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Ms Fatima Chohan

Chairperson of Parliament Portfolio Committee on Justice and Constitutional Development

RE: JUSTICE DEPARTMENT UNDER-EXPENDITURE

Please receive our media inquiry. It relates to a press statement issued by your office on April 10 in which you stated that the portfolio committee on justice and constitutional development, which you chair, was "certainly not misled" when justice Director-General Menzi Simelane and his senior officials appeared before it on February 7.

You stated that the portfolio committee was advised that the department had planned to "reprioritise" R400-million for the following projects:

- * Court security and upgrading of courts (R150-million)
- * Digital court recording equipment (R150-million); and
- * IT Network deployment to 160 sites (R100-million).

The Sunday Times would like to bring to your attention new information that may give you new insight into the issue.

The information provides further proof – in our opinion – that your committee was indeed misled by the Department.

The Sunday Times is in possession of an internal departmental document which was drawn-up by the DG two months after his appearance before the portfolio committee.

The document, dated March 27, contradicts information submitted to the committee about the budget re-prioritisation.

The document also contradicts your view that the excess funds have been channelled to "important" projects that have "previously not been able to be adequately funded".

We intend to publish the contents of the document in full in this week's publication. This document will show that the "re-prioritisation" was not planned in September as claimed by the DG. The document provides solid proof that the so-called "re-prioritisation" was designed for the purposes of the appearance before your committee.

The document will show that about 40% of the "re-prioritised R400-million" had been channelled to wasteful luxuries subsequent to the portfolio committee meeting. This shows that the presentation to the portfolio committee was a sham and did not reflect the true financial position of the department.

Few days after the portfolio committee meeting the DG asked his deputies to submit "urgent" requests for funding, which they did.

Contrary to your assertion, the "re-prioritised R400-million" was actually allocated to luxuries such as laptops, expensive specialised cars, new furniture, and new offices.

The projects that your committee was informed about received half of the "re-prioritised R400-million":

1. X ray machines (R35-million)
2. Digital recording equipment (R136.8-million)
3. Burglar proofing (R18-million)
4. IT network deployment (R40-million)

This contradicts the figures that were presented to your committee. It is unfortunate that you based your press statement on those misleading figures as a basis to dispute lead story in the Sunday Times.

For your information the balance of the R400-million was allocated as follows:

1. R21-million was allocated to the Masters Office to buy office furniture, cars, and to subsidise an overspending on personnel;
2. R17-million was allocated to the State Attorneys Office in Kimberly to acquire new offices and buy new furniture and office equipment;
3. R77-million was allocated to the National Prosecuting Authority to buy specialized vehicles, computers and to pay accounts related to the usage of motor vehicles;
4. R13.22-million was allocated to the Legal Aid Board to buy vehicles, computers and software licences;
5. R5.05-million was allocated for vehicles, access control, and laptops for the Special Investigating Unit;
6. R3.5-million was allocated for high profile cases in the Office of the Public Protector;
7. R3.5-million was allocated for office equipment, computers and vehicles for the office of Family Advocates; and
7. R10-million to Human Resources for the internship programme.

It is clear that your committee did not have the opportunity to determine whether these allocations were appropriate expenditures.

Do you consider laptops, luxury, specialized vehicles, new office furniture, new buildings and other luxuries, as important to the "optimal functioning of courts?"

We would appreciate if you were to attend to the above inquiry as soon as you can and be able to give us a response by no later than close of business on Thursday, April 20.

Sincere thanks

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