	87%	98	131%	213	221	104%	Normal quarterly fluctuations
Value of freezing orders	R201m	R57.3m	28%	R287.2m	143%	R572m	R2 677m	468%	Delays in court and normal quarterly fluctuations
Success rate	93% (86)	96.3% (157/163)	103%	98.1% (104/106)	-1.8%	93% (246)	95.3% (361/379)	103%	More focus on quality assurance and more use of non-conviction based forfeiture to reduce risks in big cases

Number of witnesses harmed, threatened or killed whilst on the witness protection programme

During Q3 no incidents were recorded of witnesses being harmed, threatened or killed whilst on the witness protection programme.

PART B: PROGRAMME AND SUB-PROGRAMME PLANS

STRATEGIC OBJECTIVES ANNUAL TARGETS FOR 2014/2015

NPA Strategic Objective 1: Increased successful prosecution

Sub-programme 1: National Prosecutions Service (NPS)

Purpose: This sub-programme is responsible for general prosecutions and appeals that may follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanism, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged.

Table 3: Progress on Strategic Objective 1: Increased successful prosecution

Sub-programme: National Prosecutions Service (NPS)									
Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of criminal court cases finalised including ADRM	113 635	119 141	4.8%	120 805	-1.4%	355 110	377 380	6.1%	More accused successfully completed diversion programmes

Number of criminal court cases finalised including ADRM

All courts have excelled by finalising 5 506 more cases than the quarterly target of 113 635, exceeding the target with 4.8%. A focused approach on ADRM mainly contributed to this achievement. However, compared to last year, 1 664 (1.4%) fewer cases were finalised which could be ascribed to a decline in court utilisation. The progress per forum is evident from the comparison in the table below:

Table 4: Progress on criminal court cases finalised including ADRM during Q3

FORUM	Q3 2013/14	% of National	Q3 2014/15	% of National	Progress
HIGH COURT	264	0.2%	264	0.2%	0.0%
REGIONAL COURT	9 103	7.5%	8 642	7.3%	-5.1%
DISTRICT COURT	111 438	92.3%	110 232	92.5%	-1.1%
ALL COURTS	120 805	100.0%	119 138	100.0%	-1.4%

A comparison of the court days and court hours indicated a similar reduction of 1.3% on the overall number of court days utilised. A total of 1 261 fewer court days were utilised in the district courts compared to last year, whilst the regional and high courts improved on the utilisation of court days. The majority of cases are, however, dealt with by the district courts and a reduction in court utilisation within this forum has a more significant impact on overall performance output levels. The progress per forum is evident from the comparison in the table below:

Table 5: Progress on criminal court days utilised per forum during Q3

FORUM	2013/14	% of National	2014/15	Ave Hours	Progress
HIGH COURT	2 002	02:55	2 215	03:04	10.6%
REGIONAL COURT	16 618	03:34	16 873	03:38	1.5%
DISTRICT COURT	42 168	03:24	40 907	03:25	-3.0%
ALL	60 788	03:31	59 995	03:35	-1.3%

Table 6: Progress on Strategic Objective 1: Increased successful prosecution

Sub-programme: National Prosecutions Service (NPS)									
Programme Performance Indicators	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of criminal court cases finalised with verdict	77 826	75 554	-2.9%	78 991	+1.6%	243 207	242 218	-0.4%	Less verdict cases finalised due to reduced court utilisation
Number of criminal court cases finalised through ADRM	35 809	43 587	+21.7%	41 814	+17%	111 903	135 172	+20.8%	More accused successfully completed diversion programmes
Conviction rate in high courts	87% (235)	94.4% (251)	+7.6%	90.9% (240)	+3.8%	87% (735)	90.9% (661)	+3.9%	Conviction rates fluctuate from year to year
Conviction rate in regional courts	74% (6 569)	76.3% (6 014)	+2.9%	76.8% (6 288)	-0.5%	74% (20 529)	76.6% (19 742)	+2.9%	Conviction rates fluctuate from year to year
Conviction rate in district courts	87% (64 044)	94.4% (63 656)	+7.6%	94% (66 318)	+0.4%	87% (200 137)	94% (202 879)	+7.6%	Conviction rates fluctuate from year to year

Sub-programme: National Prosecutions Service (NPS)

Programme Performance Indicators	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Conviction rate in organised crime	90% (101)	91.8% (156)	100%	92.2% (106)	-0.4%	90% (315)	91.7% (354)	100%	Conviction rates fluctuate from year to year
Conviction rate in sexual offences	67% (1 143)	69.3% (1 177)	100%	67.3% (1 227)	100%	67% (3 572)	69.3% (3 899)	100%	Conviction rates fluctuate from year to year
Conviction rate in trio crimes	85% (375)	83% (347)	100%	85.7% (394)	100%	85% (1 172)	81.3% (1 107)	100%	Conviction rates fluctuate from year to year
Conviction rate in violent protests and industrial actions prosecuted ²	74% (Baseline)	75% (3)	100%	n/a ³	n/a	74% (Baseline)	75% (3)	100%	Conviction rates fluctuate from year to year

Number of criminal court cases finalised with verdict

The courts finalised 2 772 (2.9%) fewer cases than the set quarterly target of 77 826. However, Quarter 3 is normally a low productive quarter due to the impact of the festive period. Although the courts finalised 23% less cases with a verdict during December than the expected monthly target of 25 886 cases, 779 (4.1%) more cases were finalised during December 2014 compared to the performance during December 2013. The progress per forum during Q3 is indicated in the table below:

Table 7: Progress on criminal court cases finalised with verdict during Q3

FORUM	Q3 2013/14	% of National	Q3 2014/15	% of National	Progress
HIGH COURT	264	0.3%	264	0.4%	0.0%
REGIONAL COURT	8 191	10.4%	7 883	10.4%	-3.8%
DISTRICT COURT	70 536	89.3%	67 404	89.2%	-4.4%
ALL	78 991	100.0%	75 551	100.0%	-4.4%

A reduced inflow of new cases compared to last year also impacted on the achievement of the quarterly target, with 3 548 (1.5%) fewer new cases compared to last year enrolled. The influx of new cases per forum is indicated in the table below:

² A new indicator reflected in the MTSF 2014/19

³ A new indicator – no historic information available

Table 8: Progress on new cases enrolled during Q3

FORUM	2013/14	% of National	2014/15	% of National	PROGRESS
HIGH COURT	217	0.1%	195	0.1%	-10.1%
REGIONAL COURT	16 063	6.8%	14 383	6.2%	-10.5%
DISTRICT COURT	219 109	93.1%	217 260	93.7%	-0.8%
ALL	235 389	100.0%	231 838	100.0%	-1.5%

The NPA excelled by reducing the number of withdrawals again. A significant improvement has been noted and could be ascribed to the implementation of proper screening processes, coupled with an increased focus on ADRM. Both the lower court forums achieved a significant reduction in the number of cases withdrawn compared to the previous year. An increase is noted in the withdrawals by the high courts. This was mainly due to the absconding of the co-accused that resulted in the withdrawal of these cases until the main accused could be traced.

Table 9: Comparison of withdrawals per forum: Q3 2013/14 – Q3 2014/15

FORUM	2013/14	% of National	2014/15	% of National	PROGRESS
HIGH COURT	15	0.05%	19	0.07%	26.7%
REGIONAL COURT	3 265	10.4%	3 147	11.0%	-3.6%
DISTRICT COURT	28 145	89.6%	25 551	89.0%	-9.2%
ALL	31 425	100.0%	28 717	100.0%	-8.6%

Corrective Action:

The NPS continues to make contributions towards the improvement of caseflow management at EEC and NEEC. The DPPs established rescue teams in their respective regions to focus on indicators that are still below target and they render assistance where necessary. Training is provided, internally and externally, to enhance the quality of prosecutions.

Number of criminal court cases finalised through ADRM

The courts exceeded the Q3 target of 35 809 cases finalised through ADRM by finalising 7 778 (21.7%) more matters through ADRM. Compared to the last year 1 773 (4.2%) more cases were finalised than the 41 814 cases recorded during Q3 of 2013/14. This comparison is indicated per forum in the table below. The majority of ADRM matters, 98.3%, are still dealt with by the district courts.

Table 10: Progress on criminal court cases finalised through ADRM during Q3

FORUM	Q3 2013/14	% of National	Q3 2014/15	% of National	Progress
REGIONAL COURT	912	2.2%	759	1.7%	-16.8%
DISTRICT COURT	40 902	97.8%	42 828	98.3%	4.7%
ALL COURTS	41 814	100.0%	43 587	100.0%	4.2%

ADRM comprise of diversion and informal mediation as methods of resolution of disputes between the parties. During this reporting period a total of 9 783 cases were diverted after enrolment, 1 435 cases were diverted before enrolment in terms of the Child Justice Act (CJA) and 32 369 cases were successfully mediated on an informal basis. Compared to last year, a decline of 1.4% is noted in the diversion in terms of the CJA, whilst a marginal increase of 0.9% was achieved in the diversions of cases after enrolment. More cases (5.6%) were also finalised by means of informal mediations. The table below show the progress per indicator:

Table 11: Progress on ADRM cases per indicator

INDICATOR	Q3 2013/14	% of National	Q3 2014/15	% of National	Progress
DIVERSIONS AFTER ENROLLMENT	9 693	23.2%	9 783	22.4%	0.9%
DIVERSIONS ITO CJA	1 456	3.5%	1 435	3.3%	-1.4%
INFORMAL MEDIATION	30 665	73.3%	32 369	74.3%	5.6%
TOTAL	41 814	100.0%	43 587	100.0%	4.2%

Conviction rate in High, Regional and District Courts

High *conviction rates* were maintained by all courts and the set targets were significantly exceeded. Conviction rates in the high courts and district courts also improved compared to last year. There was, however, a slight decline (0.5%) in the conviction rate in the regional courts, compared to last year. The conviction rates in the high courts and district courts also improved from the performance in Q2. Due to a good performance throughout the year, the YTD targets were exceeded in all forums. An improvement in the *number of convictions* was recorded in the high courts and district courts compared to last year. Performance in the regional courts decreased in relation to the number of convictions.

Conviction rate in organised crime

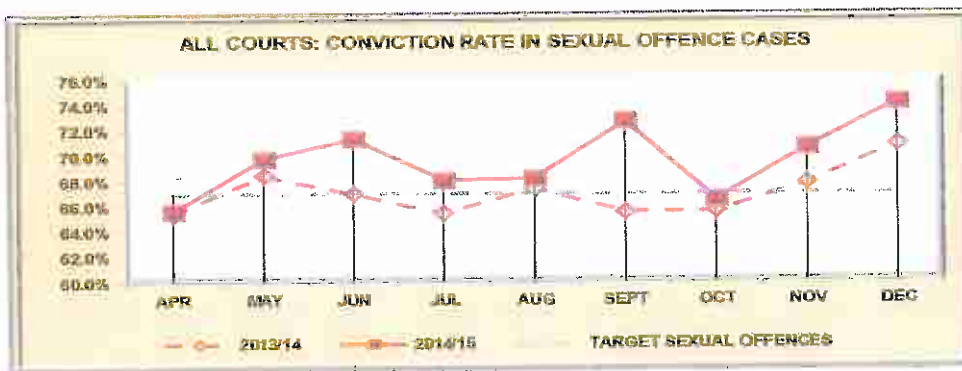
The *conviction rate* in organised crime matters exceeded the quarterly target of 90% by 1.8%. Notwithstanding the courts exceeding the quarterly target, performance declined from Q2 by 1.2%. Performance also declined by 0.4% compared to last year. Due to a good performance throughout the year, the YTD target was exceeded by 1.7%. In terms of the *number of convictions* the number

of cases finalised with a guilty verdict increased for Q3 from 106 to 156 cases, exceeding the target with 55 cases finalised with a verdict. Although consultation and preparation can assist with increasing convictions, it is not always easy to pre-empt the trustworthiness of all your witnesses. Due to the criteria on the seriousness of matters to be selected for organised crime, it is also important not to merely accept matters in which convictions will be obtained at all costs.

Conviction rate in sexual offences

In accordance with the Presidential directives to enhance the focus on sexual offences matters through the establishment of dedicated courts, the courts have managed, during Q3, to improve the conviction rate on sexual offence cases from last year albeit with current stretched resources as dedicated courts have not yet been established. The upward trend is indicated in the figure below:

Figure 4: Trend analysis in sexual offences conviction rate



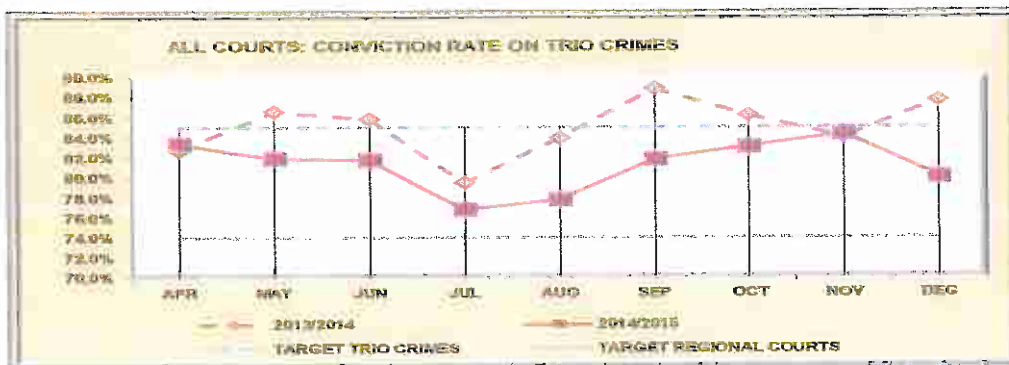
Not only was the target of 67% exceeded with 2.3%, but a further improvement of 2% is noted at the end of Q3 compared to the performance of last year. The high conviction rate of 74.1% achieved during December 2014 is also noteworthy. A multi-disciplinary approach followed by newly established provincial structures with stakeholders from the DoJ&CD, Legal Aid South Africa, South African Police Service (SAPS), Department of Health (DOH) and NPA contributed to the improvement on sexual offences cases. The courts also performed significantly well in terms of the *number of convictions* by obtaining 34 more convictions than the quarterly target of 1 143. However, compared to last year, 50 fewer convictions were obtained.

Conviction rate in trio crimes

The courts achieved a *conviction rate* of 83% during Q3, 2% below the quarterly target of 85%. This performance is, however, an improvement of 4.2% from the performance in Q2. However, a decline in performance (-2.7%) was noted compared to last year. Due to the targets not being achieved in all 3 quarters, the YTD performance was also 3.7% below the target of 85%. The

courts' performance also declined in terms of the *number of convictions* from Q2, and was below the quarterly target by 28 convictions. The steady upward trend in performance from July 2014 was unfortunately not sustained and a significant reduction is noted during December 2014. The courts thus also achieved 47 fewer convictions compared to last year. The YTD target was also not achieved by 65 convictions. One of the contributing factors to the non-achievement of this target is the poor investigations by the SAPS.

Figure 5: Trend analysis in trio crime conviction rate



Corrective Action:

The NPS continues to make contributions towards the improvement of caseflow management at PEEC and NEEC. The DPP's established rescue teams in their respective regions to focus on indicators that are still below target and they render assistance where necessary. Training is provided, internally and externally, on TRIO crime investigations and prosecutions.

Conviction rate in violent protests and industrial actions prosecuted⁴

This is a new indicator as reflected in the MTSF 2014/19 and a baseline still needs to be determined to inform target setting. However, the courts achieved a 75% conviction rate, exceeding the quarterly target by 1%. Only 3 cases have been reported to be finalised during Q3.

Court Preparation Programme

The purpose of the NPS Ke Bona Lesedi Court Preparation programme is to prepare the NPA's customers (witnesses) for court, empowering them to testify, and thereby enhancing customer satisfaction through efficient prosecution. The programme also facilitates Victim Impact Statements (VIS), ensuring not only customer satisfaction, but also enhancing prosecution.

⁴ A new indicator reflected in the MTSF 2014/19

The following were highlights of achievements during Q3 2014:

- 24 025 witnesses were assisted by court preparation officers, compared to the 21 096 witnesses assisted by the court preparation officers last year
- 1 414 VIS were completed, which is an increase of 691 compared to the 723 VIS completed last year
- Training on VIS was implemented extensively nationally

The success of the Ke Bona Lesedi court preparation programme has started to yield results through the commitment of dedicated court preparation officers which are providing valuable service to the victims of crime.

NPA Strategic Objective 2: Improved prosecution of cases that require specialised prosecution

Sub-programme 2: National Specialised Prosecutions Service (NSPS)

Purpose: Deals with priority crimes, litigation, sexual offences and community affairs, and specialised commercial crime.

Table 12: Progress on Strategic Objective 2: Improved prosecution of cases that require specialised prosecution

Sub-programme: National Specialised Prosecutions Service (NSPS)									
Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Conviction rate in complex commercial crime	93% (220)	94.3% (230)	1.3%	92.7% (279)	1.6%	93% (689)	94.2% (790)	1.3%	Conviction rates fluctuate from year to year
Number of operational TCCs	47	43	0.8%	39	10.3%	47	43	1.1%	The SOCA unit continued in Q3 to focus on the pre-requirements for sites to be operational

Conviction rate in complex commercial crime

The courts performed well by achieving a 94.3% conviction rate in complex commercial crime, exceeding the quarterly target of 93% by 1.3%⁵. There was also a slight improvement (0.1%) in

⁵ Conviction rate on complex commercial crime reported data include the statistics of both the dedicated and non-dedicated courts

performance compared to Q2 of this year. Due to a good performance in all 3 quarters, the YTD target was exceeded by 1.2%. Compared to last year, a 1.6% higher conviction rate was also achieved. Performance decreased in terms of the *number of convictions* compared to Q2 and last year. However, 10 more convictions were obtained than the quarterly target of 220. Due to a good performance throughout the year, the YTD target was exceeded by 100 convictions. Compared to last year, 49 fewer convictions were obtained. The PGI methodology contributed to the successful prosecution of complex commercial crime matters.

Number of operational TCCs

8 442 matters were reported at the 50 sites currently providing services, which is an increase of 978 matters compared to Q2. Of these 50 sites 43 can be regarded as operational, compared to the 39 in Q3 of last year. The TCC sites are quarterly verified as being operational in line with the verification criteria for operational TCC-sites, as included in the amended SOCA Annual Performance Plan (APP).

The remaining vacant TCC posts were advertised in Q2 and the shortlisting process commenced in Q3.

Table 13: Progress on Strategic Objective 2: improved prosecution of cases that require specialised prosecution

Sub-programme 2: National Specialised Prosecutions Service (NSPS)									
Programme Performance Indicators	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m ⁶	5	7	40%	14	50%	15	16	6%	More persons convicted which benefited
Number of government officials convicted for corruption or offences related to corruption ⁷	45	30	-33%	17	38%	135	89	-34%	More Government officials convicted
Conviction rate in cyber-crime prosecutions	74% (46)	94.4% (51)	27%	95.8% (46)	-1.4%	74% (142)	95.5% (184)	29%	Enhanced focus on cybercrime

⁶ Revised indicator as per the MTSF 2014.2019

⁷ Revised indicator for JCPS Departments as per the MTSF 2014/19

Sub-programme 2: National Specialised Prosecutions Service (NSPS)

Programme Performance Indicators	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
% of cases reported at a TCC that is referred to court for prosecution	51% (1 955)	43% (1886)	-15.7%	45.6% (2 025)	-50%	51% (5 886)	46.7% (4 959)	-9.8%	Substantial increase in non-arrest dockets
Conviction rate in PCLU ⁸	80% (1)	80% (1)	0%	n/a	n/a	80% (3)	80% (3)	0%	1 conviction obtained, with an effective sentence, requiring specialised prosecution
Percentage of legal opinions provided to the NDPP and NPA within 20 working days ⁹	100%	100%	0%	n/a	n/a	100%	100%	0%	1 opinion requested and provided to AFU on the use of section 28 of the NPA Act for ACTT investigations

Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m

7 persons, against a quarterly target of 5 persons (40%) were convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m. YTD 16 persons were convicted, exceeding the target by 6.7%. Performance, however, decreased with 50%, compared to last year, with 7 fewer persons convicted. The good quarterly performance was ensured by the fact that these matters are prioritised by the regional heads and there is a deputy director of public prosecution at SCCU Head Office dedicated to deal with these cases together with the ACTT.

Number of government officials convicted for corruption or offences related to corruption

30 government officials, against a quarterly target of 45 persons (-33.3%) were convicted of corruption or offences related to corruption. The YTD performance of 89 was also below the target of 134 by 34.1%. Compared to last year 13 more government officials were convicted for corruption or offences related to corruption.

⁸ New APP indicator

⁹ New APP indicator

Corrective Action:

The NPS continues to make contributions towards the improvement of caseflow management at PEEC and NEEC. The DPPs established rescue teams in their respective regions to focus on indicators that are still below target and they render assistance where necessary.

Conviction rate in cybercrime prosecutions

In line with the JCPS Agreement, the NPA continued to place a special focus on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyber space where information and communication technologies are used as an instrumentality, target or a means for perpetuating further crimes. Cybercrime cases are also very complex in nature and encompass extensive technical evidence. The majority of cybercrime matters are therefore dealt with by the SCCU.

During Q3 the courts achieved a conviction rate of 94.4%, exceeding the quarterly target of 74% by 20.4%. This performance is, however, 2.7% lower than the Q2 performance. However, the performance also declined slightly by 1.4%, compared to last year. Due to an exceptional conviction rate in April, June and August of a 100% respectively, the YTD performance of 95.5% is well above (21.5%) the YTD target of 74%. This excellent performance was due to extensive training for prosecutors on cybercrime. The courts' performance also decreased from Q2 in terms of the *number of convictions*. Despite this, the quarterly target and YTD target were exceeded by 5 convictions and the YTD target by 42 convictions.

Sexual Offences and Community Affairs Unit (SOCA)

The SOCA unit focuses primarily on issues involving the victimisation of women and children. 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 from abuse and violence, ensure access to maintenance support and systematically reduce secondary victimisation.

% of cases reported at a TCC that is referred to court for prosecution

During Q3 43% (1 886) of the cases reported at TCCs were referred to court for prosecution, 8% below the quarterly target of 51%. This performance is 5% lower compared to Q2. Performance also declined by 2.6% compared to last year. A substantial increase in non-arrest dockets was recorded. It is important to note that these statistics only include data where case managers are appointed and excludes non-arrest dockets.

Corrective Action

Stakeholder engagements will be conducted to address the performance within this indicator.

Conviction rates in the prosecution of sexual offences reported at TCCs

The *conviction rate* in the prosecution of sexual offences reported at TCCs was 68.8%, exceeding the quarterly target of 65% by 3.8%. Performance also improved by 2.5% compared to last year during which the conviction rate was 66.3%. However, performance improved slightly by 0.4%, compared to Q2. Concerted efforts were put in place with stakeholders to adhere to targets, with detailed discussions and deliberations in identifying reasons for lower performance.

Maintenance Matters:

- During Q3 SOCA dealt with 54 459 formal and informal enquiries, of which 35 680 (65.5%) were finalised
- The SOCA Head Office also provided assistance in relation to appeals and motion applications based on maintenance matters

Child Justice:

- The SOCA unit provided comprehensive quarterly inputs to the DoJ&CD that will be incorporated for the Annual Parliamentary report on diversions, court preparations, training delivered and other related aspects of the CJA
- A detailed quarterly analysis report of diversions was done, with a comparative analysis of the historical data of the 2 previous financial years. Possible reasons for deviations in the provinces are determined to guide future planning and address challenges identified
- The SOCA unit participates in the DoJ&CD-committee to critically analyse the existence of the current age of criminal capacity (10 years, section 7 of the Child Justice Act) to enable the committee in providing a comprehensive report to Parliament (in line with section 96(4) of the CJA) based on the review of the current minimum age of criminal capacity

Domestic Violence:

- The SOCA unit conducted 1 Ndabezitha Izimbizo, which were attended by 302 community members respectively, including representatives from different stakeholders and government departments, focusing on matters regarding domestic violence, sexual offences and TCC services

Trafficking in Persons:

- The KwaZulu-Natal office continued with the PGI and tracking of Human Trafficking cases reported in the province

Stakeholder Engagement:

- Several public awareness projects (and community Imbizos) were conducted or participated in by the SOCA unit officials, based on gender based violence, human trafficking and relevant legislation by the TCC personnel and SOCA provincial officials nationally, in line with the "365 national action plan of no violence against women and children"
- A finding of the Rape Trend Analysis at the Sinawe TCC was that most cases have occurred around taverns with most incidents at night. During the Q3 period, 76% of the clients at TCCs reported within 72 hours, indicating that the awareness at the Sinawe TCC catchment area is high and the efforts to increase public awareness campaigns will continue
- SOCA officials participated in the Young Soul Buddy Congress and presented on child sexual abuse and the TCC-model. They also participated at an informative talk on child sexual abuse held at Radiant Life Ministries
- The SOCA unit was instrumental in the organisation of the 9th APA-Prosecutorial conference, hosted by the DRC in Kinshasa. The conference was preceded by a training session on GBV and environmental crimes. The SOCA unit also compiled and developed a comprehensive training manual
- The unit hosted and facilitated the 2014 Africa Sexual and Gender Based Violence Summit during December 2014 in Cape Town, attended by approximately 100 delegates, including prosecutors from other African countries

Training:

During Q3 the following training sessions were conducted in line with the SOCA training schedule:

- *Sexual Offences* – 1 sessions, attended by 12 prosecutors
- *Child Justice* – 2 sessions, attended by 41 prosecutors
- *Trafficking in Persons* – 1 sessions, attended by 8 prosecutors
- *Integrated training for stakeholders at TCCs* – 6 sessions attended by 144 delegates

Priority Crime Litigation Unit (PCLU)

The PCLU remained on course in maintaining its strategic objectives as outlined in the unit's annual plan.

During Q3, the PCLU finalised 4 decisions. The unit also complied with the reporting to international bodies and all reports were finalised within a period of 14 days.

The PCLU presented the South African case before the OECD during the October 2014 October plenary. The OECD commended South Africa for the significant steps taken to address the shortcomings with the investigations and prosecutions. Following this, the unit attended the December 2014 plenary and provided a briefing of all foreign bribery investigations being conducted by South Africa.

Conviction rate in PCLU

A 100% conviction rate (1 conviction) was achieved during this reporting period.

Percentage of legal opinions provided to the NDPP and NPA within 20 working days

The PCLU did not provide any legal opinions during this reporting period, as none were requested. The unit did, however, provide an opinion to AFU on the use of section 28 of the NPA Act, 1998 (Act No 32 of 1998) for ACTT investigations.

Noteworthy Cases

- ***S v Prinsloo***

The accused was found guilty on the main charge, High Treason. An effective sentence of 13 years' imprisonment was achieved in this case, requiring specialised prosecution.

- ***S v Kazongo and 19 others***

This trial of 20 foreign nationals continued in the North Gauteng High Court on 21 July 2014 on charges of (i) contravening section 2 of the Regulation of Foreign Military Assistance Act, 1998 (Act No. 15 of 1998), i.e. engaging in mercenary activity; alternatively, contravening section 3 of Act 15 of 1998 (i.e. rendering of foreign military assistance); and (ii) contravening Section 18(2)(a) of the Riotous Assemblies Act, 1956 (Act No 17 of 1956), i.e. Conspiracy to commit murder.

The prosecution successfully filed an application in terms of section 2(1) of the International Cooperation in Criminal Matters Act, 1996 (Act No. 75 of 1996).

The Missing Persons Task Team (MPTT)

The MPTT continued with the execution of its mandate by conducting research and investigations into the identification, tracing and exhumations of the mortal remains of persons who disappeared during the conflict covered by the Truth and Reconciliation Commission (TRC). The MPTT closed 3 cases successfully.

Noteworthy Activities

- Positive DNA matches were obtained in 2 cases, i.e. the missing MK members Mzwakhe Phato and Tamsanqa Poto. Their remains will be handed to the affected families by the TRC Unit in the DoJ&CS
- Extensive excavations in search of the remains of Phemelo Moses Nthelang, killed at Vlakplaas in July 1989 and buried in a secret location on a private farm near Zeerust in North West Province, were conducted. A public exhumation was held that received positive media coverage. No DNA tests are required and the remains are now ready for handover to the affected families
- Investigations were conducted in Swaziland and surrounding areas, in partnership with Interpol structures and the Royal Swazi Police, regarding the remains of Japie Maponya. A broad location at the Swazi border, where he was killed, was identified. A feasibility study is being conducted by the MPTT regarding possible excavations at the site
- The MPTT continued investigations into a cluster of individuals detained under Section 6 of the Terrorism Act, 1967 (Act No. 83 of 1967) in the late 1970s and early 1980s, who were officially released from detention, but were never seen again. Special attention was given to the cases of Thomas Mmaledimo, Sindiswa Blessing Mnyazana and Nkosinathi Sydney Mavuka

Specialised Commercial Crime Unit (SCCU)

The SCCU continued to execute its strategies to deal with corruption cases, cybercrime cases and other complex commercial crime cases. The SCCU continued with its PGI methodology, co-location with the SAPS and dedicated courts, which started to show positive results. Performance is monitored and reviewed at the bi-monthly SCCU management meetings per annum, with all the Regional Heads.

The SCCU continued to execute on its joint strategy with the SAPS.

Legal Affairs Division (LAD)

The LAD continued to provide legal advice, monitor and manage civil litigation matters, process requests for mutual legal assistance and extraditions, render assistance to the NDPP and the NPA in general through legal opinions on case law and high profile cases. The LAD is also conducting civil litigation to a limited extent.

The following were highlights of achievements during Q3:

- Legal advice were provided in all 6 matters received
- 42 Service Level Agreements (SLAs) were dealt with and the average turnaround time per agreement was 3.3 days
- A draft document setting out the scope and procedure for the Phase 4 evaluation process was prepared by the OECD Secretariat and submitted to the countries for comment
- 3 outgoing extraditions requests were received and dealt with and the average turnaround time was 3 days
- 3 new incoming extradition requests were received and dealt with and the average turnaround time was 3 days
- 12 new MLA requests were received, with an average turnaround time of 3 days per request. The required turnaround time for incoming and outgoing MLA's is 10 days, which makes the average turnaround time of 3 days an excellent achievement
- 42 legal service agreements were vetted
- 162 civil actions were received. The members perused the documents, acknowledged receipt and communicated with the State Attorney to deal with the matters in line with existing delegations. Notices to oppose, plea, answering and discovering affidavits and all other pleadings were also drafted or settled within the required 5 days
- 42 new civil applications were received and dealt with within 5 days

NPA Strategic Objective 3: Ensure that profit is removed from crime

Sub-programme 3: Asset Forfeiture Unit

Purpose: Asset Forfeiture seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.

Table 14: Progress on Strategic Objective 3: Ensure that profit is removed from crime

Sub-programme 3: Asset Forfeiture Unit (AFU)									
Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of completed forfeiture cases	86	117	136%	84	139%	246	346	141%	Big increase in smaller orders due to good collaboration with DPPs
Value of freezing orders (Rm)	R201m	R57.3m	28%	R287.2m	28%	R572m	R2 677m	469%	Normal quarterly fluctuations

Number of completed forfeiture cases

The AFU did exceptionally well and continued with the strategy of working closely with the DPPs on smaller s18 orders. This assisted with the good performance from Q1 and the quarterly target of 86 forfeiture cases was exceeded by 31 forfeiture cases. Performance also improved by 33 forfeiture cases compared to last year. Due to good performance throughout the year, the YTD target of 246 was also significantly exceeded.

Value of freezing orders

During Q3 the AFU finalised freezing orders to the value of R45.5m, 7.7% below the quarterly target of R201m. Performance was also significantly below the performance of last year of R287.2m (-84%). Due to an exceptional performance in Q2 and 2 very large orders in Q3, the YTD target of R572m was significantly exceeded by 365.9%, the best YTD performance ever. This outstanding performance was due to a focus on high value cases, better investigation of big cases at ACTT and an increase in non-conviction based forfeiture.

Corrective Action

The following corrective measures are being maintained:

- Improved stakeholder and partner relations with the Hawks, SIU and ACTT, which assisted with finalising investigations and court preparation in big cases more speedily and effectively
- The strategic decision by the AFU to devote more of its resources to work on high value cases

- The strategy of doing as many cases as possible through the civil forfeiture process in Chapter 6 of POCA through which cases can be finalised more quickly as the process is independent of the finalisation of the criminal trial

Table 15: Progress on Strategic Objective 3: Ensure that the profit is removed from crime

Sub-programme 3: Asset Forfeiture Unit									
Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of freezing orders	75	65	87%	98	87%	213	221	104%	Normal quarterly fluctuations
Value of completed forfeiture cases	R48m	R1 590.6m	1110%	R63m	1040%	R137m	R1 662.3m	1110%	Focus on high value cases, better investigation of big ACTT cases and more use of non-conviction based forfeiture to speed up cases
Number of completed forfeiture cases re JCPS prosecutions for corrupt activities	3	4	133%	1	100%	8	7	88%	Few cases with significant benefits referred to AFU or money being recovered in other ways
Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5m ¹⁰	R200m	R7.3m	36%	R201.9m	95%	R450m	R2 226.1m	50%	Normal quarterly fluctuations
Value of payments to victims of crime in terms of court orders obtained in terms of POCA	R17m	R83.7m	493%	R1.9m	120%	R49m	R104.6m	111%	Improved investigation of high value cases at ACTT and increased use of chapter 6

¹⁰ New APP indicator

Sub-programme 3: Asset Forfeiture Unit

Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Success rate	93% (86)	96.3% (157/163)	-3.3%	98.1% (104/106)	-1.8%	93% (246)	95.3% (361/379)	-2.0%	More focus on quality assurance and more use of non-conviction based forfeiture to reduce risks in big cases
Value of recoveries relating to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses) ¹¹	R10m	R67.5m	565%	n/a	n/a	R25m	R67.5m	169%	Improved detection and investigation of high value cases at ACTT and increased use of chapter 6
Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses) ¹²	R26 000	R10.7m	41 070%	n/a	n/a	R77 000	R10.7m	13 200%	Improved detection and investigation of high value cases at ACTT and increased use of chapter 6

Number of new freezing orders

The unit continued to implement its corrective measures to resolve inhibiting factors. Despite this, the AFU obtained 65 orders, 13.3% below the quarterly target of 75 orders. There was also a decrease of performance (33.7%) compared to last year. Due to an exceptional performance during Q2 and a focus on resolving inhibiting factors with partners, the YTD target was exceeded by 8 freezing orders (3.8%). It should be noted that although the annual target will in all probability be achieved, the AFU will not be able to match the excellent performance of last year which was due to exceptional circumstances.

¹¹ New APP indicator

¹² New APP indicator

Value of completed forfeiture cases

Notwithstanding the decline in performance in Q2, performance started to significantly improve again in Q3, building on the good performance in Q1. The value of completed forfeiture cases was R1 590.6m, exceeding the quarterly target of R48m by 3 214%. There was also a significant improvement in performance (2 426%) compared to last year. Due to the good performance in Q1 and Q3, the YTD performance also significantly exceeded the YTD target of R137m by 1 117.8%. A focus on high value cases, improved investigation of big ACTT cases and an increased use of non-conviction based forfeiture to speed up cases, contributed to the improved performance.

Number of completed forfeiture cases re JCPS prosecutions for corrupt activities

Performance in respect of this indicator improved from Q2 with 4 completed forfeiture cases re JCPS prosecutions for corrupt activities, against a quarterly target of 3. Performance also improved compared to last year during which 1 forfeiture case re JCPS prosecutions for corrupt activities were completed. Due to poor performance during Q1 and Q2, the YTD performance is still 12.5% below the target with 7 forfeiture cases completed against a target of 8. Factors that negatively impact on performance is that only a few cases with significant benefits are referred to the AFU or money are recovered by through the use of other ways.

Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5m

During Q3 assets to the value of R7.3m relating to corruption where the amount benefited per case is more than R5m was obtained, 96.4% below the quarterly target of R200m. Performance also decreased by 96.4% compared to last year, during which payments to the value of R201.9m were obtained. YTD freezing orders to the value of R2 226.1m were obtained, exceeding the YTD target of R450m by 395%. This best ever YTD performance was due to very large orders of R417m and R1.8b that was obtained, improved investigations of high value cases at ACTT and increased use of Chapter 6. Although performance was below the quarterly target, the AFU has already significantly exceeded its annual target.

Value of payments to victims of crime in terms of court orders obtained in terms of POCA

Performance improved significantly from Q2 in respect of this indicator. During Q3 payments to the value of R83.7m were obtained, exceeding the quarterly target of R17m by 393%. Performance within this indicator also improved significantly (4 206%) compared to last year. Due to a good performance in Q1 and Q3, the YTD target was also significantly exceeded by 112%, and the annual target was also already exceeded. This excellent performance can be ascribed to improved investigations of high value cases at ACTT and increased use of chapter 6.

Success rate

Performance improved from Q2 and the AFU won 96.3% of all cases (157 of 163) against a target of 93%. Due to a good performance throughout the year the YTD target was also exceeded by 2.3%. Performance, however, declined slightly by 1.8% compared to last year. The AFU increased its focus on quality control and is using chapter 6 as much as possible. In addition, the increase in number of smaller confiscation orders done with the DPPs, also contributed to the good performance, as these smaller confiscation orders are seldom litigated.

Value of recoveries relating to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)

During Q3 the recoveries, relating to corruption where the amount benefited is more than R5m, to the value of R67.5m were obtained, significantly exceeding the quarterly target of R10m by 575%. This performance also significantly exceeded YTD target of R25m by 170%. This excellent performance was due to a very big case being finalised and an amount of R61m being recovered. This is the largest recovery ever by the AFU. Due to this large recovery, the unit already exceeded its annual target.

It should be noted that this is a new indicator and there was little historical data to set a target. The figure for the quarter includes all the recoveries for the YTD, as this was not reported previously.

Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses)

During Q3 the recoveries, relating to government officials convicted of corruption and other related offences, to the value of R10.7m were obtained, significantly exceeding the quarterly target of R26 000 by 41 070%. This performance also significantly exceeded YTD target of R77 000 by 13 801%. This excellent performance was due to several big recoveries of more than R1m in cases being finalised. This also contributed to the unit already exceeding its annual target. This is the largest recovery ever by the AFU.

It should be noted that this is a new indicator and there was little historical data to set a target. The figure for the quarter includes all the recoveries for the YTD, as this was not reported previously.

NPA Strategic Objective 4: Ensure threatened witnesses are successfully protected

Sub-programme 4: Office for Witness Protection

Purpose: The Office for Witness Protection provides for protection, support and related services to vulnerable and intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).

Table 16: Progress on Strategic Objective 4: Ensure threatened witnesses are successfully protected

Sub-programme 4: Office of Witness Protection (OWP)									
Strategic Objective	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
Number of witnesses harmed, threatened or killed whilst on the witness protection programme	0	0	0%	0	0%	0	0	0%	

Number of witnesses harmed or threatened whilst on the witness protection programme

During Q3 no incidents were recorded of witnesses being harmed, threatened or killed whilst on the witness protection programme.

Table 17: Progress on performance indicator to ensure threatened witnesses are successfully protected

Sub-programme 4: Office of Witness Protection (OWP)									
Performance indicator	Performance Against Target								
	Q3 2014 Target	Q3 2014 Actual	% Deviation from Quarterly Target	Q3 2013 Actual	Progress over period	YTD Target	YTD Actual	% Deviation from YTD target	Comment on Quarterly deviations
% of witnesses that walked off the witness protection programme	1.5%	0.2% (1)	13.3%	0.7% (4)	0.3%	1.5%	0.3% (4)	13.3%	Witness management through induction processes and continued interaction with the witnesses and their related persons

% of witnesses that walked off the witness protection programme

During Q3 1 witness walked-off the witness protection programme. This is an improvement in performance from Q2 during which 3 witnesses walked off the witness protection programme. The performance also improved slightly by 0.5% compared to last year when 4 witnesses walked off the witness protection programme.

The following were highlights of achievements during Q3 2014:

- 45 witnesses and 45 related persons joined the programme. A total of 170 witnesses and 175 related persons were carried over from Q2, amounting to a total of 435 witnesses and related persons that were managed by the OWP during this quarter
- 22 witnesses with 26 related persons were discharged from the programme after completing their testimony or after it was decided by the prosecution not to use them as witnesses
 - 17 witnesses and 18 related persons returned to their danger area after they left the programme
- 1 witness walked-off the witness protection programme
- 47 (21.8%) witnesses attended judicial proceedings
- 2 criminal prosecutions were finalised, where there are witnesses and their related persons on the programme
- 0 witness was successfully discharged, resettled or relocated after not being called to testify by the prosecution
- 0 witnesses were harmed, threatened or killed whilst on the witness protection programme
- 0 formal grievances were laid – complaints made to the Public Protector were found to be unsubstantiated
- 26 witnesses and 20 related persons signed off the witness protection programme
- The average cycle time that witnesses and their related persons remained on the programme, was 15 months

The OWP Director delivered a paper on role of Witness Protection at the International Africa Sexual and Gender Base Violence Summit on the 8th of December 2014.

CONCLUSION

Historically the third quarter is one of the worst performing quarters in the NPA. However, during this financial year the performance trend was disrupted and the organisation performed exceptionally well. Improvements compared to the previous year are also noted and reflect the commitment from the regions in achieving the set annual targets for this financial year.

Year to date the organisation also performed well and all business units are on track to the majority of the annual targets by the end of Q4. The targets of the following indicators might not be achieved by the end of the financial year:

- Number of criminal court cases finalised with verdict
- Total number of operational Thuthuzela care centres and
- % of cases reported at a TCC that is referred to court for prosecution.

The NPS reported on 10 targets and YTD 8 of these targets were achieved, 1 target was not achieved and 1 target was marginally not achieved. The NSPS reported on 8 targets and YTD 5 targets were achieved and 3 targets were not achieved. The AFU reported on 10 targets and YTD 9 targets were achieved, and only 1 target was not achieved. The AFU has also already exceeded the annual target in 2 of the indicators.

Annexure A

Technical indicators and descriptions

Indicator Title	Number of criminal court cases finalised including ADRM
Short definition	Criminal court cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment
Purpose/importance	Tracks the ability of the NPA to deal with the demand for services for the purpose of measuring productivity
Source/collection of data	NPA Daily Court Return
Method of calculation	The criminal court case is measured as finalised on the date on which the verdict of not guilty given [including stopping of prosecution in terms of section 6(b) of the Criminal Procedure Act 1977, Act No 51 of 1977 (CPA)] is given or sentence is imposed in the case of a guilty verdict and includes cases dealt with in terms of section 57A of the CPA. Should there be multiple accused, the case is only counted upon conclusion of the case against all accused
Limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹³	486 026 by 2016/17
Indicator responsibility	DNDPP: NPS
Indicator Title	Conviction rate
Short definition	The percentage of cases finalised with a verdict in which a guilty verdict was obtained
Purpose/importance	Internationally viewed as an indicator of the success of the prosecution. Also regarded by South African public as such.
Source/collection of data	Central data sheet
Method of calculation	The percentage of cases finalised with a guilty verdict (including Sec 57A) divided by the number of cases finalised with a verdict. Conviction rate is measured at the date of sentencing or verdict of not-guilty irrespective of the date when the plea was entered
Data limitations	Manual system
Type of indicator	Output
Calculation type	Percentage based on cumulative verdict cases for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹⁴	HC 87%, RC: 74%, DC: 88% Cybercrime: 74%, Complex commercial crime: 93%, Organised crime: 90%, Sexual offences: 69% and Trio crime: 85%, Violent protest and industrial action: baseline, for 2016/17
Indicator responsibility	DNDPP: NPS and NSPS

¹³ Standard desired performance

¹⁴ Standard desired performance

Indicator Title	Number of operational TCCs
Short definition	The number of operational TCCs
Purpose/importance	To measure the availability of the services provided at a TCC
Source/collection of data	TCC Operational status verification document
Method of calculation	The total number of TCCs which meet the requirements of an operational TCC on the last date of the reporting period
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹⁵	60 by 2016/17
Indicator responsibility	DNDPP: NSPS

Indicator Title	Number of completed forfeiture cases .
Short definition	Number of forfeiture or confiscation orders obtained
Purpose/importance	It measures the reach of the impact that the AFU has by indicating how many cases where dealt with
Source/collection of data	Case report form that is captured on a central data sheet
Method of calculation	The total number of cases in which a forfeiture or confiscation order was obtained in the reporting period.
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹⁵	350 by 2016/17
Indicator responsibility	DNDPP: AFU

Indicator Title	Value of freezing orders
Short definition	Value of assets frozen in freezing orders obtained in the reporting period
Purpose/importance	It measures the total value of the proceeds or instrumentalities of crime removed from the control of criminals and provides an indication of the depth of the impact of the AFU
Source/collection of data	Case report form that is captured in a central data sheet
Method of calculation	The total estimated net market value of assets frozen by orders obtained in the reporting period. The value is estimated and counted at the time when the initial order is obtained.
Data limitations	The estimate of the value is made at the time when not all the information is available
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No

¹⁵ Standard desired performance

Desired performance ¹⁹	R860 million by 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	Number of witnesses harmed, threatened or killed while on the witness protection programme
Short definition	Witnesses harmed, threatened or killed while on the witness protection programme
Purpose/importance	Measures the effectiveness of the Witness Protection Programme
Source/collection of data	Report filed in the regional file and reported to head office
Method of calculation	The total number of witnesses that were harmed, threatened or killed during the reporting period by a person or persons from whom they were protected either directly or through an agent, while on the NPA witness protection programme
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the reporting period
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹⁹	No witnesses must be harmed, killed or threatened
Indicator responsibility	DNDPP: NSSD
Indicator Title	Criminal court cases finalised with verdict
Short definition	Number of criminal court cases finalised by verdict in the reporting period (irrespective of the date of enrolment)
Purpose/importance	Measures the ability to deal with the demand for trial cases
Source/collection of data	NPA Daily Court Return
Method of calculation	Criminal court cases finalised with a verdict are measured on the date that the verdict of not guilty is given or sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of the Criminal Procedure Act 1977, Act No. 51 of 1977. Should there be multiple accused, the case is only counted upon conclusion of the case of the case against all accused
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ¹⁹	330 794 for 2016/17
Indicator responsibility	DNDPP: NPS
Indicator Title	Number of criminal court cases finalised through ADRM
Short definition	Number of cases finalised in the reporting period through the use of alternative dispute resolution mechanisms such as diversion and informal mediation, irrespective of the date of enrolment
Purpose/importance	Tracks the ability of the NPA to deal with the demand for services for the purpose of measuring

¹⁹ Standard desired performance

Source/collection of data	productivity NPA Daily Court Return and Diversion Register
Method of calculation	The case is measured as finalised on the date on which the case is withdrawn from the criminal court roll or the matter is removed from child justice court roll (whichever applicable). In the case of a diversion this is done after the certificate for the successful completion of the diversion programme is received and in the case of an informal mediation after the case was successfully mediated
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance ²⁰	155 232 by 2016/17
Indicator responsibility	DNDPP: NPS

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Indicator Title	Number of persons convicted for corruption of offences related to corruption where the amount benefitted per case is more than R5 million
Short definition	Conviction of persons for the offence of corruption and/or offences relating to corruption where the amount benefitted exceeds R5 million per case. The total amount benefitted in the case is measured, i.e. amounts benefitted by accused are added up
Purpose/importance	To measure whether serious corruption is being successfully dealt with by the JCPS
Source/collection of data	Register
Method of calculation	Number of persons convicted for corruption in the reporting period, where the amount benefitted exceeds R5 million per case
Data limitations	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance ²¹	70 (cumulative) by 2016/17
Indicator responsibility	DNDPP: NSPS

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Indicator Title	Number of government officials convicted for corruption or offences related to corruption
Short definition	Conviction of government officials that committed offences relating to corruption
Purpose/importance	To measure whether serious corruption is being successfully dealt with inside the government sphere
Source/collection of data	Register
Method of calculation	The total number of government officials (or former officials) convicted of corruption in the reporting period
Data limitations	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative

²⁰ Standard desired performance

²¹ Standard desired performance

Reporting cycle	Quarterly
New indicator	Yes
Desired performance ²²	856 (cumulative) by 2016/17
Indicator responsibility	DNDPP: NPS and NSPS
Indicator title	% of cases reported at TCC that is referred to court for prosecution
Short definition	Percentage of matters reported at TCC that are referred to court for prosecution where TCC case managers are appointed
Purpose/importance	To reflect the volume of cases which resulted in a prosecution that case managers are responsible for in line with TCC model and performance contract
Source/collection of data	Site coordinators register and the Case Manager's register
Method of calculation	The number of sexual offences TCC case dockets referred to court by the case management for prosecution divided by the total number of matters reported at the TCCs (which resulted in a police docket)
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the reporting period
Reporting cycle	Quarterly
New indicator	No (but was not in the previous year's APP)
Desired performance	53% by 2016/17
Indicator responsibility	DNDPP: NSPS
Indicator Title	Number of freezing orders
Short definition	Number of freezing orders obtained in the reporting period
Purpose/importance	It measures the reach of the impact of the AFU, and indicates in how many cases alleged criminals were affected by its actions
Source/collection of data	Case report form and is captured on a central data sheet
Method of calculation	The total number of cases in which freezing orders were obtained in the reporting period. An order is counted only once for each case, at the time when the initial order was obtained. In complex cases with several legs the head of the AFU may approve in writing that the separate legs be counted separately. Any other orders are not counted (they are counted as other orders). When an obtained order is reversed on the return date or on appeal, this is not counted as a negative order but will be reflected in the AFU success rate. If an order is refused after litigation, it is counted as finally lost. If it is redone, the new order granted will be counted (see also definition of success rate)
Data limitations	Manual System
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance ²³	281 in 2016/17
Indicator responsibility	DNDPP: AFU

²² Standard desired performance

²³ Standard desired performance

Indicator Title	Value of completed forfeiture cases (Rm)
Short definition	Value of the assets of which the person subject to the order is likely to be deprived as a result of confiscation or forfeiture orders obtained
Purpose/importance	It measures the amount of proceeds likely to be finally removed from the possession of criminals and provides an indication of the depth of the impact made by the AFU
Source/collection of data	Case report form and is captured on a central data sheet
Method of calculation	The total estimated net market value of all property of which persons are to be deprived as a result of confiscation or forfeiture orders obtained in the reporting period. The value is estimated and counted on the date when the order is obtained. It includes the value of property recovered from the person by an agreement reached as a result of the litigation in terms of POCA
Data limitations	Manual System
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance²⁴	R205 million by 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	
Indicator Title	Number of completed forfeiture cases re JCPS prosecutions for corrupt activities
Short definition	Number of JCPS officials involved in corrupt activities against whom forfeiture or confiscation orders were obtained
Purpose/importance	It measures the impact made by the AFU in deterring JCPS officials from engaging in corrupt activities
Source/collection of data	Monthly office report and is captured on the JCPS corruption register
Method of calculation	The total number of JCPS officials involved in corrupt activities against whom or whose property forfeiture or confiscation orders were obtained in the reporting period
Data limitations	Manual System
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance²⁵	14 by 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	
Indicator Title	Value of freezing orders relating to corruption where the amount benefited per case is more than R5m
Short definition	Value of the freezing orders relating to the offence of corruption and/or offences related to corruption where the amount benefited exceeds R5 million per case
Purpose/importance	To measure whether serious corruption is being successfully dealt with by the JCPS
Source/collection of data	Monthly office report and is captured on the serious corruption register
Method of calculation	The total estimated net market value of assets frozen in the reporting period, relating to cases involving the offence of corruption and/or offences relating to corruption where the amount benefited exceeds

²⁴ Standard desired performance

²⁵ Standard desired performance

	R5 million. The value is estimated and counted at the time when the initial order is obtained
Data limitations	Information is provided manually
Type of Indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New Indicator	No
Desired performance²⁶	R900 million by 2016/17 (cumulative R3.780billion) ²⁷
Indicator responsibility	DNDPP: AFU
Indicator Title	Value of payments to victims of crime in terms of court orders obtained in terms of POCA
Short definition	Value of payment made to victims of crime in terms of a court order in terms of the provisions Prevention of Organised Crime Act (POCA)
Purpose/importance	It provides an indication of the ability of the NPA to assist victims who have suffered financial loss due to crime
Source/collection of data	The proof of payment on the case report form and is captured on the central data sheet
Method of calculation	The total amount paid or the net market value of property transferred to the victims of crime during the reporting period resulting from orders or agreements obtained. This refers to orders obtained as a result of litigation in terms of POCA. It is measured only when the proof of payment is received
Data limitations	Confirmation of payment may be received late from the victims
Type of Indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New Indicator	No
Desired performance²⁸	R85 million by 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	Success rate
Short definition	The percentage of cases litigated by the AFU in which it was ultimately successful
Purpose/importance	It provides an overall indication of the ability of the AFU and its CJS partners to deal with and litigate AFU matters successfully
Source/collection of data	Combined figure derived from registers of cases finally won and cases finally lost
Method of calculation	The total number of cases finally won divided by all cases which were finally won or lost. Cases are finally won or lost when a final order is obtained in favour of or against the NPA, i.e. after all appeal or other legal processes have been finalised. It is counted at the date when the case became finally won or lost. Cases finally lost include all cases abandoned after an order was obtained. If a lost case is redone it is not finally lost and the new order will not be counted again.
Data limitations	The data may occasionally be received late when there is a delay in receiving a judgement after it is made
Type of Indicator	Output
Calculation type	Cumulative

²⁶ Standard desired performance

²⁷ Cumulative figures from the previous delivery agreement, target R4.4 billion by 2019

²⁸ Standard desired performance

Reporting cycle	Quarterly
New indicator	No
Desired performance ²⁹	93% in 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	Value of recoveries relating to corruption where the amount benefited per case is more than R5 million (proceeds of crime and government losses)
Short definition	The amount recovered for the state by the AFU in serious corruption through a victim payment to the state or through a payment to CARA of an amount recovered from someone who benefited from serious corruption
Purpose/importance	To measure whether the State is successful in recovering the proceeds of serious corruption dealt with by the JCPS
Source/collection of data	Monthly unit report and is captured on the serious corruption register
Method of calculation	The total amount actually recovered in the reporting period, relating to cases involving the offences of corruption and/or offences relating to corruption where the amount involved exceeds R5 million. All persons involved must have jointly received more than R5m and more than R5m must be recoverable. The value is determined upon the successful recovery thereof
Data limitations	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes
Desired performance ³⁰	R120m in 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	Value of recoveries of government officials convicted of corruption and other related offences (proceeds of crime and government losses)
Short definition	The amount recovered for the state from any employee of a state institution by the AFU in relation to any corruption cases through a victim payment to the state or through a payment to CARA of an amount recovered from such official who benefited from corruption
Purpose/importance	To measure whether the State is successful in recovering the proceeds of serious corruption from government officials in cases dealt with by the JCPS
Source/collection of data	Monthly unit report and is captured on the serious corruption register
Method of calculation	The total amount actually recovered in the reporting period, relating to cases involving the offence of corruption and/or offences relating to corruption from government officials. The value is determined upon the successful recovery thereof
Data limitations	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes

²⁹ Standard desired performance

³⁰ Standard desired performance

Desired performance ³¹	R600 000 in 2016/17
Indicator responsibility	DNDPP: AFU
Indicator Title	% of witnesses that walked off the witness protection programme
Short definition	Witnesses that walked off the programme without prior notification
Purpose/importance	Measures the ability of the programme to ensure that witnesses are available to testify in court proceedings where applicable
Source/collection of data	Report filed in the regional file and reported to head office
Method of calculation	Measured on the number of witnesses that walked off the programme divided by the number of witnesses on the programme
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the reporting period
Reporting cycle	Monthly
New indicator	No
Desired performance ³²	1.5% in 2016/17
Indicator responsibility	SDPP: OWP

³¹ Standard desired performance

³² Standard desired performance