NATIONAL PROSECUTING AUTHORITY
South Africa

ANNUAL REPORT

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

2017/2018

IN TERMS OF THE NPA ACT 32 OF 1998

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LIST OF ABBREVIATIONS /ACRONYMS

ACTT	Anti-Corruption Task Team
ADRM	Alternate Dispute Resolution Mechanism
AENE	Adjusted Estimates of National Expenditure
AFU	Asset Forfeiture Unit
APA	Africa Prosecutors Association
APP	Annual Performance Plan
CARA	Criminal Assets Recovery Account
CJA	Child Justice Act
CJS	Criminal Justice System
CPO	Court Preparation Officer
DDPP	Deputy Director of Public Prosecutions
DNDPP	Deputy National Director of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPP	Director of Public Prosecutions
DSD	Department of Social Development
ECTA	Electronic Communications and Transactions Act
EE	Employment Equity
ENE	Estimates of National Expenditure
FATF	Financial Action Task Force
IAP	International Association of Prosecutors
IJS	Integrated Justice System
IPID	Independent Police Investigative Directorate
JCPS	Justice, Crime Prevention and Security
LAD	Legal Affairs Division
LGBTI	Lesbian, Gay, Bisexual, Transsexual and Intersexual
MLA	Mutual Legal Assistance
MOU	Memorandum of Understanding
MPTT	Missing Persons Task Team
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
SGBV	Sexual and Gender-BAsed Violence

NCSPF	National Cyber Security Policy Framework
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NHTL	National House of Traditional Leaders
NEEC	National Efficiency Enhancement Committee
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
OECD	Organisation for Economic Cooperation & Development
OHS	Occupational Health and Safety
OWP	Office for Witness Protection
PCLU	Priority Crimes Litigation Unit
PEEC	Provincial Effectiveness Enhancement Committees
PFMA	Public Finance Management Act
PGI	Prosecutor Guided Investigations
POCA	Prevention of Organised Crime Act
SAPS	South African Police Service
SARS	South African Revenue Service
SCA	Supreme Court of Appeal
SCCU	Specialised Commercial Crimes Unit
SDPP	Special Director of Public Prosecutions
SMS	Senior Management Services
SOCA	Sexual Offences and Community Affairs
SS	Support Services
SSA	State Security Agency
TCC	Thuthuzela Care Centre
TIP	Trafficking in Persons
TRC	Truth and Reconciliation Committee
UNODC	United Nations Office on Drugs and Crime
VIS	Victim Impact Statement

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FOREWORDS

FOREWORD BY THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

The National Prosecuting Authority (NPA) as an important component of the Justice Crime Prevention and Security (JCPS) Cluster strives to implement its mandate within a coordinated approach together with all other components of the criminal justice value chain. To this end we have observed an improvement in the relationship and coordination efforts between the investigating arm of the State, the Directorate for Priority Crime Investigations (DPCI) and other entities which have resulted in the NPA continuing to improve on its performance according to its set targets. The statistical performance in relation to the set targets reflects an improvement in all courts, with a higher conviction rate recorded.

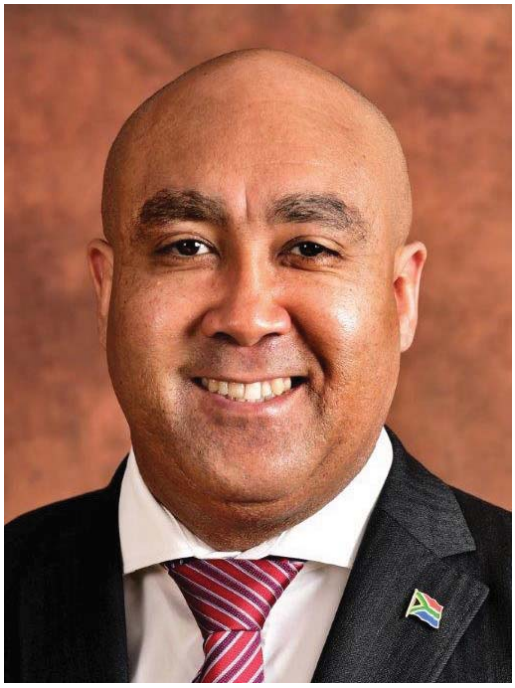
The above performance was achieved within the context of significantly reduced budget occasioned by sluggish economic growth impacting on the allocation of resources to government departments and entities to enable them to attain the NDP targets. The budget cuts for the current financial year are even more significant, amounting to R200 million. We are very concerned that the budget cuts are impeding the NPA and other law enforcement agencies from building or enhancing the much-needed capacity to fight crime, including significantly reducing and eventually eliminating the backlog of cases in our courts which affects even the confidence of our society on the criminal justice system. This is a matter that the NPA and other entities in the criminal justice system are currently engaging the National Treasury about.

As the authority vested with the final responsibility over the NPA I am aware of the enormous challenges the institution is faced with especially in light of the reported spike in violent crimes including crimes against women and children, LGBTI and vulnerable communities broadly and am concerned about the impact of the budget cuts on the institutions tasked with combating these crimes. This therefore calls on the NPA and all entities in the criminal justice value chain to explore innovative ways of fighting crime and bringing perpetrators to book. The improved conviction rate in sexual offences of 72, 8% is however pleasing.

The NPA has over the years increased its efforts to combatting organized crimes like corruption, money laundering, illicit financial flows, cybercrime, terror-financing, collusive behaviour and etc. These crimes have a negative impact on the territorial integrity and security of the country, and resources are needed to safeguard this integrity and security. These transnational crimes in particular meant that the NPA represented Government in international fora like the Financial Action Task Force (FATF) and the Organisation for Economic Cooperation and Development (OECD). We are confident that the above efforts will yield positive results in the combatting of organised crime globally.

Adv. T. M. Masutha, MP
Minister of Justice and Correctional Services

FOREWORD BY THE NATIONAL DIRECTOR



I am honoured to present the National Prosecuting Authority (NPA) Annual Report for the period 2017/2018 in terms of Section 35(2)(a), read with section 22(4)(g), of the NPA Act, 1998 (Act No. 32 of 1998).

The NPA is sub-programme 4 of the Department of Justice and Constitutional Development (DoJ&CD) and is at the centre of the Criminal Justice System (CJS) and its associated processes, playing a significant role in ensuring that everything it does is in the interests of the victims of crime, thereby confidently claiming its position in society as the "People's Lawyer".

The Minister of Justice and Correctional Services has legislative and constitutionally entrenched powers of final responsibility over the NPA as envisaged by the provisions of section 179(6) of the Constitution and section 33 of the NPA Act, which we value along with the oversight responsibility Parliament enjoys over the powers, functions and duties of the NPA. Hence, we welcome the opportunity to account transparently herein.

The NPA continued to embrace Government's initiatives in our commitment to the realization of the goals set by Government through the National Development Plan (NDP) and in giving effect to the long-term vision of the Justice Crime Prevention & Security (JCPS) Delivery Agreement by ensuring that all people in South Africa are safe and feel safe, by working with all stakeholders and in giving effect to an integrated, collaborative and proactive effort in the fight against crime.

THE NPA CONTINUED TO PROVIDE A COORDINATED PROSECUTING SERVICE ENSURING THAT JUSTICE IS DELIVERED TO THE VICTIMS OF CRIME THROUGH GENERAL AND SPECIALIZED PROSECUTIONS; THAT PROFIT IS REMOVED FROM CRIME AND THAT WITNESSES AND THEIR RELATED PERSONS ARE PROTECTED.

The NPA continued to provide a coordinated prosecuting service ensuring that justice is delivered to the victims of crime through general and specialized prosecutions; that profit is removed from crime and that witnesses and their related persons are protected.

The period 2017/18 was characterized by excellent performance in many spheres of the organization, notwithstanding our budgetary and resources constraints, which remains a challenge. Increased focus in the fight against crime, especially government priorities, remained a focal point for the organization.

Great strides have been made to ensure that high conviction rates were maintained, and improved on, in all court forums. Historically, in the high courts we have fluctuated from, 91% in 2015/2016, 90% in 2015/2016, back to 91% in 2016/2017 and then to 91.7% for the period 2017/2018 against a target of 87%. In the regional courts we have gradually increased from 77% in 2014/2015 to 78% in 2015/2016, 80% in 2016/2017 and 81% in 2017/2018 against an estimated target of 74%. In the district courts, we have increased our performance from 94% in 2014/2015 to 95% and 96 % in the years thereafter, with 96.1% in 2017/2018 against a target of 88%.

The performance of the 2017/18 financial year represents the best conviction rate performance over the last two decades. Notwithstanding our exceptional performance, we acknowledge there are numerous areas in respect of which we can significantly improve on.

We have also refined the Alternative Dispute Resolution Mechanisms (ADRM) system to curb any potential abuse of this process. This was imperative to ensure that the process was being used fairly and justly to ensure that the correct people were diverted from the formal justice system. We excelled by finalising 146 090 ADRM cases during the reporting period. Notwithstanding these results, a task team has been appointed to look into draft regulations and/or legislation in relation to ADRM. This process is ongoing.

We acknowledge that the scourge of both private and public sector corruption, money laundering, illicit financial flows, terror-financing, collusive behaviour and organized crime, in all its forms and manifestations, inter alia, corrodes the very fabric of our young democracy; depletes our national wealth; undermines people's trust in the business community, in our government and in our political systems.

These crime typologies negatively impact on essential service delivery; the safety of our society; the security and stability of our economy; ultimately the territorial security, stability and integrity of our Republic; and serve as major obstacles to democracy, the rule of law and Constitutional values.

The extremely serious allegations levelled in the Public Protector's '*State of Capture*' report; the exposure of some, through the *Panama* and *Paradise* papers, of money laundering and tax evasion; the *Steinhoff debacle*; the *Multi-Choice matter*; the exposure of price-fixing of the Rand and collusion by financial institutions and other anti-competitive practices by some; the conduct of some mining companies and community leaders to the detriment of the very vulnerable communities they are to empower and benefit; maladministration, procurement fraud, corruption, unauthorised, irregular, fruitless and wasteful expenditure in local government departments, provincial government departments, national government departments and State owned enterprises, are but a few of the multitude of matters under investigation and demonstrate some of the countless challenges we face as a collective in this country.

The legality of evergreen contracts and excessively long contracts entered into between key government departments and State owned enterprises with the private sector are further challenges facing law enforcement authorities. So too are up-stream and down-stream projects and agreements entered into between State owned enterprises with the private sector and foreign entities.

These are but some of the issues we need to look into and have commenced looking into in promoting good and clean governance, recouping governments losses and/or proceeds of crime and in holding those responsible, criminally liable.

In enhancing close collaboration with stakeholders, the NPA also participates in the Anti-Corruption Task Team (ACTT), chaired by the Head of the Directorate for Priority Crime Investigation (DPCI), and which also, inter alia, includes the Special Investigating Unit (SIU), Financial Intelligence Centre (FIC), South African Revenue Service (SARS), the State Security Agency (SSA), National Intelligence Co-ordinating Committee (NICOC), the Department

of Public Service and Administration (DPSA) and other key stakeholders. The ACTT was established to fast–track investigations and prosecutions of serious corruption cases. In this regard, the NPA was instrumental in the crafting of the ACTT strategic plan and terms of reference. The NPA also contributed in the compilation of the Government Anti-Corruption Discussion document, requiring a whole governmental and societal approach in the fight against corruption.

The NPA continued in representing Government internationally as part of the South African delegations at the Financial Action Task Force (FATF) and the Organisation for Economic Cooperation and Development (OECD). The FATF is an inter-governmental body, which sets standards and promotes the effective implementation of legal, regulatory and operational measures for combating money laundering, terror financing and the financing of proliferation and other related threats to the integrity of the international financial system. The OECD Working Group on Bribery in International Business Transactions is responsible for monitoring the implementation and enforcement of the OECD Anti-Bribery Convention, its subsequent recommendations and related instruments. It further establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions.

As a result of the NPA's involvement in these bodies, we have successfully championed and participated in the creation of bodies to address the scourge of illicit financial flows, money laundering and to successfully address foreign bribery.

In order to better co-ordinate the fight against corruption, we embarked on a processes facilitating the entering of memoranda of understanding and have either signed or are in the process of finalizing memoranda of understanding with, inter alia, the SIU, SARS, the Public Protector's Office (PP), the Broad-Based Black Economic Empowerment (B-BBEE) Commission, the Competition Commission and the Independent Police Investigative Directorate (IPID).

213 government officials were convicted for corruption or offences related to corruption against a target of 210 whilst 37 persons were convicted of corruption or offences related to corruption where the amount involved is more than R5 million.

The NPA is largely reliant on the support and commitment of its key stakeholders in the CJS in the execution of its mandate and responsibilities. Mindful of the various crime typologies negatively impacting on specific communities, the effect thereof on the economy and the security of the State, a multi-agency collaborative relationships forged with critical partners and stakeholders, various state departments, non-governmental agencies and the community remain indispensable and absolutely critical in winning the war on crime. Although collaboration between detectives and prosecutors, especially in the use of the Prosecutor Guided Investigation (PGI) Methodology, is key to successfully addressing corruption, money laundering and illicit financial flows, these matters often require teams of prosecutors and investigators to be appointed, along with members from other critical stakeholders, such as the FIC, the Reserve Bank, the SIU, Crime Intelligence, the SSA, and SARS, to name but a few. The Specialised Commercial Crime Unit (SCCU) obtained a conviction rate of 94.1% in relation to complex commercial crime matters over the last year against a target of 93%.

Organised crime prosecution achieved a conviction rate of 93.8% and the number of convictions (346) exceeded the year-to-date expectations (269).

The Asset Forfeiture Unit (AFU) continued to play a critical role against this scourge of corruption and has delivered significant returns in the past few years showing that crime does not pay. In the endeavour to curb the increase of corruption, the AFU obtained freezing orders to the value of R4.3 billion. An amount of R3.8 billion relating

to corruption was frozen where the amount involved is more than R5 million. The value of recoveries in terms of the Prevention of Organised Crime Act (POCA) to the value of R308.3 million was also recorded during the last financial year. In line with its operational plan, the AFU has adopted a strategy that not only seeks to extend the footprint of asset forfeiture in the fight against crime but one that also seeks to deliver maximum impact in several identified focus areas.

Through proper case selection and prioritisation, the AFU has made a concerted effort to strike a balance in the delivery of complex high value cases and addressing other identified priority focus areas. In this regard cases are prioritised according to the national and regional priorities as determined by AFU with the assistance of its partners and stakeholders. The unit has prioritised a total of 113 cases, which are a combination of complex high value and impact cases. The slow pace of finalisation of criminal investigations, including the delays in the finalisation of forensic reports, remain a challenge in so far as it relates to AFU's ability to achieve its seizure targets. In order to mitigate the said risk, the unit will continue to make extensive use of Chapter 6 (civil forfeiture) in order to reduce the turn-around time and to ensure maximum impact within the shortest possible time.

17 Cases with asset forfeiture potential to the collective value of R50 billion have been identified and are to be dealt with in terms of Chapter 5 and 6 of POCA. Billions of Rand are expected to be recovered in future in respect of various investigations, spanning throughout the country and across the globe, presently and extending over the next 3 to 5 years. Similarly, it is envisaged that comprehensive and complicated investigations will yield prosecutions and ultimately convictions and lengthy periods of incarceration for offenders.

The NPA placed special focus on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technology 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. Notwithstanding the fact that these cases are ordinarily very complex in nature and encompass a high level of technical evidence, the NPA achieved an outstanding conviction rate of 98,5% in the prosecution of cybercrime cases.

Increased focus was placed on sexual offences and gender based violence matters. The improved conviction rate in sexual offences of 72,7% is an all-time high, reflecting a firm commitment to deliver justice for the most vulnerable members of society, the victims of sexual offences and gender based violence. The Sexual Offences and Community Affairs (SOCA) unit established 55 operational Thuthuzela Care Centres (TCCs), in support of the victims of crime, particularly the victims of sexual offences who are mainly women and children. Funds have been allocated from the Criminal Asset Recovery Account (CARA) for the rollout of another 5 TCCs over the next 3 years. A remarkable conviction rate of 74,5%, with 1 899 convictions, was recorded in relation to TCC reported cases.

Notwithstanding these results, we acknowledge that much improvement can still be made in the protection, defence and support of the most vulnerable, including addressing the scourge of femicide.

A National Forum on the Implementation of the Sexual Offences Act – 'Bridging the Gap', was held during the 2017/18 reporting period. The aforementioned Forum was jointly planned and organised by the NPA, the Office of the Deputy Minister, the DoJ&CD and civil society. The aim of the Forum was to identify the challenges that continue to hinder the successful implementation of the Sexual Offences Act. The Forum targeted three areas for deliberations, namely reporting and investigation; medico/legal services to victims; and court processes. The Forum was designed to generate a set of proposals formulated for actual implementation that could address shortcomings or gaps in effectively dealing with sexual offences. An evidence and research-based approach was followed and the Forum investigated the ways in which performance of the system is currently assessed, as well as a systematic evaluation of the criminal justice system's response thereto.

Murder prosecutions maintained a high 77.7% conviction rate, which represents 3.7% more than the target of 74%. Conviction rate on trio crimes (82.9%) was slightly below the target of 85% and slightly lower than the previous year when 83.5% was recorded. The number of convictions however increased from 1 552 last year to 1 723 in the current year. A remarkable 94.3% conviction rate was maintained in tax cases which is 4.3% above the target of 90%. Environmental crime achieved a remarkable 96.3% whilst the dedicated focus on rhino and related matters resulted in the achievement of a 93.1% conviction rate. Copper theft prosecutions resulted in a similar high 88.9% conviction rate with the number of convictions also increasing. The conviction rate of violent protests and industrial actions prosecuted is still below target of 74%, although the number of convictions increased from 57 to 88.

Special focus has also been placed on social media crimes and common law crimes in violation of persons' rights and/or dignity, as well as crimes committed by some religious leaders and political murders.

There have been notable successes in the fight against gangsterism with successful prosecutions in numerous gang-related trials, particularly in the Eastern Cape. These matters are never easy to investigate and prosecute and have their own inherent threats and challenges.

The NPA is currently dealing with a number of terrorism-related matters, as well as so-called cold cases, including those emanating from the Truth & Reconciliation Commission ('TRC').

The Constitutional Court in the Nigerian terrorist matter of *S v Henry Okah* confirmed South Africa's international obligations under United Nations Universal Instruments and Security Council Resolutions, in particular that of *aut dedere aut judicare*, i.e. to extradite or prosecute international terrorists found in our territory and by confirming the trial Court's finding on 12 counts of terror-related charges and the imposition of a period of 24 years' imprisonment.

The reopened inquest in the *Ahmed Timol matter* was concluded in the Gauteng High Court where the Court overturned the findings of the previous inquest by finding that Mr Timol did not commit suicide and recommending that three persons be investigated for murder and for defeating the ends of justice. These matters are presently under investigation. TRC Matters have been prioritized and the reopening of a number of inquests is presently under consideration and investigations into numerous TRC related matters are underway.

The Office for Witness Protection (OWP) maintained its incredible performance record for the last 17 years in ensuring that no witnesses and related persons were threatened or killed while on the witness protection programme.

We regard the political murders and associated corruption in KwaZulu-Natal as extremely serious and acknowledge so much more needs to be done in a multi-disciplinary and coordinated manner to address the scourge of these heinous crimes and in holding the perpetrators, inciters and conspirators accountable and in bringing them to justice. Dedicated prosecutors are part of the Task Team investigating these crimes. We remain committed to the affected families, communities and the people of KwaZulu-Natal who are victims of these orchestrated crimes in interrogating the challenges around addressing the scourge of these crimes. In this regard, we have provided both written and *viva voca* submissions to the Moerane Commission of Enquiry and record some notable successes in the convictions having been obtained in some matters with sentences of two life imprisonments, two periods of 50 years imprisonment and periods of 25, 15 and 8 years' imprisonment being imposed on perpetrators of these crimes.

The roles of the SSA and Crime Intelligence are vital, in that, undercover operations, the use of informers and intelligence information play critical roles in obtaining relevant, reliable and admissible evidence, in tracing

accused at large and in bringing perpetrators to justice. So too is giving effect to cooperative governance by enhancing closer collaboration and fostering greater synergy and coordination amongst the various law enforcement authorities, in a multi-disciplinary or inter-agency approach.

We also call on the community who are eyes and ears to come forward. We have one of the best Witness Protections Programs in the World for witnesses and their related persons, which includes the successful relocation of witnesses and their related persons. Political killings are an affront to the rule of law, democracy and constitutional values. They violate the rights of the people of KwaZulu-Natal. A well-known civil rights champion once said: *'Injustice anywhere is a threat to justice everywhere…'*

The recent spate in cash-in-transit heists is of great concern and impacts on the safety of all. The NPA is working closely with the Hawks and SABRIC hereon and has a designated nodal point in respect of all cash-in-transit matters. Dedicated prosecutors are assigned to these matters.The prevention, detection and investigation hereof is of course largely an intelligence and investigative responsibility with the NPA only becoming involved when approached to provide guidance to the investigation or undercover operation. Although these matters ordinarily take an extraordinary long time to get to trial and for the finalization of the trial, there have been some notable successes in recent times.

Following an intense strategic planning session in November 2017 the NPA developed a reporting mechanism that focuses more on the ability of the organisation to measure and report more distinctly on the various crime types that impact most on society. This reporting mechanism includes a further drill down on these crime typologies, which would ensure that the NPA is able to reflect and better report on the societal impact of specific prosecutions that mostly affect the wellbeing and safety of the South African citizenry, the territorial security and integrity of the Republic and our sustainable economic development, thus increasing public confidence in the CJS.

In an aggressive approach to the eradication of specific crime types, the Directors of Public Prosecution (DPPs) and Special Directors of Public Prosecutions (SDPPs) were directed to identify cases within their areas of jurisdiction in relation to private and public sector corruption, money laundering, illicit financial flows and organised crime cases in their various forms and manifestations, where the use of the provisions of section 72 of the Prevention of Organised Crime Act, 121 of 1998 (POCA) and sections 22 and 23 of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA) would enhance efficient and effective investigations in the best interests of the administration of justice. The aforementioned sections enjoin the National Director to authorize a DPP or SDPP to exercise the powers to institute investigations in terms of the provisions of Chapter 5 of the NPA Act in respect of specific cases.

Ensuring that trial ready cases proceed timeously remains a primary challenge that the CJS is yet to adequately address. The aforementioned challenge is compounded by the placing of too few cases on the court roll for trial, resulting in the inability to optimally utilize court hours. The Norms and Standards issued by the Chief Justice, which, inter alia, vests the responsibility of determining the number of cases placed on a court roll daily on presiding officers is yet to yield the required increase in the utilisation of court hours and an increase in the finalisation of court cases.

In seeking to improve court performance, the optimum utilisation of court hours, increase the finalisation of cases, the decrease of awaiting trial detainees and in addressing numerous other challenges in the CJS, the NPA continued to participate in all relevant structures, which, inter alia, include the Case Flow Management (CFM) forums, the National Efficiency Enhancement Committee (NEEC), the Provincial Efficiency Enhancement Committee (PEEC), the Regional Efficiency Enhancement Committees (REECs) and the District Efficiency Enhancement Committees (DEECs).

The NPA also participates in the JCPS Directors-General meetings, DevComm, Natjoints and Provjoints meetings as well as the Heads of Departments and National Entities falling under the responsibility of the Minister of Justice & Correctional Services and chaired by the Director-General, Justice and Constitutional Development, to minimise challenges in the Criminal Justice Cluster and to streamline processes with the aim of enhancing efficiency and efficacy in delivering justice to the citizenry of this country.

Budgetary constraints remain a challenge, resulting in vacant posts not being filled, placing severe strain on the institution's staff establishment. The Aspirant Prosecutors Programme, which is critical to sustaining the institution's professional staff, was also affected with no intake of new prosecutors materialising. We have a Compensation of Employee budget shortfall of R168 million for 2018/19 and an amount of R435 million shortfall cumulatively over the MTEF period. In addition thereto, we have a R146 million shortfall on our Operational Budget in respect of contractual obligations, amounting to R477 million rand over the MTEF period. This is as a result of the budget baseline reduction introduced by Cabinet during December 2017. (The actual figure over the MTEF is R611 million.) We are presently re-evaluating all our contractual obligations. Critical vacancies amount to R67.1 million for 2018/2019. In this regard we require R29.227 million for 2018/2019, R30.981 million for 2019/2020 and R32.839 million for 2020/2021 for 156 Aspirant Prosecutors over the next 3 years, which is critical in sustaining the organisation's professional staff component. We require a further R37,9 million for the DPP Offices in Polokwane and Mpumalanga as a result of the establishment of new High Courts in those provinces, which amount to approximately 53 posts for the 2018/19 period. We have in addition identified a further 244 critical posts with a total cost of R153 million for the 2018/19 period and at a cost of R487 million over the MTEF period.

The NPA has lost 78 prosecutors to the magistracy over the last two years. I am advised, historically, approximately 60% of advertised magistrates' posts were filled by prosecutors. Should any more prosecutors be lost, without the vacancies being filled in the NPA, it will be catastrophic for the NPA and the administration of justice.

The Justice and Correctional Services Portfolio Committee has on numerous occasions acknowledged our plight and the impact it has had and will continue to have on this critical institution and have pledged its support to the NPA for additional funds. Treasury has recognised that the NPA has made out a compelling case for additional funding. In this regard, It is a well-known fact that investing in the CJS is an investment in the economy of a country. A flourishing criminal justice system bodes well for investor confidence, instils trust and confidence by society in key institutions, in business, in government and in the leadership of the Republic.

Despite these challenges, it remains prerequisite for us to continuously reprioritise resources in order to ensure that the cases which impact most tangibly on government and our economy are addressed.

As we look forward to celebrating the 20th anniversary of the NPA in October 2018, there is a need, individually and collectively, to deeply reflect on the impact of our legal and constitutional mandate over the last two decades along with our ability to influence policy and legislative development in enhancing the Rule of Law and Constitutional values.

I would like to take this opportunity to thank the Minister of Justice and Correctional Services for his support and professionalism, as well as the Deputy Minister of Justice and Constitutional Development for his contribution.

I also extend my gratitude to the Director-General: Justice and Constitutional Development for his role as accounting officer of the NPA. In this regard, the NPA is in continuous engagements with the Department of Justice and Constitutional Development on whether it should remain an entity within the Department or an independent entity with its own budget. This also relates to the role of the Director-General as the accounting

officer of the NPA. The NPA is of the view that the National Director and or his/her delegee ought to be the accounting officer of the NPA.

My sincerest gratitude also goes out to my Deputy National Directors, Directors of Public Prosecutions and Special Directors and my Advisors for their immeasurable contributions and support.

The prayers, love, support and understanding of my spouse, children, family and friends remain immeasurable and for which I remain deeply grateful and blessed.

Despite the countless challenges, I more than ever, remain committed to serving our diverse people and in upholding and protecting the Rule of Law and Constitutional values in delivering justice to our young and evolving democracy.

Adv. Shaun K. Abrahams
National Director of Public Prosecutions
Date: 31 May 2018

STRATEGIC OVERVIEW

VISION

Justice in our society so that people can live in freedom and security

MISSION

Guided by the Constitution, we in the National Prosecuting Authority, ensure justice to the victims of crime by prosecuting without fear, favour or prejudice, and by working with our partners and the public to solve and prevent crime

VALUES

- Integrity which is displayed through ethical conduct, high moral standards, honesty, moral principles and values, no corruption or fraud – zero tolerance, keeping promises, truthfulness and being beyond reproach
- Accountability which is depicted by being responsible and answerable for our actions
- Service excellence which is found in providing first class customer service and complying with the Batho Pele principles
- Professionalism which can be seen through commitment/dedication, punctuality, competence, and professional conduct in and out of court
- Credibility which is depicted in the following behaviour: consistency and the ability to inspire belief or trust

CONSTITUTIONAL MANDATE

The NPA derives its mandate from section 179 of the Constitution. S179(2) expressly empowers the NPA to institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental thereto. Furthermore, s179(4) requires that the NPA must exercise its functions without fear, favour or prejudice.

The National Director of Public Prosecutions (National Director), as head of the NPA, and Directors of Public Prosecutions (DPPs), as the NPA heads at various seats of the high courts, and Special Directors who are assigned specific powers, are responsible for ensuring performance of the NPA's constitutional obligations. In terms of s179(5) of the Constitution, the National Director must determine prosecution policy and issue policy directives, which must be observed in the prosecution process. The prosecution policy is determined with the concurrence

of the Minister responsible for the administration of justice and after consultation with the DPPs. Furthermore, in terms of s179(6) of the Constitution, the Minister exercises final responsibility over the prosecuting authority, and may request reports from the National Director regarding the functioning of the prosecuting authority.

LEGISLATIVE MANDATES

The NPA, as the sole entity seized with the responsibility of instituting prosecutions on behalf of the state, is legally bound by various pieces of legislation. Below is a short discussion of key legislation.

National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) (NPA Act)

In terms of s20(1) of the NPA Act, the power vests in the prosecuting authority to:-

a. institute and conduct criminal proceedings on behalf of the state;
b. carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and discontinue criminal proceedings.

National Director of Public Prosecutions (NDPP)

S5(2) of the NPA Act establishes the Office of the National Director of Public Prosecutions, with the NDPP as the head of the office and in control the Office; Deputy National Directors and Special Directors; other members of the prosecuting authority appointed at or assigned to the Office, and members of the administrative staff of the Office.

Deputy National Directors of Public Prosecutions (DNDPPs)

In terms of s11 of the NPA Act, the President, after consultation with the Minister and National Director, may appoint not more than four persons as DNDPPs. Their powers and functions are exercised subject to the control and direction of the National Director. The National Director may also assign certain specific functions to a DNDPP.

Directors of Public Prosecutions (DPPs)

Under s13(1) of the NPA Act, the President may, after consultation with the Minister and the National Director, also appoint DPPs as heads of the prosecuting authority at the respective seats of each high court in the Republic, established by s6(1) of the NPA Act. A DPP appointed in terms of s13(1)(a) of the NPA Act has original prosecutorial powers in respect of any offence committed in his or her area of jurisdiction but not in the area of jurisdiction of another DPP or in respect of specific offences expressly excluded from his or her jurisdiction.

Special Directors of Public Prosecutions (SDPPs)

A SDPP may be appointed in the office of the National Director, in terms of s13(1)(c) of the NPA Act to exercise certain powers, carry out certain duties and perform certain functions conferred or imposed on or assigned to him or her by the President by proclamation in the Government Gazette. The SDPP also has original prosecutorial powers in respect of those specific offences identified in his or her Presidential Proclamation in any area of jurisdiction, but subject to the concurrence of the DPP of the area of jurisdiction concerned. Currently there are

three SDPPs to deal with Serious Commercial Crime, Sexual Offences and Community Affairs and Priority Crimes related to terrorism and other priority offences, as well as the Office for Witness Protection, respectively.

Deputy Directors of Public Prosecutions (DDPPs)

A DDPP appointed by the Minister under s15(1) of the NPA Act also has original prosecutorial powers in the area of jurisdiction concerned. However, such DDPP must exercise such powers subject to the control and directions of the DDP concerned and only in the area of jurisdiction for which he or she has been appointed and only in respect of such offences and in such courts as he or she has been authorised in writing by the National Director or a person designated by the National Director.

Prosecutors

Prosecutors are appointed in terms of s16(1) of the NPA Act. A prosecutor may be appointed to the office of the National Director, the office of a DPP, or any lower court in the Republic. A prosecutor does not possess original prosecutorial powers contemplated in s20(1) of the NPA Act. He or she may only exercise and perform such prosecutorial powers and functions if authorised to do so by the National Director or a person designated to do so by the National Director.

Investigating Director to support the Directorate for Priority Crime Investigation (DPCI)

S28 of the NPA Act provides for the establishment of an Investigating Directorate headed by an Investigating DPP. This section should be read with Chapter 6A (s17A to 17L) of the South African Police Service Act, 1995 (Act No. 68 of 1995) (SAPS Act), which provides for the establishment of a separate division in the South African Police Service (SAPS), namely, the DPCI, commonly known as the Hawks. These provisions, among others, ensure a multi-disciplinary and integrated approach in the prevention, combating and investigation of the priority crimes, including corruption offences. In terms of s17D(3) of the SAPS Act, the National Head of the DPCI may, if he or she has reason to suspect that a national priority offence has or is being committed, request the National Director to designate a DPP to exercise the powers of s28 of the NPA Act. In terms of s17F(4) of the SAPS Act, the National Director must ensure that a dedicated component of prosecutors is available to assist and cooperate with members of the DPCI in conducting its investigations.

Currently, no such designation is in place.

Criminal Procedure Act, 1977 (Act No. 51 of 1977)

This Act regulates matters relating to criminal proceedings in a court of law and contains various provisions relating to the powers, duties and functions of members of the prosecuting authority. These include provisions relating to the power to withdraw a charge and stop a prosecution, the attendance of witnesses in court, the issuing of summonses, admission of guilt, bail, the release of an accused person, summary trials, the charge, the plea, jurisdiction, preparatory examinations, trial before different courts, conduct of proceedings, witnesses, evidence, competent verdicts, previous convictions, sentence, reviews and appeals, and victim compensation.

Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)

The Prevention of Organised Crime Act, 1998 (POCA) provides measures for law enforcement agencies and the NPA to combat organised crime and money laundering. The primary feature of the POCA is to provide for the recovery of the proceeds of unlawful activity. Chapter 5 provides for the freezing and confiscation of the value of benefit derived from crime in cases where the accused is convicted of an offence. Chapter 6 focuses on property that has been used either to commit an offence or which constitutes proceeds of crime. It provides for freezing and forfeiture of proceeds and instrumentalities of crime through a process that is not dependent on a prosecution. In addition, s71 of the POCA empowers the National Director to request information from government departments and statutory bodies in respect of investigations relevant to this Act without having to issue subpoenas.

Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002)

The PCLU, situated in the office of the National Director, is mandated to manage and direct the investigation and prosecution of the crimes of genocide, crimes against humanity and war crimes as contemplated in the abovementioned Act. This Act makes provision for extraterritorial application in its implementation in certain circumstances.

Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004)

The PCLU is also mandated to manage and direct the investigation and prosecution of terrorism, terror financing and related offences as contemplated in this Act. This Act also makes provision for extraterritorial jurisdiction in respect of specific offences as contemplated in the Act.

Witness Protection Act, 1998 (Act No. 112 of 1998)

The Office for Witness Protection (OWP) is established in terms of this Act and provides a support service for the criminal justice system and judicial proceedings, providing temporary protection, protection, support and related services to vulnerable and intimidated witnesses and related persons, enabling such witnesses to testify without intimidation, fear or danger. The OWP is established in the Department of Justice and Constitutional Development (DoJ&CD) with the Director-General as the accounting officer, but is administered by the NPA.

Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)

Much of South Africa's anti-corruption legislation has been consolidated in the above Act. The Act provides, among others, for the strengthening of measures to prevent and combat corruption and corrupt activities, for the offence of corruption and offences relating to corrupt activities, for investigative measures in respect of corruption and related corrupt activities, for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, for placing a duty on certain persons holding a position of authority to report certain corrupt transactions, and for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities.

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) (Sexual Offences Act)

The Act comprehensively and extensively deals with all legal aspects of, or relating to, sexual offences in a single statute. The Act, *inter alia*, repealed various common law offences and replaces them with statutory offences that are gender neutral and applicable to all forms of sexual penetration and sexual violation committed without consent. It also creates new offences for certain compelled acts of penetration or violation, and enacted comprehensive provisions for new or amended offences against children and persons who are mentally disabled.

Child Justice Act, 2008 (Act No. 75 of 2008)

The Act establishes a child justice system for children in conflict with the law.[1] This Act seeks to ensure that child justice matters are managed in a rights-based manner and assists children suspected of committing crime to become productive members of society by engaging with them in restorative justice processes, diversions and other alternative sentencing options.

Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013)

The Act provides for an offence of trafficking in persons, penalties that may be imposed in respect of such offences, measures to protect victims, as well as the prevention and combating of the trafficking in persons within or across the borders of the Republic. The Act gives effect to South Africa's international obligations in respect of the trafficking of persons in terms of international agreements.

State Attorneys Amendment Act, 2014 (Act No. 13 of 2014)

The Act may have an impact on the mandate of the Legal Affairs Division (LAD) in particular, and the NPA as a whole. Therefore, the NPA will have to liaise with the DOJ&CD regarding the envisaged policy to be determined by the Minister, in terms of the Act.

1 Refers to children under the age of 18, who are suspected to have committed crime. They will not be dealt with in terms of the normal criminal court procedure which is used for adults, but the child justice process will be followed.

POLICY MANDATES

National Development Plan 2030 (NDP)

The NDP sets out a long-term vision for government to ensure that, by 2030, all people in South Africa should feel and be safe. This vision can only be achieved if there is a well-functioning criminal justice system in which the police, the judiciary, the correctional services and the NPA work together to ensure that suspects are caught, securely detained where appropriate, prosecuted, convicted if guilty, appropriately punished and rehabilitated. The NDP also provides the basis for the 2014-2019 Medium Term Strategic Framework (MTSF) and supporting delivery agreements.

Medium Term Strategic Framework (MTSF)

The MTSF introduces sub-outcomes towards achieving the goals set out in the NDP for the JCPS cluster. The 2014-2019 MTSF sub-outcomes support the primary outcome of all people in South Africa feeling and being safe. The MTSF requires the cluster to focus on seven expected sub-outcomes to achieve this vision (only outcomes relevant to the NPA are discussed below). All seven sub-outcomes are defined and underpinned by activities and timelines that are managed and monitored at the highest executive levels within the JCPS.

The NPA contributes to the achievement of the following sub-outcomes:

1: Reduced levels of contact crime
2: An efficient and effective criminal justice system
4: Secure cyberspace
5: Ensure domestic stability
7: Corruption in the public and the private sectors reduced

These sub-outcomes are further refined and specific activities and measures are identified for each. In respect of the NPA the following require priority:

- Focusing on the prosecution of serious and priority crimes, which includes corruption and contact crimes (especially sexual offences and the trio crimes[2])
- Participating in the implementation of the Criminal Justice Review 7-point plan
- Contributing to increasing the finalisation of criminal cases, both through trials and alternative dispute resolution mechanisms
- Contributing to cybersecurity through the successful prosecution of cybercrimes
- Contributing to domestic stability through the successful prosecution of criminal and violent conduct in public protests
- Convicting persons for serious corruption or offences related to corruption where the amount benefitted per case is more than R5 million, freezing of assets and the recovery of losses and proceeds of crime
- Contributing to the reducing of corruption by government officials through the conviction of persons and recovery of proceeds and government losses

2 Trio crimes consists of robbery at residential premises, robbery at business premises and vehicle robbery / car hijacking (MTSF)

National Cyber Security Policy Framework (NCSPF)

The fight against cybercrime remains one of the key priorities for the JCPS cluster in particular and government in general. In its effort to fight cybercrime, the JCPS cluster has developed the NCPF which was approved by Cabinet in March 2012. The framework provides for policy positions intending to:

- Address national security threats in cyberspace
- Combat cyber warfare, cybercrime and other cyber ills
- Develop, review and update existing substantive and procedural laws to ensure alignment
- Build confidence and trust in the secure use of information and communication technologies
- A Bill[3] dealing with cybercrime and cybersecurity is currently before Parliament.

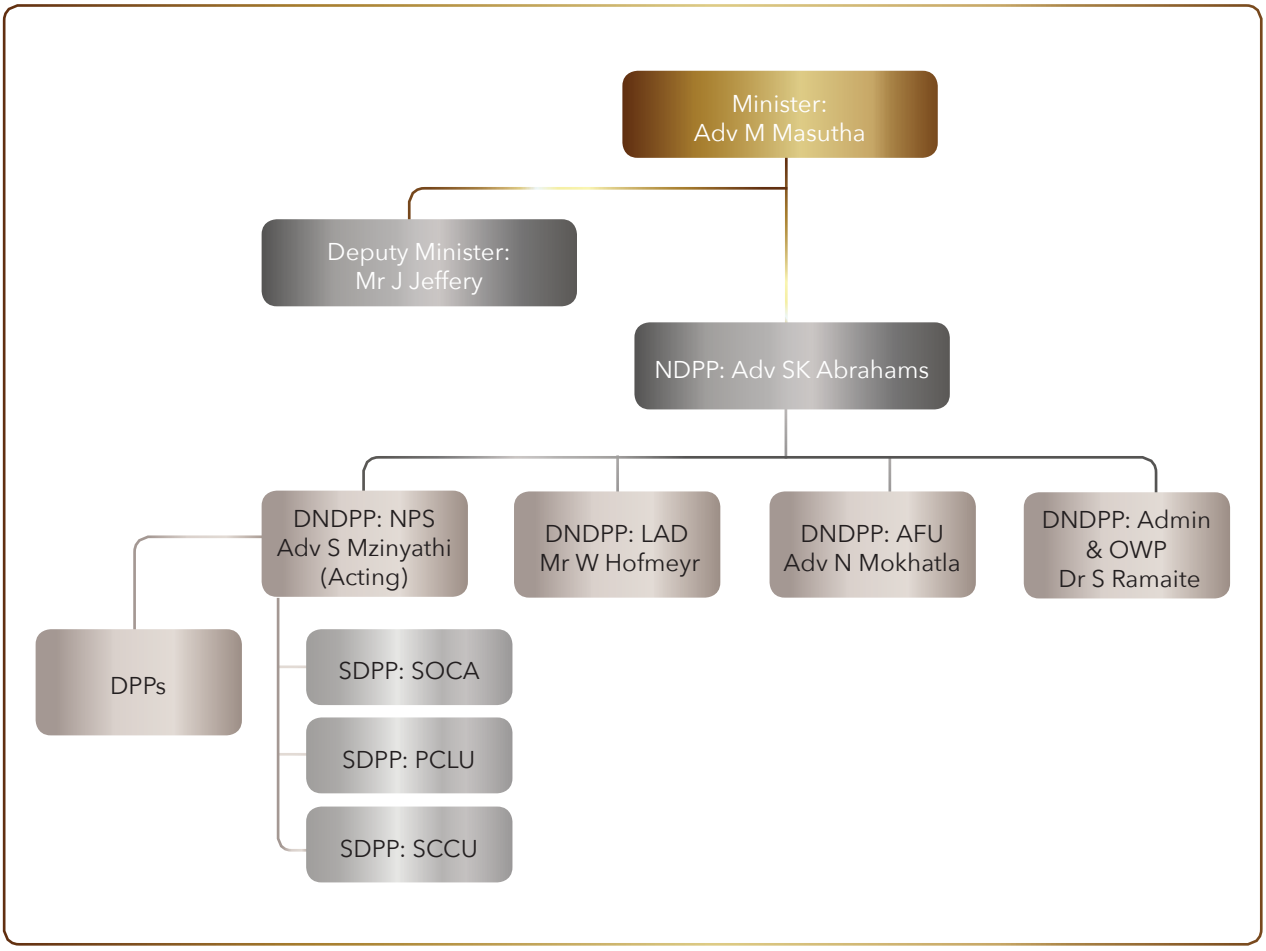
3 The Cybercrime and Cybersecurity Bill, Bill 6 of 2017

OVERVIEW OF THE NPA

ORGANISATIONAL OVERVIEW OF THE NPA

Organisational Structure

Figure 1: High Level Organisational Structure of the NPA



Strategic Objectives

The NPA has three strategic objectives:

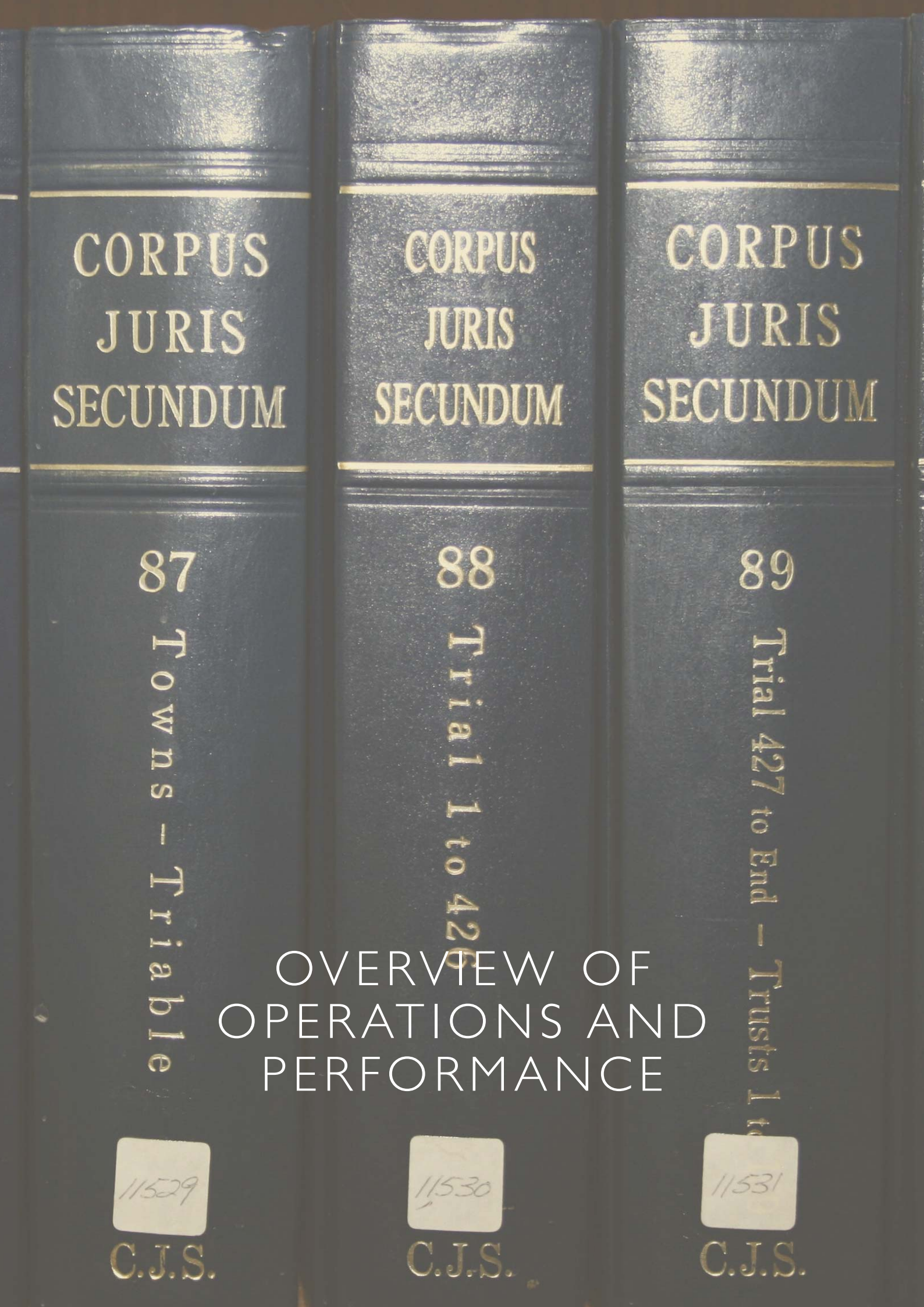
- Increased successful prosecution
- Ensure that profit is removed from crime
- Ensure threatened witnesses are successfully protected

The **National Prosecutions Service (NPS)** is primarily responsible for general and specialised prosecutions and the appeals that might follow. This includes resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets submitted by the police where persons have not been charged. The ***Sexual Offences and Community Affairs Unit (SOCA)*** and the ***Specialised Commercial Crime Unit (SCCU)*** within the NPS focus on specialised prosecution services related to sexual offences and complex commercial crimes, respectively. The ***Priority Crimes Litigation Unit (PCLU)*** is a small specialist prosecutions unit that manages investigations and prosecutes crimes that impact on state security, nationally and internationally.

The Asset Forfeiture Unit (AFU) seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.

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

The Director-General of the Department of Justice and Constitutional Development (DoJ&CD), as the accounting officer of the NPA, has prepared a full report that incorporates NPA information on its performance against pre-determined objectives and financial statements, as Programme 4 of the DoJ&CD. This information is available in the DoJ&CD's annual report for 2017/18



OVERVIEW OF OPERATIONS AND PERFORMANCE

NATIONAL PROSECUTIONS SERVICE (NPS)

The NPS is headed by a DNDPP, with Adv Sibongile Mzinyathi fulfilling this role in an acting capacity. The general prosecutions stream consists of 10 DPPs who head up their respective divisions in the provinces, supported by public prosecutors and state advocates in the district, regional and high courts. The prosecutors in the lower courts form the core of the NPS, prosecuting more than 90% of cases in district courts and touching the lives of many individuals.

The 2017/18 NPS Annual Performance Plan (APP) sets out the strategic objectives and activities undertaken to ensure successful prosecutions, maintaining a high conviction rate in general prosecutions and in respect of specific crime categories such as organised crime and corruption. In addition, the NPS focused on advancing the rights of victims through initiatives such as the Thuthuzela Care Centres (TCCs) and the services offered by the Court Preparation Officers (CPOs).

Highlights of achievement

Some of the main highlights achieved by NPS during this reporting period include:

a. Conviction rates

The prosecutors followed a no-tolerance approach to the ever increasing rate of crime by ensuring quality prosecutions through the implementation of proper screening mechanisms. The impact of their dedication and focused approach is evident from the high conviction rates achieved by all three forums. The message is clear to criminals - if a case is enrolled for trial a conviction is ultimately obtained.

Table 1: Conviction rates per forum

Conviction rates	2013/14	2014/15	2015/16	2016/17	2017/18	Change over previous year	Change over 5 year period
District courts	93,6%	94,2%	94,7%	95,6%	96,1%	0,6%	2,5%
Regional courts	76,0%	76,6%	78,4%	79,8%	81,0%	1,2%	5,0%
High courts	88,8%	91,0%	89,9%	91,0%	91,7%	0,7%	2,9%
All criminal courts	91,7%	92,3%	93,0%	94,1%	94,7%	0,6%	3,0%

All criminal courts managed to obtain 317 475 convictions with a remarkable 94.7% conviction rate. High courts maintained a 91.7% rate with 890 convictions and exceeded the target with 4.7%. The regional courts maintained a rate of 81% with 24 976 convictions, which represents the highest rate in the past decade. The district courts achieved a conviction rate of 96.1% with 291 609 convictions and exceeded the target with 8.1%, whilst a marginal improvement of 0.6% was also achieved. From 2013/14 the prosecutors managed to increase the overall conviction rate with 3%. Against this backdrop it is evident that the NPA has successfully upheld its strategic focus to improve the successful prosecution of cases whilst enhancing the quality of prosecutions.

b. Plea and sentence agreements

A total of 2 587 plea and sentence agreements were successfully concluded in 2017/18, comprising of 6 750 counts. This represents an increase of 30.1% compared to the 1 988 agreements concluded during the previous 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 should trials have been conducted. In 12 of the cases, the counts involved more than 100 counts per case.

c. Number of cases withdrawn

The number of cases withdrawn by prosecutors showed a steady year-on-year decline. At the end of March 2018, 5.7% (5 728) fewer cases were withdrawn compared to the corresponding period during the previous year. The prosecutors indicated their commitment to ensuring quality prosecutions through this positive downward trend in the number of cases withdrawn. This downward trend over the past five years is clearly depicted in the table below:

Table 2: Comparison of the number of withdrawals

Financial Years	2013/14	2014/15	2015/16	2016/17	2017/18	Change over previous year	Change over 5 year period
Withdrawals	142 360	130 295	107 401	100 886	95 158	-5,7%	-33,2%
District courts	127 338	116 105	95 119	90 104	84 776	-5,9%	-33,4%
Regional courts	15 126	14 374	12 228	10 721	10 337	-3,6%	-31,7%
High courts	76	68	54	61	45	-26,2%	-40,8%

d. Specialised crime

The commitment to curb violent and economic crimes and address the impact of these crimes on the community, has also shown some inspiring results. The target (69%) on the conviction rate for sexual offence cases was exceeded by 3.7% (72.7%) and improved from the previous year by 1.1% (from 71.7% to 72.7%). A total of 5 004 convictions were obtained from 6 879 verdict cases. A similar high conviction rate of 74.5% (1 899 convictions) was achieved on reported cases at the TCC's, exceeding the target of 68% by 6.5%.

Murder prosecutions maintained a high 77.7% conviction rate, which is 3.7% more than the target of 74%. A total of 3 601 convictions were obtained in 4 636 verdict cases.

Organised crime prosecution achieved a conviction rate of 93.8% and the number of convictions (346) exceeded expectations (269). More convictions were obtained in trio crime prosecutions although the conviction rate on trio crimes (82.9%) is below the target of 85%. A total of 1 723 convictions were obtained, which is 171 more than the total of 1 552 obtained during the previous year.

The serious commercial crimes conviction rate of 94.1% is 1.1% more than the target of 93%. A total of 911 convictions were obtained from 968 verdict cases. A remarkable 97.3% conviction rate was maintained in tax cases which is 7.3% above the target of 90%. A total of 145 convictions were obtained in 149 verdict cases.

A remarkable 96.3% conviction rate in environmental crime was achieved. This represents 501 convictions in 520 verdict cases. The dedicated focus on rhino and related matters resulted in the achievement of a 93.1% conviction rate, by obtaining 95 convictions in 102 verdict cases.

Cybercrime prosecutions managed again to achieve a remarkable 98.5% conviction rate with 330 convictions from 335 verdict cases. A year on year increase is noted in the number of convictions obtained.

The conviction rate in violent protests and industrial actions prosecuted (68.8%) is still below target of 74%, but the number of convictions increased with 31 cases compared to the previous year (from 57 to 88 convictions).

PCLU achieved a 66% conviction rate by obtaining 4 convictions from 6 verdict cases. The low volume of cases has impacted on the achievement of the stretched target of 85%.

Essential infrastructure plays a crucial role in the normal performance of the economy and society. Damage and destruction of such infrastructure impacts negatively on the production and services of business and domestic communities. During the past year, 8 persons were convicted under the Criminal Matters Amendment Act, Act 18 of 2015, which commenced on the 1st of June 2016. Another 84 accused are appearing in criminal courts on charges in terms of this Act. A further 287 convictions were obtained in cases relating to copper theft. A remarkable conviction rate of 88.9% was recorded in the cases relating to copper theft.

The number of persons convicted of corruption where the amount involved is more than R5m increased by 27.6% from 29 during the previous year to 37 persons in 2017/18. Another 213 government officials were convicted for offences related to corruption, exceeding the target of 210 by 1.4%.

e. Decision dockets

The prosecutors also deal with decision dockets that include all criminal matters presented to the prosecutors to consider the institution of a prosecution. These exclude dockets in cases enrolled. The prosecutors excelled as 920 911 dockets were received and 920 651 were dealt with, representing a clearance rate of almost 100%. The rapid turnaround time on decision dockets is an indication that prosecutors are committed to high levels of service delivery to all victims of crime.

f. Victims of Crime

In its commitment to serve the community the organisation has embarked on a process to become a more victim centric organisation. Victims are given the right to participate through victim impact statements and when they are affected by the decisions to resolve a matter through ADRM or give evidence before the court. Central to this approach is the CPOs who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice. A total of 119 314 witnesses were assisted by the CPO's whilst 12 657 victim impact statements were facilitated. To address the harm caused by crime, the prosecutors have furthermore obtained 138 compensation orders to the value of R 60 013 509,71.

Against this backdrop it is evident that the prosecutors made an impact on serious crime and achieved their strategic intent of focusing on quality prosecutions, whilst upholding the rights and needs of the victims of crime.

Performance against ENE targets

The NPA is Programme 4 within Vote 21 of the Estimates of National Expenditure (ENE) allocated to the Department of Justice and Constitutional Development. The ENE covers key policy areas, programme objectives

and service delivery targets whilst presenting performance information (audited, preliminary and projected) for seven financial years. The ENE therefore links performance targets to budgeted expenditure. Notwithstanding resource constraints, the prosecutors in the NPS component again excelled and achieved 100% (5 of 5 ENE indicators) during this financial year.

Table 3: Progress on ENE Indicators

Strategic Indicator	2016/17	Annual Target	2017/18	Deviation from planned target to Actual Achievement for 2017/18	Comment on deviations
Conviction rate in high courts	91,0% 968	87% 897	91,7% 890	4,7%	Greater percentage of cases finalised in which evidence was accepted by the Court
Conviction rate in regional courts	79,8% 25 209	74% 25 528	81,0% 24 976	7,0%	Greater percentage of cases finalised in which evidence was accepted by the Court
Conviction rate in district courts	95,6% 295 013	88% 248 301	96,1% 291 609	8,1%	Greater percentage of cases finalised in which evidence was accepted by the Court
Number of persons convicted of corruption where the amount involved is more than R5m	29	33	37	12.1%	More cases finalised during reporting period
Number of operational TCC's	55	55	55	0,0%	Continuous efforts & cooperation with relevant stakeholders

Strategic objectives and programme performance indicators

Strategic performance management is applied by the organisation to monitor progress against strategic objectives in pursuit of the organisation's long term vision, whilst the operational performance measurement system aims to monitor the efficiency level upheld by all offices in pursuit of strategic objectives. A collective approach between all partners in the criminal justice value chain ensured overall improvement in many of the strategic indicators, proof that persistent stakeholder collaboration and integration is critical for the successful performance.

Table 4: Achievement against Strategic Objectives and programme performance indicators

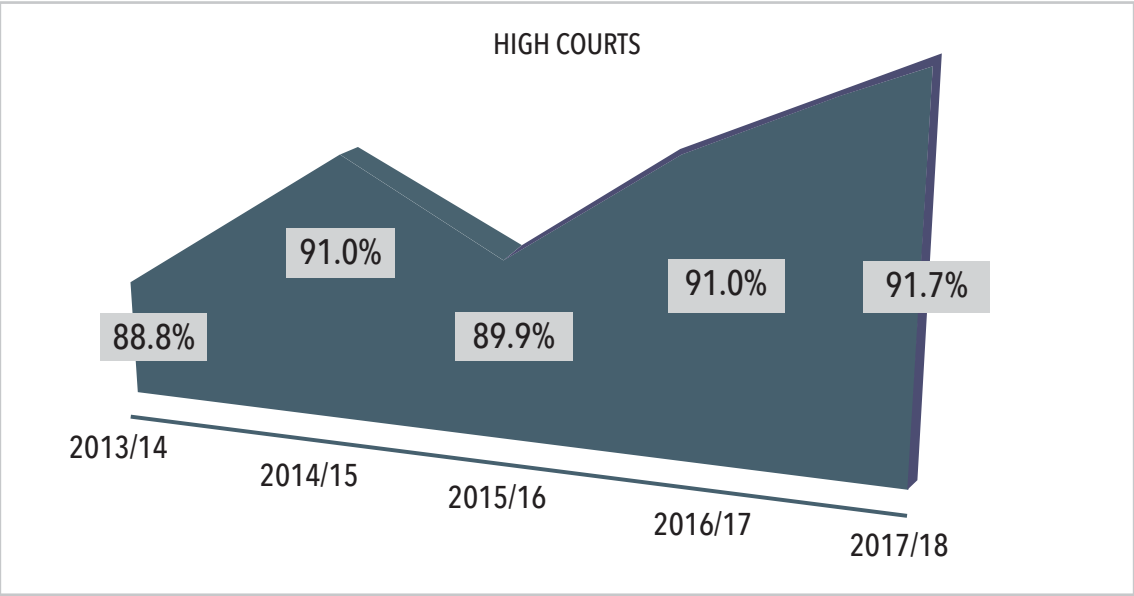
Strategic Objective	Performance Against Target				
	Annual Target	2016/17	2017/18	% Deviation from target	Progress over prev year
Conviction rate in high courts	87%	91,0%	91,7%	4,7%	0,7%
	897	968	890		
Conviction rate in regional courts	74%	79,8%	81,0%	7,0%	1,2%
	25 528	25 209	24 976		
Conviction rate in district courts	88%	95,6%	96,1%	8,1%	0,6%
	248 301	295 013	291 609		
Conviction rate in priority crime cases	85%	n/a	66,0%	-19,0%	n/a
	0		4		
Conviction rate in complex commercial crime	93%	92,1%	94,1%	1,1%	2,0%
	928	670	911		
Conviction rate in organised crime	90%	90,2%	93,8%	3,8%	3,6%
	269	386	346		
Conviction rate in environmental crimes	85%	94,5%	96,3%	11,3%	1,8%
	332	363	501		
Conviction rate in rhino prosecutions	85%	96,3%	93,1%	8,1%	-3,2%
	35	26	95		
Conviction rate in sexual offences	69%	71,7%	72,7%	3,7%	1,1%
	4 723	4 780	5 004		
Conviction rate in trio crimes	85%	83,5%	82,9%	-2,1%	-0,6%
	1 552	1 552	1 723		
Conviction rate in murder prosecutions	74%	n/a	77,7%	3,7%	n/a
	Baseline		3 601		
Conviction rate in violent protests and industrial actions prosecuted	74%	55,9%	68,8%	-5,3%	12,9%
	46	57	88		
Conviction rate in cybercrime prosecutions	74%	97,0%	98,5%	24,5%	1,5%
	256	289	330		
Conviction rate in copper theft prosecutions	74%	91,8%	88,9%	14,9%	-2,9%
	233	234	287		

Strategic Objective	Performance Against Target				
	Annual Target	2016/17	2017/18	% Deviation from target	Progress over prev year
Number of persons convicted of corruption where the amount involved is more than R5m	33	29	37	12.1%	27.6%
Number of Government officials convicted for offences related to corruption	210	224	213	1,4%	-4,9%
Number of operational TCC's	55	55	55	0,0%	0,0%
Conviction rate at TCC reported cases	68%	71,1%	74,5%	6,5%	3,4%
	1 511	1 659	1 899		
Number of criminal matters finalised	994 595	1 072 725	1 065 240	7,1%	-0,7%
Clearance ratio on decision dockets received	85%	99%	99,4%	14,4%	-0,1%
	870 911	915 223	920 651		
Number of VIS completed	14 960	10 897	12 657	-15,4%	16,2%
Number of witnesses assisted by CPO's	104 720	126 949	119 314	13,9%	-6,0%
% of VIS used in court	40%	25,9%	30,6%	-9,4%	4,7%
	1	2 565	3 810		

Conviction rates in high courts

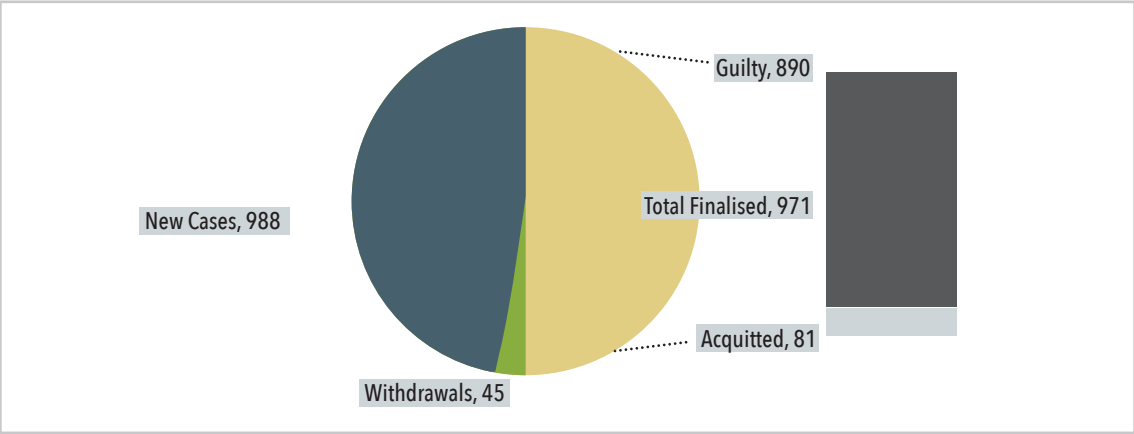
The high courts received a total of 988 new cases and finalised a total of 971 cases. The number of new cases received did however increase from 939 to 988 cases and the conviction rate is the highest achieved over the past five years. The number of cases finalised decreased by 8.7% from the previous year. The decrease in finalised cases is mainly due to the increase in number of long and intricate trials that are being conducted in the high court e.g. the well-known Van Breda case in Western Cape that went on trial in 2016 and the Panayiotou trial in Eastern Cape High Court that has been running from 2015. Both cases were finalised with a guilty verdict in 2018.

Figure 2: Conviction rate by high courts



The manner in which the high courts dealt with case flow is indicated below:

Figure 3: Cases finalised by high courts



The number of formal bail applications in the high courts decreased remarkably by 41.1% from 56 to 33. The reason for such decrease could mainly be attributed to the increase in bail applications in the lower court before the cases are transferred to the high courts.

Noteworthy High Court Cases

State v Kekana and others

In serious matters of xenophobic attacks, it is necessary that the matters be conducted in the high court and the outcome of the prosecution be visible to the community. The Limpopo High Court in October 2017 sentenced three accused to life imprisonment and a further 15 years for murder and aggravated robbery after they robbed and assaulted a Bangladeshi national in his shop. The victim died at the scene, while the co-worker who is now the complainant, was transported to the nearest hospital for treatment. The accused then took R5000 in cash and groceries.

During sentencing, the prosecutor presented the Victim Impact Statement, in aggravation of sentence, where he emphasised that the complainants were attacked in a brutal manner and the owner lost his life. The deceased was married and maintained his two kids and parents. The prosecutor informed the court that there is a high prevalence of business robberies in and around Limpopo. He therefore asked for no exceptional circumstances justifying imposition of a sentence less than life imprisonment. The Judge agreed with the state and sentenced all accused to life and 15 years imprisonment. The court ordered the sentences to run concurrently.

State v Khoza

During December 2017, the High Court sitting in Graskop sentenced the accused to 12 life sentences and an additional 34 years for multiple counts of housebreaking, kidnapping, rape, assault with grievous bodily harm and assault common.

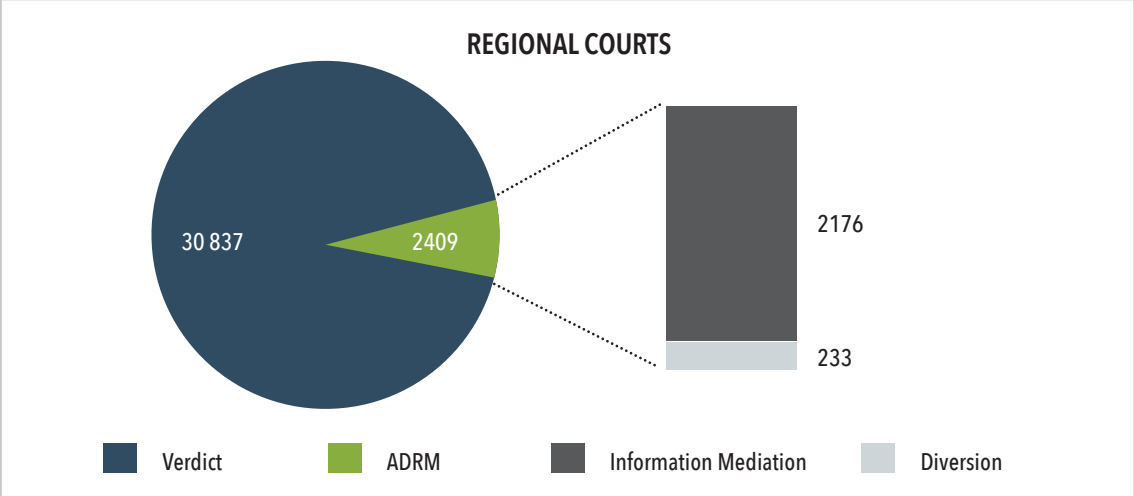
According to court papers, it was revealed that Khoza started these heinous crimes from January 2013. Some of these incidents were committed near Sabie and some in Calcutta in White River. Accused would break into the complainants' rooms or approach them on the streets, drag his victims to the bushes, rape them and sometimes rob them of their belongings like cell phones and cash.

In aggravation of sentence, the prosecutor presented the victim impact statements and on the strength of that argued that the prescribed minimum sentences be imposed.

Conviction rate and progress of regional courts

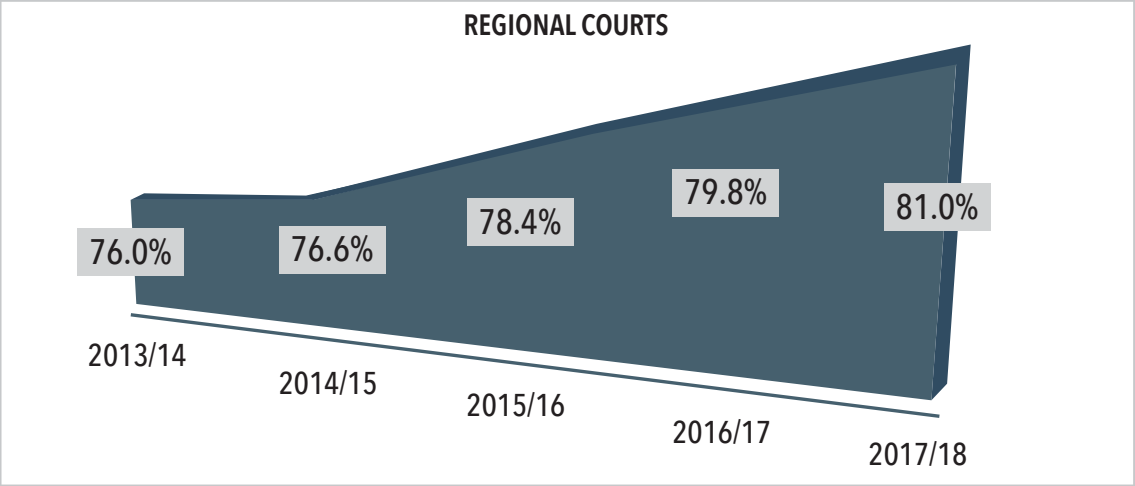
The regional courts, addressing mostly serious crime, enrolled a total of 53 309 cases during this financial year. Compared to the previous year, fewer cases were enrolled and a decline of 4% is noted. Notwithstanding this decline of new cases and serious resource constraints, the regional courts still managed to make an impact on serious crime by finalising 33 246 cases whilst obtaining 24 976 convictions (81%) in 30 837 verdict cases. A total of 2 409 cases were resolved through ADRM. This represents a finalisation rate of 0.6 cases per court per day.

Figure 4: Cases finalised by regional courts



Effective stakeholder engagement and dedicated prosecutors ensured an improved performance. A comparative analysis with previous years indicates the year-on-year improvement in the conviction rates achieved by regional court prosecutors, which confirms their dedication to improve the level of service to the victims of serious crime.

Figure 5: Conviction rate by regional courts



In addition to the cases finalised including ADRM, the prosecutors in the regional courts finalised 7 158 court and criminal matters which include a range of additional functions that take up valuable court time. From the list below it is evident that formal bail applications (58.5%) coupled with the application for leave to appeal (30.7%) utilised the most of such court time.

Table 5: Progress on court/criminal matters finalised by regional courts

Court/Criminal Matters Finalised	Total	% Of Total
Suspended sentences	386	5,4%
Conversion of maintenance trial to enquiry	6	0,1%
Application for leave to appeal	2 198	30,7%
Committal to mental institution	248	3,5%
Conversion of sentence	114	1,6%
Formal inquests	3	0,0%
CJA: preliminary inquiries	17	0,2%
Formal bail applications	4 186	58,5%
Total Matters Finalised	**7 158**	**100,0%**

Justice to the victims of serious crime is also served through quality decision making outside the court arena. A total of 132 088 dockets for decision were considered, which represents 13 062 (11%) more than last year's 119 026. A positive clearance ratio was maintained by dealing with 131 973 dockets, 10.5% (12 492) more than the 119 481 dealt with during the previous year.

Whilst striving to increase successful prosecutions, the regional prosecutors implemented enhanced screening processes throughout the regions. This has not only resulted in the attainment of high conviction rates, but also in fewer cases withdrawn. A total of 10 337 cases were withdrawn, which is 3.6% (384) less than the 10 721 withdrawals during the previous year. This decline in withdrawals again reflects the commitment of the regional court prosecutors to increase quality prosecution of cases.

Noteworthy Regional Court Cases

State v Motau

The accused, a former police officer stationed at Bela-Bela Police Station, was sentenced to an effective imprisonment term of 17 years for fraud and corruption involving an amount of R25 000 and impersonating a police officer. During an undercover operation authorised by the DPP in North Gauteng, R7 000 was found in possession of the accused and he was duly arrested. The senior state advocate learned about a similar Cape Town case involving a former police officer, Wallied Adams, where the accused was sentenced to five years imprisonment for extortion and corruption, involving an amount of R1 500 and the sentence was confirmed on appeal. The state advocate referred to the judgement in the Adams case to argue for a heavy sentence. The court agreed with the submission and sentenced the accused to 17 years imprisonment, taking into account the fact that corruption by the police in Bela-Bela was very prevalent and the accused showed no remorse for his actions.

State v Mkhumbuzi

The accused, a former attorney was sentenced to 15 years direct imprisonment and his co-accused to 8 years, for hijacking a building in the inner-city of Johannesburg. The court heard how the accused falsely and with intent to defraud, pretended to William Mailula and the Trust for Urban Housing Finance [TUHF] that they were entitled to sell the property known as Angus Mansions, therefore inducing Mailula to loan them an amount over R3m, to effect the transfer and registration of the property. The law dictates that, for fraud in excess of R500 000, committed by a group of people in furtherance of a common purpose, the minimum sentence that should be imposed is 15 years direct imprisonment. The court deviated from this minimum prescribed sentenced in respect of one of the accused, as there were compelling and substantial circumstances, including that he was an awaiting trial prisoner since 2009. The court was shocked by the inhumane crime committed by both accused who threw the poor out in the cold, with no alternative accommodation, resulting in the death of an elderly resident of Angus Mansions.

State v Wessels

The accused was sentenced to 12 years direct imprisonment after being convicted on more than 400 counts of fraud in December 2017. Wessels defrauded the South African Revenue Services (SARS) of over R14m through VAT returns that contained false information, filing false tax invoices, failing to submit income tax returns and failing to keep proper books. As evidence mounted against the bogus businessman, he opted to enter into a plea and sentencing agreement.

The court convicted him on 88 counts of fraud, premised on VAT 201 returns containing false information and on 315 counts of fraud premised on false tax invoices to substantiate false VAT refunds claimed. The court also convicted him on six counts of contravening section 75(1) (a) of the Income Tax Act and for failing to submit income tax returns and five counts of contravening section 58(f) of the same Act for failing to keep proper books of account. For the first 88 counts of fraud for, he was sentenced to 15 years imprisonment, of which 3 years were suspended. On the 315 counts of fraud he was sentenced to 12 years imprisonment. He received 24 months imprisonment for the 5 counts of failing to keep proper records. He was further sentenced to 18 months for the 6 counts of failing to submit income tax returns. The court ordered that the sentences run concurrently.

State v Beale

William Beale, who is a computer engineer was sentenced to 15 years direct imprisonment after he was convicted on 18 644 counts of possession of child pornography and on one count of possession of dagga. Beale was part of an international syndicate that dealt with child pornography and an international investigation on online child pornography led to his arrest. With mounting evidence against him, he pleaded guilty to the possession of thousands of images of child pornography.

The state advocate who prosecuted the matter welcomed the sentence and described the accused as a paedophile with a disorder that cannot be treated. The accused acquired the necessary software in order to obtain online anonymity and resist censorship. He was thus evading justice by keeping his identity a secret and contributed to a market where rape, abuse and even murder of children are the order of the day. Without a market these children would not be subjected to the abuse and suffering they had to endure in order for him to satisfy his urges.

State v Sanele Ngcambelo and others

The accused persons met at Port Shepostone and planned to rob Rhino Superstore in Bizana. On the day of the robbery they armed themselves with stun grenades, bullet proof vests, R5 rifles and 9mm pistols. During the robbery the shot dead two security guards. Alarm was raised and police officers immediately responded from Bizana. They gave chase and managed to catch up with the suspects. Cross fire ensued between the suspects and police officers and one suspect was short dead during the encounter.

The accused were charged with three counts of murder (including the death of their co-accused robbery with aggravating circumstances, unlawful possession of firearms and ammunition. They were convicted on all counts charged. They were sentenced to life imprisonment for murder, 15 years for robbery, 5 years for unlawful possession of firearms and 4 years for possession of ammunition.

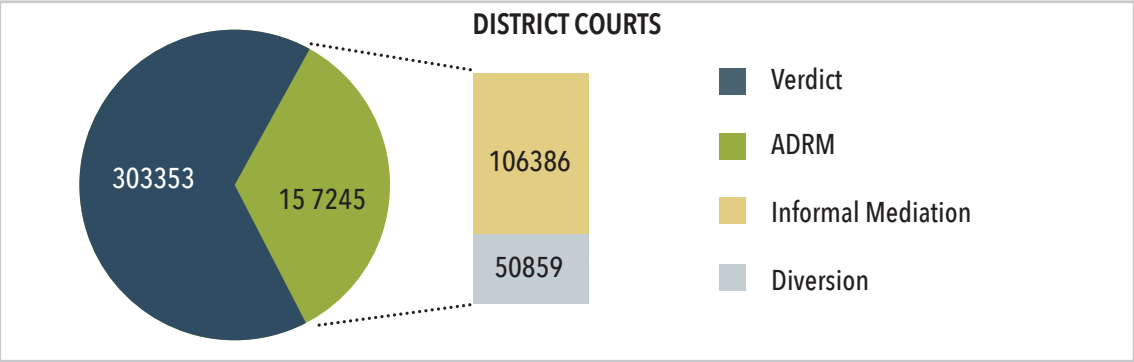
State v Simphiwe Diya

The accused conspired with his uncle to kill his mother. The uncle suspected the deceased of practising witchcraft and that she was the cause of his wife's inability to bear children. The deceased was assaulted with an axe by the accused, which caused her death. The accused was convicted on the basis of his confession. He was charged with murder and the minimum sentencing provisions were applicable, because the murder was planned. He was sentenced to life imprisonment.

Conviction rate and progress of district courts

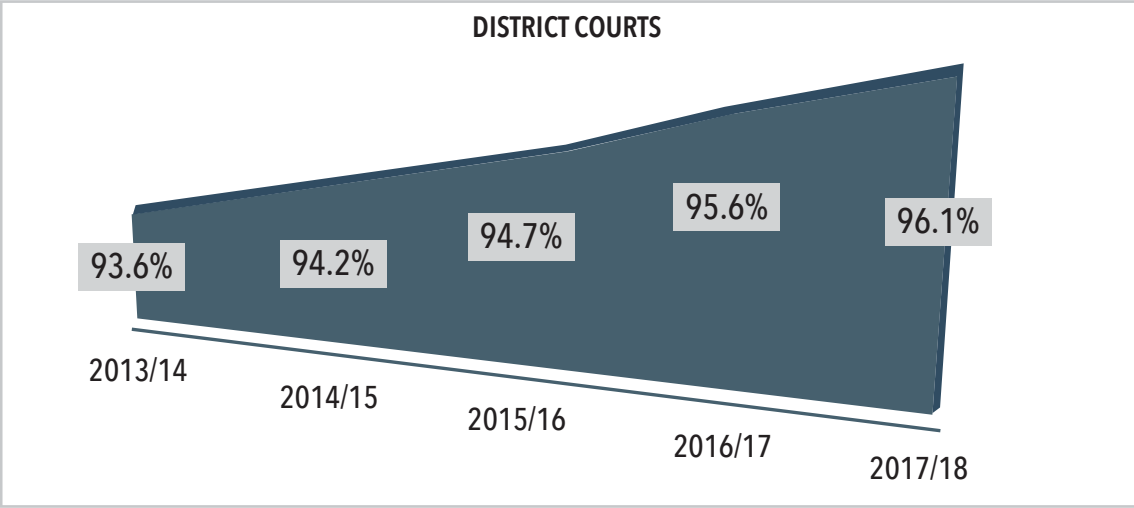
The district courts enrolled 833 756 new cases which is 0.7% (6 157) more than the 827 599 new cases enrolled during the previous year. The courts finalised 460 598 cases comprising of 303 353 verdict cases (65.9% of the total finalised cases) and 157 245 ADRM cases (34.1% of the total finalised cases). This represents a finalisation rate of 3.9 cases per court per day.

Figure 6: Cases finalised by district courts



Effective stakeholder engagement coupled with the aim to increase successful prosecutions, enabled the district court prosecutors to maintain high conviction rates. A total of 291 609 convictions were obtained which represents a remarkable conviction rate of 96.1%. A comparative analysis with previous years indicates the year-on-year improvement in the conviction rates achieved by district court prosecutors and confirms their dedication to improve the level of service to the victims of crime.

Figure 7: Conviction rate by district courts



In addition to the cases finalised including ADRM, the prosecutors in the district courts finalised 66 973 court and criminal matters which include a range of additional functions that takes up valuable court time. From the list below it is evident that formal bail applications (76.7%) and preliminary inquiries in terms of the Child Justice Act (15%) utilised the most of such court time.

Table 6: Progress on court/criminal matters finalised by district courts

Court/Criminal Matters Finalised	Total	% of total
Suspended sentences	3 846	5,7%
Conversion of maintenance trial to enquiry	621	0,9%
Application for leave to appeal	213	0,3%

Court/Criminal Matters Finalised	Total	% of total
Committal to mental institution	534	0,8%
Conversion of sentence	202	0,3%
Formal inquests	121	0,2%
CJA: prelim inquiries	10 066	15,0%
Formal bail applications	51 370	76,7%
Total Matters Finalised	66 973	100,0%

The district court prosecutors received a total of 770 912 dockets for decision and managed to deal with 770 813 decision dockets. Through quality decision making a high level of service is delivered to the victims of crime.

Enhanced screening processes implemented throughout the regions have again yielded positive results as 5.9% (5 328) fewer cases were withdrawn after enrolment in the district courts. This decline in withdrawals reflects the commitment of the district court prosecutors to increase quality prosecution of cases.

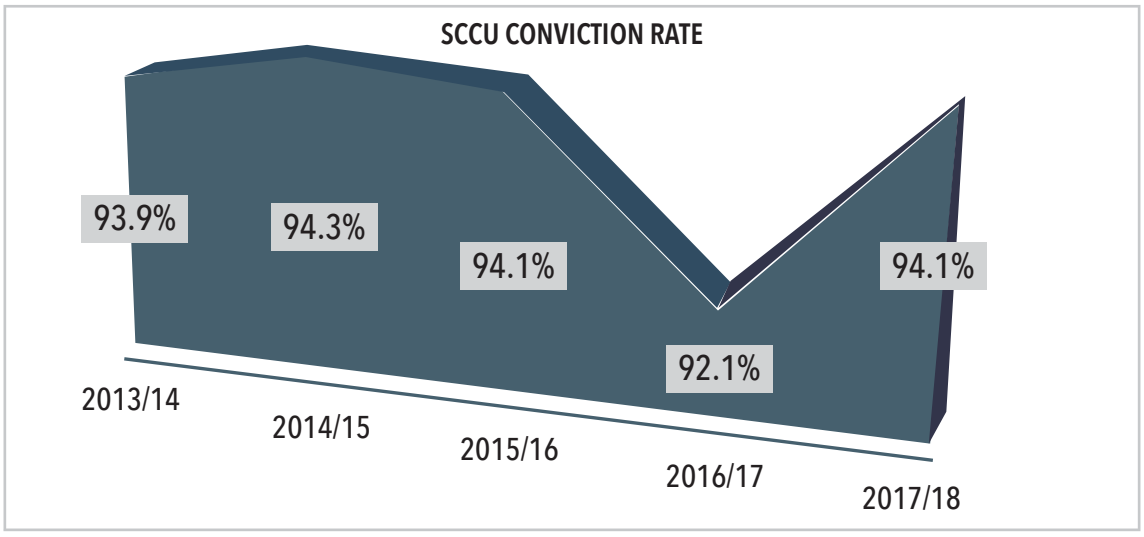
The high sentences imposed by the district courts indicate the focus of the prosecutors to ensure successful prosecution, thus providing justice to the victims of crime.

SPECIALISED PROSECUTIONS

SPECIALISED COMMERCIAL CRIMES UNIT (SCCU)

The SCCU maintained high conviction rates during this financial year. The impact on serious economic crime is evident as the advocates excelled by finalising 968 verdict cases and obtaining 911 convictions, representing a conviction rate of 94.1%. Not only was the target of 93% exceeded by 1.1% but, compared to the previous years, an improved performance is noted. This achievement should be viewed against serious resource constraints that are still experienced in some offices.

Figure 8: SCCU Conviction rate



Number of persons convicted of corruption where the amount involved is more than R5m

The SCCU participates in the Anti-Corruption Task Team (ACTT) which was set up to focus on fast tracking the investigation and prosecution of serious corruption cases, and to increase the success in fighting and preventing corruption in South Africa. Members of the SCCU were instrumental in crafting the draft strategic plan for the ACTT, and are actively involved in the ACTT Secretariat.

The SCCU represents the NPA in the Financial Action Task Force (FATF) and the Organisation for Economic Cooperation and Development (OECD). The SCCU significantly contributes to the NPA's finalisation of money laundering cases, and the co-ordination of enforcement action in the form of the prosecutions instituted and finalized.

During 2017/18 a total of 37 persons were convicted for corruption or related offences where the amounts involved is more than R5m. By their very nature, these matters are complicated and take a long time to finalise in both the investigation and prosecution phases. Many more cases were handled but there were a few that fit the category of amounts that exceed R5m. The number of convictions have grown gradually over the past four years as depicted in the table below.

Table 7: Persons convicted of R5m corruption

Financial Year:	R5m Corruption
2012/13	42
2013/14	34
2014/15	23
2015/16	24
2016/17	29
2017/18	37

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

South Africa has developed quite a wide-ranging legislative framework for combating corruption, ranging from the Prevention and Combating of Corrupt Activities Act, through the legislation dealing with financial and organized crime, public finance management and procurement legislation, to legislation promoting the public's access to information held by the public and private sectors. South Africa is also a signatory to several international conventions and treaties and is continuously intensifying its efforts to defeat the scourge of corruption.

In line with the MTSF and NDP, a special focus was placed on the prosecution of corruption to improve investor perception and trust to invest in South Africa. The total number of government officials convicted of corruption during the current year amounted to 213 officials. This is 1.4% more than the set target of 210 officials even though it is 4.9% lower than the number of officials convicted during the previous financial year. The increase over the past six years is displayed in the table below. Against this backdrop, it is evident that a collective approach between all partners in the criminal justice value chain has ensured a heightened focus on corruption throughout this reporting period.

During the financial year 2014/15 the NPA broadened its vision in line with the new MTSF and included all Government Departments as opposed to only JCPS officials recorded from 2012 to 2014. Since September 2016 however, all National as well as Provincial Departments, inclusive of local authority and government agencies are included.

Table 8: Government Officials convicted of corruption

Financial Year:	Government Officials Convicted Of Corruption
2012/13	104
2013/14	73
2014/15	130
2015/16	206
2016/17	224
2017/18	213

Noteworthy Cases

State v Pumla Kwali

The accused was a police captain who defrauded SAPS of an amount of R60 000. She was convicted of 6 counts of fraud, and was sentenced to 15 years direct imprisonment.

State v Kolantso and Another

Accused 1 was a financial officer in the employ of a Municipality, and his duties entailed, amongst others, assisting families of the deceased to lodge claims for provident funds benefits. He colluded with accused 2, whereby he amended a beneficiary form of one of the beneficiaries, and outlined details of accused 2 thereon as the wife of the deceased employee. As a result, an amount of R325 000 was authorised and paid to accused 2 by the provident fund, which the accused shared.

They both pleaded not guilty but were convicted of the commission of the offences of forgery and uttering, fraud and money laundering. They were each sentenced to 4 years imprisonment (in respect of the forgery charge), 4 years imprisonment (uttering), 8 years imprisonment (fraud charge), and 3 years imprisonment (money laundering). Accused 1 was sentenced to an effective 13 years' direct imprisonment and accused 2 was sentenced to an effective 10 years' direct imprisonment.

State v Maritz

The accused was a court official who assigned a motor vehicle designated for the use of judges to himself, and used it between 2012 and 2016. He pleaded guilty to the commission of the offence of fraud involving an amount of R841 364 perpetrated against the Department of Justice, which leased the said motor vehicle, paid for its fuel, toll fees, car services, and even affixed a tow bar thereon, and was sentenced to six years direct imprisonment. The court also issued a preservation order against R395 000 of Maritz's pension.

State v Leon Crafford

The accused, a public official in the employ of the South African Police Service, was charged with corruption involving payment of a gratification to the amount of R10 000. He was convicted as charged and was sentenced to an effective term of 8 years direct imprisonment.

State v Ntombizanele Patricia Williams

The accused was a ward councillor at the Maletswai Municipality, who unlawfully sold plots earmarked for a housing development to members of the public. She was arrested after she was caught in a police trap. She pleaded guilty to three counts of fraud. In two of the counts, there was actual prejudice of R2 000 and R6 000, respectively, and in the third count only potential prejudice of R10 000. The court took the counts together for purposes of sentence, and sentenced her to 8 years imprisonment of which two were conditionally suspended for five years. The accused will therefore serve an effective term of 6 years direct imprisonment.

Anti-Corruption Task Team (ACTT)

The NPA participates in the ACTT, which was set up to focus on fast tracking the investigation and prosecution of serious corruption cases, and to increase the success in fighting and preventing corruption in South Africa. The SCCU was instrumental in crafting the draft strategic plan for the ACTT. As indicated above, the target to convict at least 33 people of corruption where the amount involved is more than R5 million was exceeded, as 37 persons have been convicted. Of these 37 persons, 4 are legal persons, 33 are natural persons, 7 government officials, and 26 are persons in the employ of the private sector.

Integrated case plans were developed for all priority cases and prosecutors are part of the multi-disciplinary operational teams from the start. The Heads of AFU and SCCU also conducted regional visits with the Operations Head of ACTT in order to ensure that blockages were effectively dealt with and cases were properly prioritized which led to the achievement of the targets set.

The following were noteworthy finalisations through the work of the ACTT by the SCCU:

State v Johannes Hermanus Engelbrecht

The accused was employed as a contract administrator by an entity styled Capital PFS, and was seconded to RBMR Capital Projects for Anglo. His duties included the procurement and administration of all contracts awarded to vendors at RDMR on behalf of Anglo. He connived with some of the vendors awarded contracts by RDMR to supply lubricant products to Anglo, to submit invoices on behalf of Secure as if the entity supplied fuel to Anglo. The fraudulent invoices which were submitted by the entities on behalf of Secure amounted to over R5m.

The accused was charged and convicted of 16 counts of fraud, and was sentenced to an effective term of 10 years' direct imprisonment.

State v Philemon Radichaba Mohlahlane and others

Accused 1 was the CEO of the Land Bank, and accused number 2 is his company. Accused number 3 is a businessman and a director of companies (accused 4 and 5), while accused number 6 is an attorney. A total of 19 million rand was transferred from the Land Bank that administers the Agri-BEE account on behalf of the Department of Agriculture, to the account of accused number 6. A further 3 million rand was transferred to Maponya Attorneys. The State alleged that this money was transferred fraudulently and was eventually stolen by the accused. The accused were charged with the commission of offences of fraud and money laundering. Although accused 4 and 6 were acquitted of all charges, accused 1,2, 3 and 5 were, in January 2018, convicted as charged.

The matter has been remanded until May 2018 for sentencing proceedings.

State v Lioma and others

The matter involves the subversion of tender procedure on a grand scale. The accused failed to declare their interest/or relationship with the Free State Department of Education which awarded them a tender for the delivery of learner material. The amount involved is ± R30m. The accused, which includes 6 government officials were convicted of fraud, and sentencing proceedings have been remanded until May 2018 as an application for the confiscation of the proceeds of the crime by AFU is being finalized.

State v Sonqishe

A senior state advocate was convicted of corruption on 26 September after R7 000 notes were found in her possession from an accused person she promised to fix bail for, in exchange for the cash. The accused person reported the matter and the NPA swiftly acted on the allegations by the accused. The advocate was sentenced to 10 years imprisonment, of which three were suspended for five years. The criminal justice system is crippled by activities of corruption, derailing the tireless efforts of committed court officials, who work diligently in ensuring that justice prevails. The NPA is dismayed that an officer of the court, tasked with delivering justice to the victims of crime, chose to neglect this duty for self-enrichment.

State v Chilidza and others

4 accused were convicted and sentenced in one of the biggest theft of electricity syndicates to date, resulting in losses to Eskom in excess of R5m. The accused were convicted by the High Court on 16 451 counts of racketeering, theft of electricity and theft of a Credit Dispensing Unit (CDU). Accused 1, who was the mastermind behind this sophisticated syndicate, was found guilty of managing the enterprise (racketeering). She was further found guilty of theft of electricity and the CDU together with three other accused.

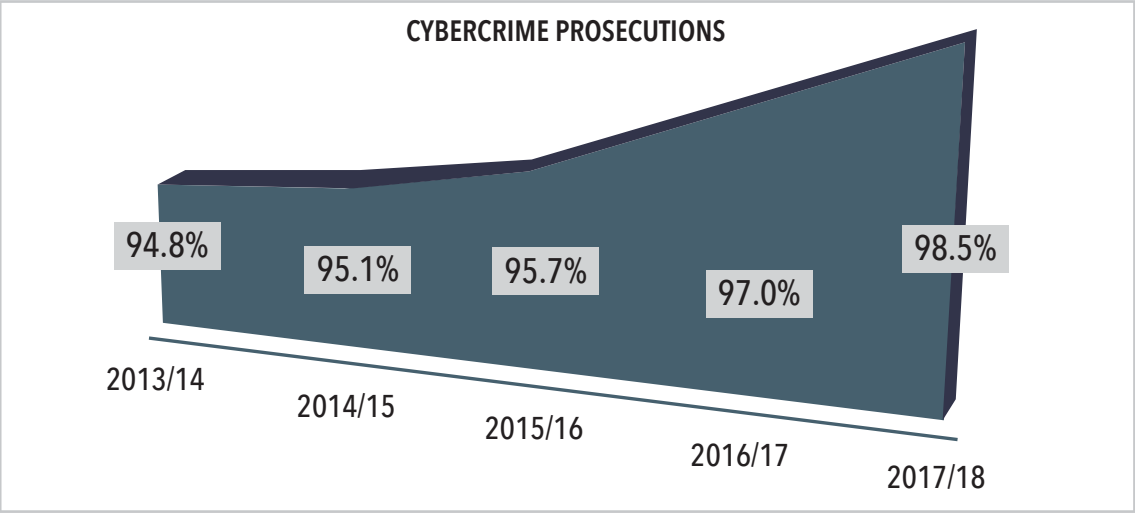
Accused 1 was sentenced to 18, 12 and 10 years, respectively, with the sentences running concurrently. The sentences of the other accused ranged from 12 and 10 years running concurrently, to 3 and 6 years running concurrently.

Cybercrime

A special focus was placed 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, targets or as a means of perpetuating further crimes. The SCCU focuses on cases which are complex in nature and encompass a high level of technical evidence or involve the operation of syndicates. The SCCU performed exceptionally well in the area of cybercrime and maintained a high conviction rate of 99,4% against a target of 74%, with 225 convictions against the target of 124 convictions.

The prosecutors and advocates finalised 335 verdict cases and obtained 330 convictions representing a conviction rate of 98.5%. 41 more convictions were obtained compared to the previous year, with a similar increase of 1.5% in the overall conviction rate achieved. Compared to the previous years, the conviction rate of 98.5% is the highest achievement over the past five years. This clearly indicates the commitment and dedication of the prosecutors and advocates to curb this growing international phenomenon. This remarkable achievement is illustrated in the figure below.

Figure 9: Conviction rate in Cybercrime



The SCCU finalised the following noteworthy cases involving cybercrime:

State v Malapisala and Another

The accused, a bank manager, colluded with accused 2 to steal monies invested by bank clients. A bank account of one Mr Delport was accessed in an unauthorized manner through the internet, and an amount of R6.5 million was transferred from this account to the account of accused 2. Only R1.6m was recovered from the accused. They pleaded not guilty but were convicted on charges of contravening section 86 of ECTA, fraud and money laundering. They were sentenced to 12 months imprisonment per count (in respect of 5 counts of contravening Section 86 of ECTA), 8 years imprisonment (in respect of 5 counts of Fraud, which charges were taken together for sentence), and 6 months imprisonment per count (in respect of 13 Money Laundering counts).

The court ordered that the sentence on the ECTA and money laundering charges should run concurrently with the sentence on the fraud counts, whereby each accused is to serve an effective 8 years imprisonment.

State v Mduduzi Mkhize

The matter involved a cybercrime syndicate which specialised in what is referred to as "shoulder surfing" (in order to obtain account pin numbers), and the stealing of bankcards at ATM machines. The accused was charged with fraud involving an amount of R7 800 and contravention of the ECTA. He pleaded guilty to the charges, and was sentenced to 5 years direct imprisonment.

State v Megan Abrahams

The accused was charged with 5 counts of contravening the provisions of section 86(1) the ECTA; 11 counts of fraud, and 3 counts of theft, involving an amount of R 351 000. She was convicted as charged and was sentenced to 10 years direct imprisonment.

State v Mpati

This matter involves an employee who used information technology to create false worker profiles on the system of the employer with her own bank account details. She was convicted of fraud of R 737 031 and sentenced to 8 years direct imprisonment.

Other Noteworthy SCCU Cases

State v Daniel Seunane

The accused defrauded members of the public and entities amounts totalling R24 651 000, by misrepresenting that he was an employee of Eskom who had the authority to negotiate contracts and receive payments for such contracts on its behalf. He was charged and convicted of 7 counts of fraud, and was sentenced to 15 years' direct imprisonment in respect of each count. However, the court ordered that sentences in respect of some of the charges were to be served concurrently, an effective 30 years direct imprisonment. Further, a total of R10,6m was recovered by the AFU in terms of chapter 6 of POCA, and some of complainants were partly compensated.

State v Kogie Mentoor

The accused misrepresented to a number of small business owners that he was an agent for the Department of Trade and Industry (DTI), and could thus acquire developmental grants for their businesses from DTI. He provided them with documents with false DTI letterheads, purporting that they had been granted the said grants, and directed them to effect payments into her bank account for "services she had rendered" to them. She was charged with 5 counts of fraud involving an amount of R4.8m, and pleaded guilty thereto. She was convicted as charged, and was sentenced to 15 years imprisonment (in respect of count 1), 10 years imprisonment (in respect of count 2), 5 years imprisonment (in respect of count 3), and 5 years imprisonment (in respect of counts 4 and 5). The court ordered that sentences in respect of counts 2-5 should run concurrently, wherefore the accused will serve an effective period of 25 years' imprisonment.

State v Catharina Van Niekerk

The accused was charged with 9 counts of theft involving close to R17 million. She was the General Manager of an entity styled NT5 Holdings (Pty) Ltd, and she over invoiced the company's clients to her benefit. She was convicted as charged and was sentenced to 15 years imprisonment (in respect of counts 1-2, taken together for the purpose of sentence), 5 years imprisonment (in respect of counts 3-9, taken together for the purpose of sentence). The Court ordered that the sentences imposed should be served concurrently, wherefore the accused was sentenced to an effective period of 15 years' imprisonment. The AFU obtained a restraint order for the full amount alleged to have been stolen in 2009.

State v James Mkhwanazi

The accused, a claims services consultant in the employ of an entity styled CFP (Pty), made fraudulent payments amounting to R3 449 478.73 to a service provider, for his own benefit. He was charged and convicted of 47 counts of fraud, and was sentenced to 12 years direct imprisonment. AFU proceedings are underway.

State v Samuel Mzukisi Banzana

The accused was charged with 4 counts of Corruption in contravention of Section 12 of PRECCA. The commission of these offences involved the accused requesting and being paid gratifications in order for contractors to be awarded construction contracts to the value of R 41 174 000. He was convicted as charged and was sentenced to an effective term of 12 years' direct imprisonment. A confiscation order to the amount of R351 000.00 was attained.

State v Johannes Laka

The accused, who is the owner of Pheko Liquor Restaurant, conspired with an official of the Polokwane Municipality, whereby the official transferred R1 714 530.00 of the Municipality into the bank account of the Restaurant, even though the Restaurant was not a service provider to the Municipality. He was charged with 8 counts of money laundering, with 8 counts of fraud being the first alternative charges, and 8 counts of theft being the second alternative charges.

Although he pleaded guilty to money laundering charges, the court amended his plea in terms of section 113 of the CPA, and he was ultimately convicted of 8 counts of theft, and was sentenced to 10 years direct imprisonment. The AFU lodged their application during sentencing, and their proceedings are underway.

Organised Crime

The NPA focused in particular on organised crime and achieved a high conviction rate of 93.8%, which is 3.6% greater than the conviction rate of 90.2% achieved last year. A total of 369 cases were finalised by the dedicated personnel dealing with organised crime. A comparison of the conviction rate and number of cases finalised can be seen from the table below:

Table 9: The comparison of criminal court cases finalised with verdict

Financial Year	Guilty & Sentence	Conviction Rate	Cases Finalised With Verdict
2012/13	273	90,7%	299
2013/14	394	88,9%	442
2014/15	474	92,2%	510
2015/16	359	88,9%	397
2016/17	386	92.1%	413
2017/18	346	93.8%	369

Particular focus was centralised around various areas such as illegal precious metals including copper, rhino related offences, dealing in drugs, illicit mining and tax matters.

Noteworthy Cases

State v Ngobese

The accused, Quintin Sifiso Ngobese, former financial and administrative manager at Rand Water and owner of 18 minibus taxis was convicted of conspiracy to commit murder after the investigating officer Moses Segapo, investigating the murder of accused's former girlfriend, was killed during December 2011. The State managed to prove that the accused monitored the deceased's daily routine and solicited the services of three gunmen with the instruction to kill the deceased. It was proved that the accused supplied at least one of these persons with a firearm and ammunition. The investigation into the death of the accused's then girlfriend has been resuscitated.

State v Meyer and 2 others

The three accused operated a VAT fraud scheme, claiming VAT refunds form SARS on behalf of 18 companies. The accused defrauded SARS of R216 million. The trio was convicted of fraud, forgery and money laundering after submitting value added tax (VAT) returns seeking refunds from the companies which they were not entitled to, as part of the alleged scam. It was the state's case that the accused acted as directors and representatives of 18 entities and acting with common purpose with one another, operated the fraudulent VAT scheme. The scheme ran from January 2007 to March 2010. They were convicted on 198 fraud charges, 39 forgery charges, 38 charges of uttering and 79 counts of money laundering. The accused were sentenced to 25 years imprisonment.

Tax Prosecutions

The NPA finalised 149 specialised tax prosecutions by means of trials with an exceptional conviction rate of 97.3%. This is an increase on the conviction rate of 3%.

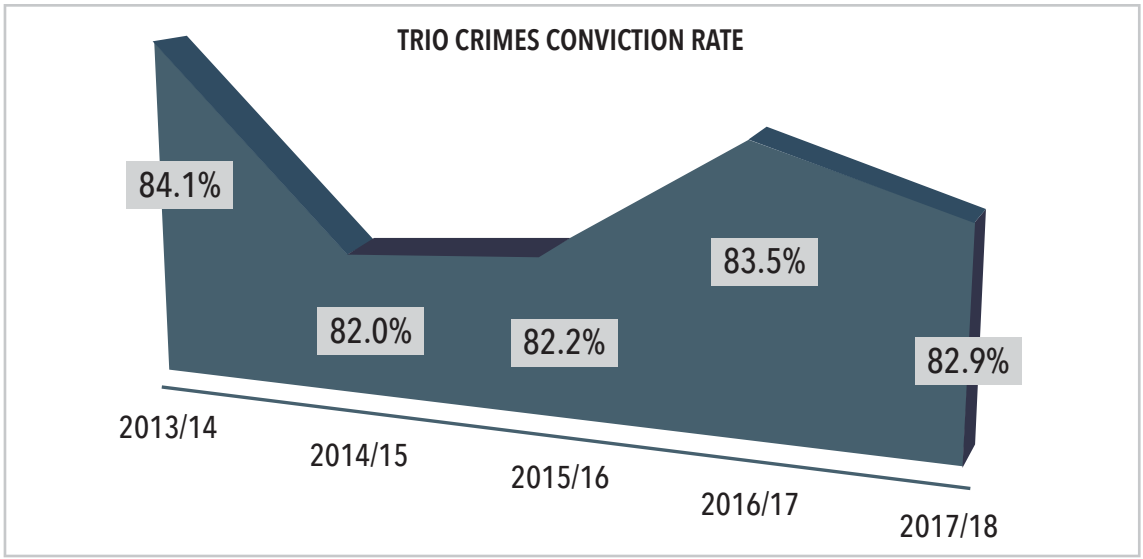
Trio Crimes

Trio crimes encompass three categories of crime which impacts the perception of safety within the community. This include house robberies, business robberies and vehicle robberies (hi-jacking). Accordingly, a focus was also placed on the successful prosecution of all trio crimes, ultimately to enable proper execution of the NPA's mandate to promote safety and security in the South African society.

The prosecutors finalised a total of 2 078 trio cases with a verdict and 1 723 convictions were obtained. This represents a conviction rate of 82.9%. Although the target of 85% was not achieved, this failure should be viewed against the increase in verdict cases. The total of 2 078 verdict cases is the highest number of verdict cases in the past five years, a 9.4% (179) improvement from the 1 899 verdict cases finalised during 2013/14 and 11.8% (220) improvement compared to the verdict cases finalised during the previous year.

Regional input suggests that closer cooperation between all role players contributed to this improved performance. Noteworthy is the fact that the 1 723 convictions represent 2 314 trio counts, which if measured against the total number of trio counts finalised with a verdict, represents a conviction rate of 85.4%. However, measured on the basis of cases, the NPA has been unable to achieve the 85% conviction rate target over the past five years, as illustrated below.

Figure 10: Progress in trio crime conviction rate



A positive impact on trio crimes was however made if the three categories of crime are analysed. The 2 314 convicted counts comprised 1 180 counts of house robbery, 673 counts of business robbery and 461 counts of vehicle robbery/hi-jacking. The next level of analysis indicates that a conviction rate of 86.6% was achieved in house robberies, with a similar conviction rate of 85.6% in business robberies, whilst vehicle robbery/hi-jackings obtained a below norm conviction rate of 82.3%.

Table 10: Trio counts overview

2017/18	CONVICTIONS	AQUITTALS	CONVICTION RATE
House robberies	1 180	183	86,6%
Business robberies	673	113	85,6%
Vehicle robbery/hi-jacking	461	99	82,3%
Total	2 314	395	85,4%

Noteworthy Cases

State v Zolani Gxwathi and others

The accused planned and executed a business robbery at Vela Cash Loans in Mthatha. They obtained inside information about the days when a huge amount of cash would be brought inside the premises. Armed with such information, they proceeded to commit robbery during the early hours of the morning. Firearms were used during the offence and one of the accused was shot dead by the security guards of Vela Cash Loans.

The accused were charged with robbery with aggravating circumstances, murder and unlawful possession of firearms. They were sentenced to life imprisonment for murder, 15 years for robbery and 5 years for unlawful possession of firearms.

State v Makhaya and others

The Limpopo High Court sitting in Thohoyandou during October 2017 sentenced Rudzani Makhaya (31) of Mphego village and Ndinannyi Maduka (29) of Manini village to 15 years for robbery with aggravating circumstances and 10 years for unlawful possession of illegal firearms. The sentences were ordered to run concurrently. During trial, the court heard that on 24 June 2015 both accused went to the complainant's house during the day where they tied her hands, cut her on the wrists with a knife and further threatened her with a firearm. They then ransacked the house, took her laptop, cell phone, cattle medicines and two rifles. The complainant was a cattle farmer. The following day the accused were found in possession of the items and were arrested. During sentencing, the court agreed with the state that there is no reason to deviate from the prescribed minimum sentence and it found that the aggravating circumstances outweighed the mitigating factors and sentenced the pair to 15 years.

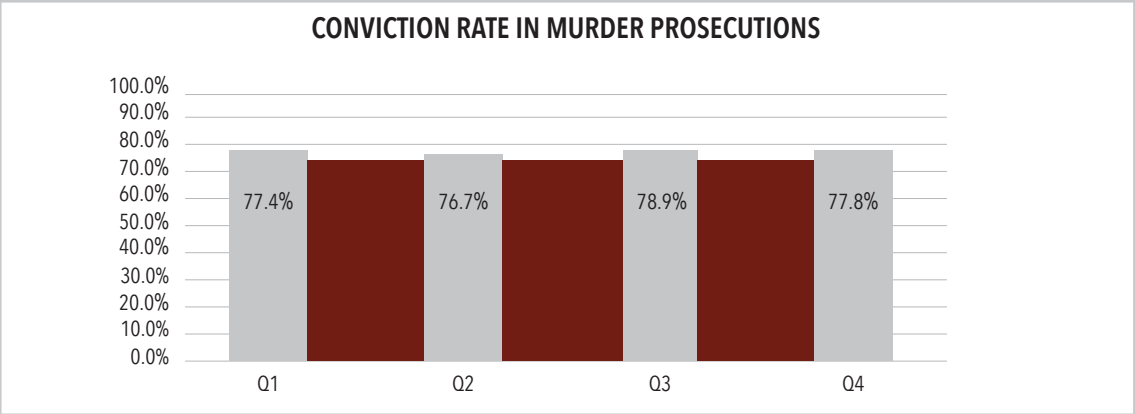
Conviction rate in murder prosecutions

The conviction rate in murder prosecutions is a new indicator, which mainly aims to show the impact of prosecutions in curbing the increasing violence in South Africa. A very high rate of murders (on average of 52.1 murders per day) were reported between April and December 2016. Murder is defined as the intentional, unlawful killing of another human being. However, to enable accurate reporting, management decided that in the case of murder

prosecutions to include all competent verdicts in terms of Section 258 of the Criminal Procedure Act.

The prosecutors are passionate in curbing the increasing rate of violence and serving the community they managed to finalise 4 636 verdict cases and obtain 3 601 convictions which represents a conviction rate of 77.7%, well above the norm of 74% that is expected. Noteworthy is that the 4 636 murder verdict cases relate to 4 904 counts of murder. This constitutes on average, 1.1 counts per murder case. The prosecutor's dedication and commitment is clearly seen from the high conviction rates maintained during all four quarters of this financial year.

Figure 11: Progress in murder conviction rates



The enhanced focus of the regions to curb serious crime is evident from the number of convictions obtained coupled with the severe sentences imposed by the courts:

Noteworthy Cases

State v Ndebele and another

The accused persons were sentenced to life imprisonment for the killing of a police officer in 2015. A shootout ensued between police officers and the accused who was part of a group of men who robbed the Cash Crusaders in Vosloorus. The video footage of the robbery went viral showing the gruesome execution of Constable Buthelezi, who tried to foil the robbery.

State v Mabunde and other

The Mthatha High Court, sentenced Nomonde Nandi Mabunde (50) and Thabo Tshezi (25) to life imprisonment after convicting them for kidnapping and murder of 14 year-old Vusumzi Mabunde earlier in the year.

State v Gcadinja and other

During November 2017, the Mthatha High Court, sitting in Ntabankulu, sentenced six residents of Mhlokwana Locality in the district of Mount Frere to life imprisonment after convicting them for killing an elderly woman they accused of practicing witchcraft three years previously. The ringleader of the mob, Xoliswa Gcadinja was sentenced to a further three years on a charge of Imputing Witchcraft. The court sentenced the seventh resident Mamnguni Emma Zingqi (74) to 20 years imprisonment due to her elderly age, for her role in the murder of Nancy Nomapisi Chaza (65).

Violent Protest and Industrial Action

Particular focus was necessary the past year on violent protests and industrial action prosecutions as it poses a serious challenge to political and/or domestic instability if not actively combatted and prevented. It is therefore imperative to prevent and combat the violent crime that accompanies what is otherwise legitimate industrial and protest action. Although a focused approach is followed by all regions the inherent challenges within these intricate cases resulted in a low conviction rate that remains a serious concern. The conviction rate target (74%) was not attained as only 68.8% of the cases finalised resulted in convictions. The conviction rate has however increased by 12.9% from the previous year when only 55.9% was recorded. The number of convictions has also seen an increase of 54% from 57 convictions to 88 convictions.

Prosecutors in these cases were also assisted by advocates from the DPP office and other experienced prosecutors who monitored progress and provided guidance. Factors impacting on the conviction rates and which are being addressed, include the reluctance of witnesses to testify, identification of perpetrators and discrepancies between the evidence of state witnesses. Training is provided to the police units attending to riots and marches as well as to investigating officers in the detective branch of SAPS.

Noteworthy Cases

State v Cekeshe (#FeesMustFall Matter)

The accused was convicted of public violence and malicious damage to property after he pleaded guilty. This matter relates to the student protest during the #FeesMustFall campaign. The accused burnt a SAPS vehicle, thereby destroying 2 SAPS shot guns. Prior to this the accused and others were throwing stones and bricks at the vehicle and blocked the road. He was sentenced to 8 years imprisonment of which 2 years were conditionally suspended.

Environmental Crimes

South Africa is known to be a mega-biodiverse country; endowed with various plant and animal species not found in other parts of the world. It is therefore imperative to ensure these plants and species are protected for future generations as well as to ensure a current healthy environment. Specific attention and dedicated prosecutions by the NPA were directed at the illegal hunting, dealing and possession of rhino and rhino horns, ivory, abalone, cycad's, waste and pollution cases. The Department of Environmental Affairs hosted the seventh national Environmental Compliance and Enforcement Lekgotla during November 2017. Challenges in environmental compliance and enforcement faced by a variety of organisations at all levels of government, from international, regional, national, provincial and local, were discussed. In order to address such challenges, environmental authorities were required to share creative and innovative solutions and experiences to meet the requirements of a dynamic and complex regulatory environment.

The number of environmental crime cases finalised with a verdict increased from the previous year by 35.4%, from 384 to 520 cases. An increase of 38% in the number of convictions (from 363 to 501) from the previous year indicates the rapid increase in environmental crime. The conviction rate also increased by 1.8%, from 94.5% to 96.3%.

The NPA also participated in this workshop hosted by the Endangered Wildlife Trust, in collaboration with the British High Commission. The workshop was attended by prosecutors from Mozambique, Namibia, the Kingdom of eSwatini and Botswana. The objective of the workshop was to identify which support can be rendered to prosecutors in support of wildlife prosecutions, to discuss the enhancement of wildlife crime enforcement as well as to discuss strategies for the enhancement of regional corroboration amongst prosecutors in combatting transnational wildlife crime.

Illegal wildlife trade has become a lucrative transnational crime worth billions of rand per year. This trade threatens international security, national sovereignties, impoverished rural communities and countless animals.

The NPA noted an increase in the poaching of live pangolins as well as the cross-border smuggling of pangolins from neighbouring countries. The escalation can be seen in the fact that only one case was enrolled in 2014, in comparison with the 37 cases reported by the end of March 2018. This impelled the NPA to strictly monitor the prosecution of these cases, to engage stakeholders from both the public and private services, to provide evidence in aggravation and to further scientific studies in regard to a specie which is internationally recognized as the most trafficked species in the world. This endeavour has rendered excellent results as indicative of the sentences obtained. In one such matter, the two accused found to be in possession of a pangolin in Polokwane, were both sentenced to three years direct imprisonment each.

Noteworthy cases

State v Sibanda and Magoto

The matter relates to the illegal trade in pangolin. An undercover operation was set up following information that persons wanted to sell a pangolin. Magoto pleaded guilty and was sentenced to 7 years imprisonment. Charges were withdrawn against Sibanda. It is believed that this is one of the best sentences yet handed down by any court in South Africa, in respect of the trade in pangolin.

State v Romano and 5 others

The accused were sentenced in the Regional Court in Germiston to an effective term of 1 year imprisonment for the possession of abalone.

Conviction rate in rhino prosecutions

A special focus is placed by the NPS on the prosecution of rhino and related matters in order to curb this growing transnational phenomenon. The enhanced focus resulted in a significant increase in the number of convictions and verdict cases finalised indicating the dedication and commitment of the prosecutors as well as other stakeholders.

A total of 102 verdict cases was finalised and 95 convictions were obtained constituting a remarkable 93.1% conviction rate. This represents an increase of 265% (from 26 to the current 95) in the number of convictions obtained. The impact on this growing phenomenon is evident – 95 convictions relate to 153 accused convicted of rhino and related matters, whilst 58 cases are pending and carried forward to the next financial year.

The enhanced focus of prosecutors on curbing this growing phenomenon is further more evident from the sentences imposed by the courts:

Noteworthy Cases on Rhino Prosecutions

State v Yi Lin

The accused was arrested during an undercover operation during August 2015 with 2 rhino horns during an authorized undercover operation. The accused was arrested when he attempted to export the parcel, declared as coffee beans at TNT, an international export company. The accused was sentenced to an effective term of 2 years imprisonment.

State v Alberto Mucare

The accused was found in possession of a fire arm which was linked by ballistics to a rhino carcass in Balule reserve and was found guilty and sentenced to 5 years.

State v Desheng Zhang

The accused, a Chinese national, was found in possession of 10 rhinoceros horns, ivory bangles and chopsticks packed in his checked in luggage on his way to Hong Kong. He was charged with the following:

- Contravening of section 57 (1) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 – possession of 9 rhinoceros horn from the species white rhinoceros
- Contravening of section 57 (1) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 - possession of 1 rhinoceros horn from the species black rhinoceros
- Contravening of section 57 (1a) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 – export of 41 bangles and 84 chop sticks from the species African elephant
- Contravening of section 57 (1) of the National Environmental Management: Biodiversity Act, Act 10 of 2004– export of 9 rhinoceros horn from the species white rhinoceros
- Contravening of section 57 (1) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 - export of 1 rhinoceros horn from the species black rhinoceros
- Contravening of section 57 (1) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 - possession of 41 bangles and 84 chop sticks from the species African elephant

The accused was sentenced to R1m or 8 years imprisonment, half suspended for 5 years.

Copper Theft

Conviction rate in copper theft

Theft of copper increased dramatically and causes severe interruptions such as traffic congestions, stranded commuters, delayed housing projects, electrocutions, financial losses, etc. The NPA embarked with other role players on a special focus to clamp down on these offences by introducing a target at regional level on the conviction rate of copper theft. An increased number of 287 convictions were achieved from the 234 convictions during the previous year. A high conviction rate of 88.9% was maintained during the year, although this was lower than the previous year's 91.8%. During December 2015 the Criminal Law Amendment Act No. 18 of 2015 (CMA) came into operation to regulate the imposition of discretionary minimum sentences for essential infrastructure related offences which would also contribute to the fight against copper theft. To date, eight accused have been convicted in terms of the latter Act and another 84 accused are appearing in cases before the courts. The NPA participated in coordinated training with Business Against Crime (BAC) and Non-Ferrous Metals Crime Combatting Committee (NFMCCC). A total of 113 prosecutors across the country attended this training during September 2017 and March 2018. The training was aimed at basic awareness of the Act as well as a short introduction to POCA. The aim was further to inform SAPS, Detectives and DPCI especially on ground level why this CMA Act is so important. From information it is known that the matters are not investigated correctly when arrests are made. The International Trade. Administration Commission of South Africa (ITAC) has also done a presentation on import/export of copper cables to train prosecutors and officers.

Noteworthy Cases

State v Mohale

The accused was sentenced to three years imprisonment following his conviction on a count of contravening Section 3(1) (a) of the CMA. The accused was found by ZZ2 Security Guards while busy destroying an Eskom electricity transformer on 19 October 2016 at the ZZ2 farm. The police were called and the arrest followed. He pleaded guilty and was found guilty as charged. During sentencing, the state prosecutor indicated to the court that the people of the ZZ2 area were without electricity for some time while Eskom was busy repairing the damage caused by the accused. He then relied on the penalty in terms of Section 5 (C) (1) of the CMA and the court did not deviate from minimum sentence of three years for first offender. The court sentenced him to three years imprisonment and in terms of Section 103 of the Firearms Control Act, he was declared unfit to possess a firearm.

Number of criminal matters finalised

This indicator measures the effort of the prosecutors on tasks allocated outside the formal court process and provide therefore a holistic picture of the workload of prosecutors and the service delivered to community.

A total of 1 065 240 criminal matters were finalised during this reporting period. The prosecutors exceeded the target of 994 595 by finalising 70 645 (7.1%) more matters during the 2017/18 reporting period. A decline in performance compared to the previous year is unfortunately noted and ascribed largely to the decline in court utilisation. The table below indicates the progress of this indicator and its sub-categories:

Table 11: Progress on criminal matters finalised

Number Of Criminal Matters Finalised	2016/17	2017/18	Progress
Cases finalised with a verdict	341 360	335 161	-1,8%
Cases finalised through ADRM	164 016	159 654	-2,7%
Dockets finalised	480 887	490 794	2,1%
Admission of guilt payments	4 119	2 946	-28,5%
Criminal/court matters finalised	79 904	74 460	-6,8%
Appeals finalised	2 439	2 225	-8,8%
Total Criminal Matters Finalised	1 072 725	1 065 240	-0,7%

Number of criminal court cases finalised with verdict

By constantly striving to increase successful prosecutions, the prosecutors excelled and finalised 335 161 verdict cases, which is 17 473 (5.5%) more than the target (317 688) set for 2017/18. This performance should be viewed against serious resource constraints experienced in the prosecutorial component coupled with a declining court utilisation and inflow of new cases. Both these factors played a contributory role in the decline in verdict cases when compared to the previous year. A total of 6 199 fewer verdict cases was finalised representing a marginal decline of 1.8%. The progress of verdict cases is indicated in the table below:

Table 12: Comparison of criminal court cases finalised with verdict

Forum	2016/17	% of National	2017/18	% of National	Progress
High Court	1 064	0,3%	971	0,3%	-8,7%
Regional Court	31 608	9,3%	30 837	9,2%	-2,4%
District Court	308 688	90,4%	303 353	90,5%	-1,7%
All	**341 360**	**100,0%**	**335 161**	**100,0%**	**-1,8%**

A decline in court utilisation is clearly noted in all three forums during this financial year. The efficient use of available court days by a criminal court has usually a direct positive impact on the output of that court. The court utilisation by the high courts was reduced by 4.6% (428 fewer court days utilised). The regional courts utilised 1 541 fewer court days whilst the district courts recorded 4 365 fewer court days. This decline is indicated in the table below:

Table 13: Comparison of court days utilised

Forum	2016/17	% of National	2017/18	% of National	Progress
High Court	9 347	3,6%	8 919	3,5%	-4,6%
Regional Court	74 090	28,2%	72 549	28,3%	-2,1%
District Court	179 104	68,2%	174 739	68,2%	-2,4%
All	**262 541**	**100,0%**	**256 207**	**100,0%**	**-2,4%**

In addition to the fewer court days utilised, the courts also spent less court hours per day on criminal cases. An average of 3h06 was maintained by all criminal courts which is a 3.5% decline from the average of 3h13 maintained during FY 2016/17. The optimum use of court hours through effective case flow management is critical to finalising more cases. The number of average court hours utilised per forum is indicated in the table below:

Table 14: Comparison of average court hours utilised

Forum	2016/17	2017/18	Progress
High Court	02:56	02:47	-4,9%
Regional Court	03:22	03:22	0,0%
District Court	03:09	03:00	-5,0%
All	**03:13**	**03:06**	**-3,5%**

The regional courts impressed by maintaining the highest average court hours during both financial years, indicating the commitment to address serious crime. A declining trend is however noted in both the district court and high court forums. However, the prosecutors have also increased the number of plea and sentence agreements in order to save valuable court time and speed up the finalisation of cases without impeding on the quality of prosecutions. A total of 2 587 plea and sentence agreements were successfully concluded in 2017/18,

comprising of 6 750 counts. This represents an increase of 30.1% compared to the 1 988 agreements concluded during the previous 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 should trials have been conducted. In 12 of the cases, the counts involved more than 100 counts per case.

Coupled with a low inflow of cases, it was also noted that an increase in the number of cases enrolled with multiple accused and/or charges continued to cause bottlenecks in many courts. This has a negative impact on the finalisation of cases, which in turn negatively affected the outstanding roll and backlogs. The impact of a reduced finalisation is seen from the increased outstanding roll indicated in the table below:

Table 15: Number of outstanding cases

Forum	2016/17	% of National	2017/18	% of National	Progress
High Court	992	0,6%	1 130	0,6%	13,9%
Regional Court	40 812	23,8%	41 114	23,0%	0,7%
District Court	129 508	75,6%	136 789	76,4%	5,6%
All	171 312	100,0%	179 033	100,0%	4,5%

An increase of 4.5% (7 721) in the number of outstanding cases is noted in all three forums. A total of 179 033 cases are carried forward to the next financial year.

The reduced finalisation resulted in a growing backlog of cases. A similar increase is further noted in the lower courts whilst a reduction was achieved by the high courts. Overall the backlog figure increased by 7.7% (2 166):

Table 16: Number of backlog cases

Forum	2016/17	% of National	2017/18	% of National	Progress
High Court	236	0,8%	220	0,7%	-6,8%
Regional Court	14 327	50,8%	14 798	48,7%	3,3%
District Court	13 652	48,4%	15 363	50,6%	12,5%
All	28 215	100,0%	30 381	100,0%	7,7%

Number of criminal cases finalised through ADRM

In addition to verdict cases finalised, the prosecutors also finalised 159 654 cases through ADRM. The prosecutors again excelled and finalised 4 254 (2.7%) more ADRM cases than the 155 400 target. Due to implementation of enhanced internal control mechanisms in respect of cases, the number of cases found suitable for disposition through ADR methods was reduced by 2.7% (4 362) compared to the 164 016 cases finalised through ADRM during the previous financial year. This comparison is indicated per forum in the table below.

The majority of ADRM matters, 98.5%, are dealt with by the district courts whilst ADRM matters comprised 34.1% of the total number of cases finalised by district courts. A low 7.2% is indicated in respect of the regional courts.

Table 17: Comparison of criminal court cases finalised through ADRM

Forum	2016/17	% of National	2017/18	% of National	Progress
Regional Court	2 649	1,6%	2 409	1,5%	-9,1%
District Court	161 367	98,4%	157 245	98,5%	-2,6%
All Courts	**164 016**	**100,0%**	**159 654**	**100,0%**	**-2,7%**

ADRM encompasses diversion and informal mediation as methods of resolution of disputes between the parties. During FY2017/18, 46 043 cases were diverted after enrolment, 5 049 cases were diverted before enrolment in terms of the Child Justice Act and 108 562 cases were successfully mediated on an informal basis. Compared to the previous year, 3 803 more cases were diverted after enrolment representing an increase of 9%. Diversions in terms of the CJA were reduced by 12.8% (741) whilst 7 424 (6.4%) fewer matters were found suitable for informal mediation. The table below show the progress per indicator:

Table 18: Comparison of ADRM cases per indicator

Indicator	2016/17	% of National	2017/18	% of National	Progress
Diversions after enrolment	42 240	25,8%	46 043	28,8%	9,0%
Diversions ito CJA	5 790	3,5%	5 049	3,2%	-12,8%
Informal mediation	115 986	70,7%	108 562	68,0%	-6,4%
Total	164 016	100,0%	159 654	100,0%	-2,7%

Number of criminal cases finalised including ADRM

The NPA has set high targets for its prosecutors to achieve during 2017/18. Prosecutors however, do not work in silos but are highly reliant on the co-operation of other stakeholders. The level and quality of performance or a decline in the productivity of stakeholders will accordingly affect the performance of this component negatively, and subsequently, hamper the achievement of set goals. As indicated, the decline in court utilisation and efficient use of available court days are two factors that usually contribute to either an improved or reduced court performance. Other factors that impacted ultimately the performance of the prosecutorial component are the inflow of cases coupled with the improved quality of investigations received from SAPS.

Table 19: Inflow of new cases

Financial Years	2013/14	2014/15	2015/16	2016/17	2017/18	Change Over Prev Yr	Change Over Period 2013/14-17/18
New cases	931 799	908 364	864 276	884 088	888 053	0,4%	-1,1%
District Court	863 364	845 950	806 969	827 599	833 756	0,7%	1.6%

Regional Court	67 557	61 540	56 475	55 550	53 309	-4,0%	-30,0%
High Court	878	874	832	939	988	5,2%	4,7%

From the comparison above, a downward trend is noted in the influx of new cases in the Lower courts. Since the Lower courts deal with the majority of criminal work (99.8%), the reduced inflow ultimately affects the number of cases that can be finalised by the courts. Hence, a direct relationship exists between new cases and finalised cases.

Compared to the previous year, the courts enrolled 0.4% (3 965) more new cases compared to the previous year. In the district courts, 6 157 more cases were enrolled which could be ascribed to a change of definition of criminal court cases (traffic matters are included if the accused appears in court). The decline of 2 250 cases in the regional courts is, however, a concern as it will become increasingly more difficult to ensure successful prosecutions should the volumes decreased. As opposed to the lower courts, the steady increase of new cases in the high courts (mainly due to the new demarcated areas) should be commended.

The impact on the number of cases finalised including ADRM is evident from the table below:

Table 20: Comparison of criminal court cases finalised including ADRM

Forum	2016/17	% of National	2017/18	% of National	Progress
High Court	1 064	0,2%	971	0,2%	-8,7%
Regional Court	34 257	6,8%	33 246	6,7%	-3,0%
District Court	470 055	93,0%	460 598	93,1%	-2,0%
All Courts	**505 376**	**100,0%**	**494 815**	**100,0%**	**-2,1%**

Notwithstanding prosecutor's efforts to increase successful prosecutions and maintaining high conviction rates, the overall number of cases finalised including ADRM was less compared to the previous year. A total of 494 815 cases was finalised including ADRM, which is 10 561 (2.1%) less than the total of 505 376 cases finalised during FY2016/17. All three forums showed a similar reduction – the high courts finalised 93 (8.7%) fewer cases, the regional courts finalised 1 011 (3%) fewer cases whilst the district courts finalised 9 457 (2%) fewer cases.

Number of criminal and court matters finalised

In addition to cases finalised, the prosecutors deal also with other criminal and court matters in their efforts to serve the community. A total of 74 460 court/criminal matters were finalised which comprise of 124 formal inquests, 783 committals to mental institutions, 627 conversion of maintenance trials to an enquiry, 2 699 applications for leave to appeal, 320 conversion of sentences, 4 235 suspended sentences imposed, 10 083 preliminary inquiries held in terms of the CJA, and 55 589 formal bail applications. The progress per indicator is indicated in the table below:

Table 21: Progress on criminal and court matters finalised

Criminal And Court Matters Finalised	16/17	% Of Total	17/18	% Of Total	Progress
Formal inquests	172	0,2%	124	0,2%	-27,9%
Committal to mental institution	830	1,0%	783	1,1%	-5,7%
Conversion of maintenance trial to enquiry	380	0,5%	627	0,8%	65,0%
Application for leave to appeal	2 787	3,5%	2 699	3,6%	-3,2%
Conversion of sentence	901	1,1%	320	0,4%	-64,5%
Suspended sentences	4 643	5,8%	4 235	5,7%	-8,8%
CJA: prelim inquiries	10 174	12,7%	10 083	13,5%	-0,9%
Formal bail applications	60 017	75,1%	55 589	74,7%	-7,4%
Total Matters Finalised	79 904	100,0%	74 460	100,0%	-6,8%

The decline of 5 444 criminal and court matters compared to the previous year can also be ascribed to serious human resource constraints as well as the decline in court utilisation.

Appeals Finalised

The high court also deals with appeals and motion applications emanating from criminal cases. There has been a decrease in the number of appeals received and finalised as indicated in the table below. Appeals "unsuccessfully" finalised have also decreased and only reflects appeals by accused as appellants which were totally rejected. The decline in the number of finalised cases contributed to the decline in the number of appeals received.

Table 22: Criminal appeals dealt with

Financial Year	Newly Received Appeals	Finalised	Appeals Unsuccessful	% Unsuccessful
2011/2012	1 328	1 922	645	33,6%
2012/2013	2 249	2 418	791	32,7%
2013/2014	2 762	2 422	878	36,3%
2014/2015	2 651	2 423	899	37,1%
2015/2016	3 065	2 520	944	37,5%
2016/2017	2 520	2 439	941	38.6%
2017/2018	2 495	2 225	781	35.1%

Clearance ratio on decision dockets

A total of 920 911 dockets were received during this financial year. This is 6 768 (0.7%) more dockets than 914 143 received during the previous year. A positive clearance ratio was again maintained by the Lower and High court prosecutors as they managed to deal with 920 651 dockets whilst obtaining a clearance rate of 99.4%. Noteworthy is the fact that the prosecutors managed to deal with 5 428 (0.6%) more dockets that the previous

year whilst a total of 490 794 dockets were finalised which also represents 9 907 more dockets finalised, compared to the previous year.

This high clearance rate that was maintained confirms again the commitment of prosecutors to deliver a high level of service to the community that they serve. The progress compared to the previous year is indicated in the table below:

Table 23: Progress on Decision dockets

Decision Dockets	2016/17	2017/18	Progress
New Dockets Received	914 143	920 911	0,7%
Prosecution instituted	115 533	108 732	-5,9%
No of Admission of Guilt Payments	4 119	2 946	-28,5%
Diversion: Adult	166	159	-4,2%
Informal Mediation	1 450	2 403	65,7%
Further investigation	318 803	321 125	0,7%
Decline to prosecute	479 271	488 232	1,9%
Clearance ratio	99,5%	99,4%	-0,1%
Dockets Dealt With	**915 223**	**920 651**	**0,6%**
Dockets Finalised	**480 887**	**490 794**	**2,1%**

Number of VIS completed

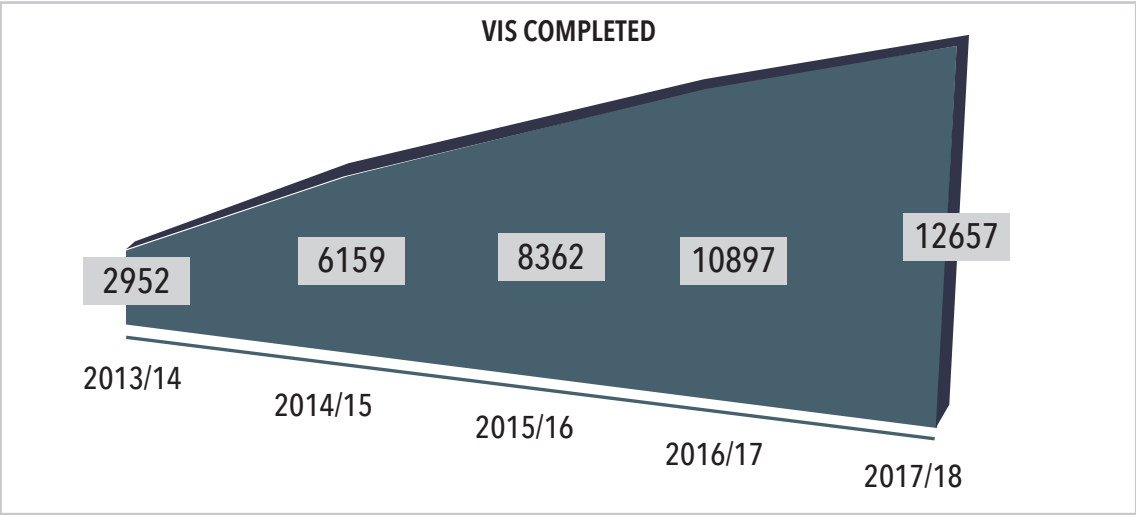
The NPA undertook to focus on activities aimed at ensuring the successful prosecution of accused persons and maintaining a high conviction rate whilst striving to advance the rights of victims through initiatives such as court preparation services.

Consequently, the Court Preparation component undertook to fulfil its mandate by empowering victims and witnesses to have the confidence to appear in court and give their best evidence, having the voice of the most vulnerable victims at heart, preventing secondary traumatisation, safeguarding their rights and ensuring that they are at the centre of the justice system. This is achieved through, inter alia, the provision of quality court preparation for state witnesses for their court experience, assisting them through the facilitation of Victim Impact Statements, conducting community education and awareness programmes, while complying with relevant legislation and policies, optimal utilisation of court preparation officers and the provision of training in specialised areas.

A Victim Impact Statement (VIS) is a written voluntary statement by a victim and/or their family member, or someone authorised by the victim with regard to the emotional, physical and financial effect a crime has had on the victim's life. The VIS is submitted by the prosecution as evidence and utilised at sentencing, and it is often the victim's only opportunity to participate in the criminal justice process or to confront the offenders who have harmed them. Hence, VIS aims to improve service delivery to all victims and indirectly assists the victim to deal with the trauma related to crime.

During this reporting period, CPOs facilitated the completion of 12 657 VIS which are 1 760 (16.2%) more compared to the 10 897 facilitated last year. This continued improvement in the service delivered to victims of crimes is evident from the graph below.

Figure 12: Progress on VIS

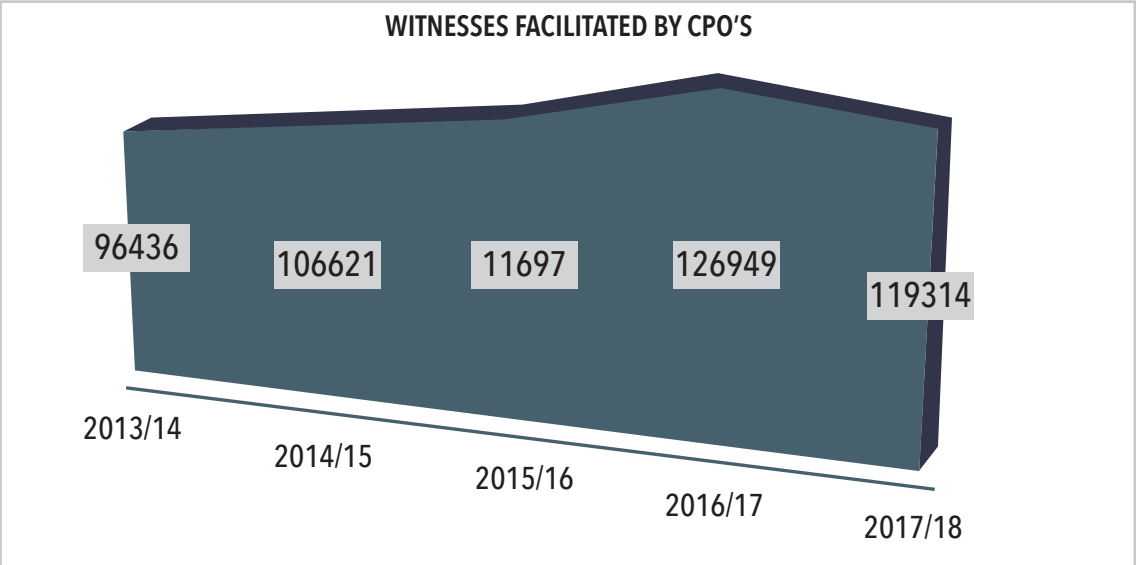


Number of witnesses assisted by CPOs

CPOs deliver a valuable service to the criminal justice process. They empower victims, complainants, witnesses and the vulnerable by treating them dignity and respect. Through their assistance they enhance the experience of the CJS, promote service standards for victims of crime whilst ensuring that secondary victimisation is eliminated. Overall results have indicated that improved customer satisfaction is achieved. The CPOs provide an important specialised service to sexual offences courts as well as in other courts, such as High Court.

The success of the Ke Bona Lesedi court preparation programme yielded results through the commitment of dedicated CPOs. A total of 119 314 witnesses were assisted during this reporting period. 78.7% (93 848) of the witnesses assisted were for the regional courts, 20.4% (24 299) for the district courts and 1% (1 167) for the high courts. This continued improvement is illustrated in the graph below.

Figure 13: Progress of the number of witnesses assisted



Since 2013/14, the number of witnesses assisted by CPOs increased by 23.7%. A slight decline is noted compared to the previous year which is mainly ascribed to human resource constraints coupled with a reduction in court utilisation.

Noteworthy Cases

State v Mvalelwa

The accused was charged with five counts of rape and was a well-respected pastor in the Louisiana community (KZN). He was well known to all the child complainants as they attended his church with their families. The complainants were extremely traumatised as they had been well groomed over a long period of time. The CPO arranged for a psychologist, via the prosecutor, to explain to the court the need for postponement for counselling. The children gave credible evidence post court preparation and each compiled a VIS which was utilised at sentencing.

It became evident to the CPO that the children were unsupervised in the afternoon, which put them at risk of further abuse. To address this concern the CPO convened a meeting with Child and Family Welfare, where a project was initiated to address the safety needs of such children in the community. Community caregivers would be specially trained to assist with homework after school and sporting activities. Child Welfare now oversees the project. The CPO becomes a pivotal point for referral far beyond their court preparation services.

State v Xolani

The victim on this matter is permanently disabled after the offender gouged his eye out and mutilated his private parts. He is now blind and permanently on a catheter. The victim was highly traumatised and the CPO took special care to prepare the victim and his family members for court and facilitate a VIS. He delivered an effective testimony. The impact of the crime was described in the VIS and the presiding officer referred to it during sentencing. The accused was sentenced to 15 years imprisonment for attempted murder.

Further, the CPO identified the need for rehabilitation and made the necessary arrangements, which included the complainant relocating nearer to the Ethembeni Care City Hospital in Ulundi. The CPO visited the family in the deep rural area where there is no water and access to public transport. The CPO also noted severe poverty, as household members were unemployed and relied on two disability grants. This need was brought to the attention of the Zululand Observer Newspaper and Umhlatuze Water. They gifted the family with food parcels, clothes and blankets. In addition, Umhlatuze Water deposited R3500 into the family's bank account.

State v de Cock

The accused was charged with four counts of rape of two young boys. The trial started without the boys being referred for court preparation and it became evident that the boys were not ready to testify, as they indicated they were embarrassed to talk about the incident and feared stigmatisation, together with feelings of guilt and fear of their safety in court. The prosecutor then referred them to the CPO. One child had just lost his father and the other lost contact with his mother from the age of six.

The CPO addressed all their fears and concerns in the preparation process and facilitated VIS for sentencing. Both children testified effectively in a credible manner. The accused was sentenced to 5 years imprisonment for each count of sexual assault and life imprisonment for four counts of rape. Both boys were referred for counselling and parents were included in the way forward for the children to be cared for in a safe environment. The VIS described the trauma of the children and the impact it had on their lives.

This matter clearly indicates the special role of the CPO with the emphasis on the value of preparation of witnesses and the positive impact of VIS at sentencing stage.

State v Sikhangile Mki

The accused was charged as a serial rapist for 30 charges of rape and 27 charges of kidnapping in Delft. The CPO was requested by the prosecutor to assist with court preparation and VIS. Six traumatised victims were assisted and the six VIS were used during sentencing proceedings. The media reported that it was one of the most serious cases the court had to deal with. The accused was sentenced to life and 12 sentences of 10 years each, that will run concurrently. The victims indicated that the load of emotions they carried was lighter after they received court preparation and completing the VIS, and experienced it as therapeutic.

Challenges

The following factors are impacted negatively on the performance of the courts during 2017/18:

1. Unavailability of key role players, which is still a major concern and needs to be repeatedly addressed at various stakeholder forums.
2. Poor investigation, delays in finalisation of investigations and unavailability of dockets and witnesses in courts.
3. Shortage of proper accommodation and resources/facilities/equipment are impacting on the optimum performance of many regions.
4. Vacancies at managerial level complicates management functions in some regions, which results in inadequate monitoring by senior prosecutors.
5. Critical staff shortages are taking their toll, as staff become exhausted and demotivated. Due to these shortages, leave has to be limited in order to keep productivity relatively high. Apart from the impact of leave on employees, various prosecutors need to act in higher posts, which places a bigger burden on them. The NPA has lost 78 prosecutors to magistrates' posts around the country in the last two years alone, with many other prosecutors' posts being vacated for several other reasons. The serious budgetary constraints place severe strain on the NPA staff establishment with consequences that may turn out to be catastrophic for the NPA and the administration of justice.
6. Newly demarcated areas are without the allocation of necessary resources, i.e. personnel and infrastructure.
7. Shortage of foreign language interpreters and outstanding probation and pre-sentence reports impacted negatively on the speedy finalisation of cases.
8. Contract magistrates are often not adequately dealing with cases (postponements and partly heard matters etc.)
9. Inadequate financial/ budget allocation in some regions; and
10. Increased cycle times of cases due to poor court roll management impacting the speedy finalisation of cases.

SEXUAL OFFENCES AND COMMUNITY AFFAIRS (SOCA) UNIT

The broad outcomes that SOCA seeks to achieve are to:

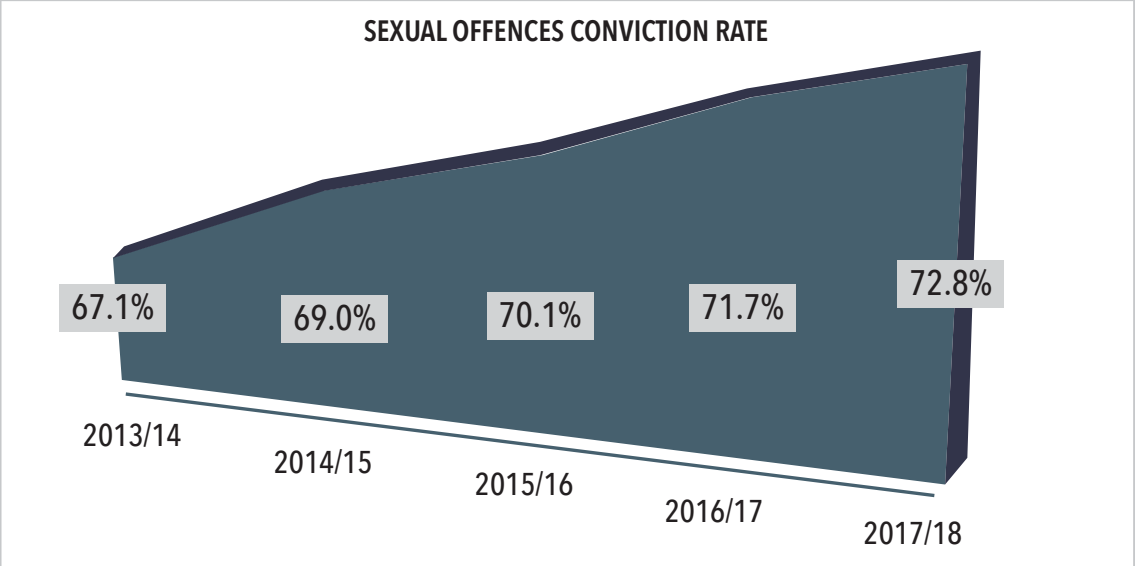
- Improve the conviction rate in gender-based crimes and crimes against children
- Actively protect vulnerable groups from abuse and violence
- Ensure access to maintenance support
- Systematically reduce secondary victimisation

To achieve the aforementioned, the unit focuses its activities & interventions in 5 sections, namely; sexual offences, child justice, domestic violence, maintenance, and trafficking in persons.

Sexual Offences

Focusing on the victims of sexual crimes assists to combat and prevent further violence against women and children. Accordingly, through the establishment of dedicated courts and pure dedication, the prosecutors managed to increase the conviction rate on sexual offence cases, notwithstanding the current stretched resources. A total of 6 879 sexual offence cases were finalised with a verdict and 5 004 convictions were obtained. This represents a conviction rate of 72.8%, the highest in the past 5 years and a clear indication of the commitment of the prosecutors to act decisively against those that offend whilst striving to prevent sexual violence. The upward trend in this commendable achievement is illustrated below.

Figure 14: Overview of sexual offences conviction rate



The enhanced focus of the regions to curb sexual violence and act decisively is evident from the number of convictions obtained coupled with the severe sentences imposed by the courts:

Thuthuzela Care Centres (TCCs)

The TCC model specifically focussing on survivors of sexual offences is regarded as international best practise in successfully addressing rape care management. The focus of the model is to reduce secondary victimisation, reduce the cycle period from reporting to the finalisation of the case and to improve the conviction rate of these cases.

The unit focused on improving services at the sites, with assistance from the relevant stakeholders. No new sites were established due to the financial limitations. However, new possible sites were identified for when funding is available.

There are currently 55 TCC-sites based on the verification criteria, providing services for victims of sexual and gender based violence (SGBV). 38 sites have case managers appointed to oversee the prosecutor-guided investigations (PGI) and case management of these cases (no case managers were appointed at the remaining 17 sites.

The number of matters reported at the TCCs during this financial year increased with 5.4% overall from the previous financial year. This reflects a total number of 33 973 matters reported, which is 1 734 more matters as in the previous financial year, with 32 239 matters reported. An excellent average conviction rate for TCC-reported cases achieved is 74.5%, an improvement of 3.4% on last year's conviction rate.

For the past three financial years the conviction rate achieved is above 70% for TCC reported cases, this is a considerable improvement from the year 2000 where the conviction rate was 48% for sexual offences (Monitor Group Research).

The table below illustrates the conviction rate performance over the past 7 years which improved by 14% over the aforementioned period.

Table 24: TCC cases finalised with a verdict & conviction %, Q1-Q4 comparison; 2011/12-2017/18

FY	Q1	Q2	Q3	Q4	Total number of cases finalised & average conviction %
2011/12	563 / 60%	638 / 64.6%	464 / 58%	515 / 60.2%	2 180 / 60.7%
2012/13	577 / 61.7%	614 / 60.6%	542 / 56.8%	515 / 65.2%	2 248 / 61.03%
2013/14	580 / 63.3%	702 / 65.8%	513 / 66.3%	562 / 68%	2 357 / 65.9%
2014/15	521 / 69.1%	605 / 68.4%	600 / 68.8%	559 / 67.3%	2 285 / 68.4%
2015/16	610 / 69.8%	711 / 72.2%	540 / 71.5%	480 / 74%	2 340 / 71.8%
2016/17	615 / 69.8%	596 / 74.2%	583 / 70.5%	540 / 69.8%	2 334 / 71.1%
2017/18	739 / 77.1%	689 / 72.9%	580 / 72.8%	541 / 74.9%	2 549 / 74.5%

When victims / survivors report these matters at TCCs they receive support services from victim assistance officers and are also referred for trauma containment counselling. Once police dockets are registered, the dockets are submitted to TCC case managers for prosecutor guided investigations. When these cases are trial-and-court-ready they are referred for prosecution, either by the case managers or by prosecutors that have received specialised and sensitised training in sexual offences. It must be noted that in approximately 35% of matters reported by adults, the victims only required the TCC-services and opted not to proceed with registering a police docket for investigation.

During this financial year, a total of 8 090 cases (16.9% increase) reported at TCCs (where case managers are appointed) were referred to court for prosecution. There is an increase in the number of non-arrest dockets and "stranger rapes[4]" reported at a number of TCC-sites, which evidently resulted in fewer cases being referred for prosecution due to these cases not being trial and court ready.

The following table reflects the breakdown of sentences imposed on offenders that were convicted of serious sexual offences, after the cases were reported at TCCs and finalised in court during the 2017/18 financial year including a comparison with the previous reporting period (2016/17).

Table 25: Conviction rate at TCC reported cases

Sentencing Term:	Number of sentences (per offender and per charge)		
	2016/17	2017/18	Increase on previous year
Life Imprisonment	255	348	93 (36.5%)
20 – 25 years' imprisonment	160	180	20 (12.5%)
10 – 19 years' imprisonment	705	770	65 (9.2%)

4 Sexual offences committed by unidentified alleged offenders

Number of victims:			
Under 18 years of age	1 011	1 102	
Above 18 years of age	849	1 047	
Gang rape cases	37	36	
Serial rape cases	18	41	

SOCA is in the process of developing an SGBV-manual for the Africa Prosecutors Association (APA) regarding the legislative and case law position in SA on SGBV which, inter alia, includes; social context in a prosecutorial environment, sexual offences, child justice, domestic violence, maintenance, trafficking in persons, mutual legal assistance, the Children's Act and other related legislation. This will be a training manual on the South African position specifically for prosecutor colleagues in other African countries. The unit facilitated a working session on the manual on the SA-perspective with APA-colleagues in September 2017 at the NPA head office, with country representatives from Angola and Zambia, whilst Namibia provided comprehensive inputs.

The NPA is in the process of reviewing the implementation and application of the Victims Charter in the CJS since its inception 10 years ago. With reference to the victim-centred approach of the Victim Charter (victimology), this is an in-depth analysis of relevant legislation, applicable case law, related programs & initiatives implemented in SA by departments but also what the position is on the matter in other African countries and abroad, hence our international local research. This is in line with the request from the Minister of Justice & Correctional Services, towards a victim centric approach in the CJS. The first draft was presented to the NDPP during August.

The Sexual Offences Forum focused on a process of evaluating the impact of Act 32/2007 since its implementation in December 2007. The aforementioned forum was organised and planned by the NPA, the office of the Deputy Minister, DOJ&CD and civil society. The discussions and outcomes of the event emphasised the importance of stakeholder engagement and co-operation to ultimately ensure improved service delivery in the CJS regarding how the system responds and deals with sexual offences in relation to the Act. A comprehensive report was compiled and submitted to the Deputy Minister's office for his attention. A summary of the event for purposes of a media briefing is available on request.

Domestic Violence

Parliament requested DOJ&CD to work closely with traditional leaders, including the queens and wives of traditional leaders, on sexual offences intervention programmes and training. The NPA was included in the process and is currently having a tripartite alliance with DOJ&CD and the National House of Traditional Leaders (NHTL) that is domestic violence focused. It was agreed that the Ndabezitha programme be extended to include the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act; Older Persons Act and other related matters. SOCA is currently in the process of reviewing and amending the Ndabezitha Programme MOU accordingly. The Ndabezitha Programme will be part of the Provincial Sexual Offences Forum. The objective is to also train the queens and wives of the traditional leaders under Ndabezitha. In line with the aforementioned, Ndabezitha Izimbizo were delivered at Mohodi-Ga Manthata village in Limpopo, Groenvlei Village and Vezubuhle Community Hall at KwaMhlanga.

Public awareness campaigns

SOCA facilitated several public awareness and community projects 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". The TCCs participated in several events at public awareness campaigns and radio interviews / discussions, focussing inter alia on the following topics: the essence of gender based violence, TCC-services, the influence of drugs and alcohol at schools, child pornography, reporting of GBV-matters, LGBTI-cases, sexual violence / abuse at schools and tertiary institutions, the importance of forensic medical examinations and post-trauma consequences of GBV, ukuthwala practices, the existence of sexual harassment and what it entails, human trafficking specifically for sexual exploitation, etc. It must be noted that comprehensive reports from the various cluster or provincial managers are available detailing the content and extent of the various campaigns delivered or participated in by SOCA officials.

Trafficking in Persons (TIP)

The Global Action against Trafficking in Persons and the Smuggling of Migrants, in collaboration with other members of the donor community i.e. UNODC, UNICEF, IOM, EU and DOJ&CD hosted a coordination workshop for the Prevention and Combating of Trafficking in Persons, during March 2018 in Pretoria. The workshop was attended by international and local delegates from government departments and NGO's. Each provincial TIP forum had to send delegates to the workshop. The NPA participated and the focus was on the challenges that the forum encounters as well as ways of improving coordination in the provinces and in the country.

SOCA participated at an international workshop hosted by Egypt during February 2018 on Combating Human Trafficking and Smuggling of Migrants. It was attended by high level participants and expert presenters, in total 19 countries from Africa had representatives in attendance. The aim inter alia of the workshop was on the importance of cooperation and the need for capacity building amongst APA members in our collective fight against organized and transnational crimes. Topics of discussion were amongst others; the international legal framework, regional cooperation, prosecution and protection of victims' rights specifically women and children. A comprehensive report was compiled and submitted accordingly.

The National House of Traditional Leaders (NHTL) operating under the Department of Co-operative Governance and Traditional Affairs (COGTA) invited the NPA to be part of and to participate in the National Initiation Task Team. NPA management assigned the responsibility to the SOCA Unit. The purpose of the National Initiation Task Team is to receive and discuss the reports from various Provincial Houses of Traditional Leaders in the provinces and stakeholders on the initiation school's seasons. The reports covered the legislative prescripts used in the provinces for initiation practices, the number of legal and illegal initiation practices, the number of initiates, the mechanisms used to rescue and secure initiates from illegal initiation practices and those that have been abducted, the number of death of initiates at the initiation practices and the number of criminal cases opened. The aim of the National Initiation Task Team is to ensure that interventions are discussed in pursuit of zero death at the initiation practices. NPA plays a crucial role in the task team, which is to give reports on cases which covers reasons why the prosecution decline to prosecute, number of decision dockets, progress of cases on the roll, reasons for withdrawal and struck of the roll, number of convictions and acquittals.

SOCA also participates as a stakeholder in SAIL (the South African Immigration Liaison structure) meetings for purposes of ensuring cooperation and collaboration with other stakeholders in the discussions of potential suspects or victims of both trafficking in persons, smuggling of migrants and related crimes. The aim is to ensure that the NPA receives information from SAIL on TIP, smuggling of migrants, crimes especially statutory

offences against any unlawful conduct of airlines passengers in order to strengthen prosecution of those crimes, implement adequate training of prosecutors and keeping clear statistics on those cases.

SOCA is also participates in the discussions for establishing the SA-EU Crime Dialogue coordinated by the Department of International Relations and Cooperation (DIRCO). The Draft Terms of Reference (ToR) for SA-EU Dialogue Forum on Crime and Justice resorts under the SA-EU strategic partnership. The aim of South Africa's participation in the dialogue is to take stock of lessons from SA-EU Dialogue in sharing experiences and building capacity in the areas of serious crimes, promoting constitutional democracy and human rights and technical assistance.

Maintenance

Senior maintenance prosecutors from SOCA are responsible for, inter alia, the overall management of maintenance matters in the provinces. They provide support and guidance to maintenance officers and prosecutors and also deal with contentious maintenance matters themselves (regarding both the civil and criminal process); additionally, they are responsible for skills development in their respective provinces. A total of 257 108 formal and informal maintenance enquiries were processed, of which 165 112 (64.2%) were finalised. It is also an improvement of 4.2% in the number of matters finalised as dealt versus the previous financial year. The number of civil attachments re section 26 of the Maintenance Act facilitated and finalised are 20 932, which is also an increase of 2114 or an improvement of 11.2% on the SOCA APP target.

Skills development and training on SOCA mandate

SOCA developed comprehensive training manuals for all 5 sections specifically for skills development of prosecutors including an integrated training program for TCC-stakeholders and staff. These manuals are reviewed annually to ensure they are in line with the latest developments in case law and legislation.

SOCA delivered 41 training sessions, attended by 857 delegates. A breakdown of formal training delivered during this year is as follows:

- Sexual Offences: 7 sessions, attended by delegates 93 delegates
- Child Justice: 4 sessions, attended by 74 delegates
- Domestic Violence: 3 sessions, attended by 60 delegates
- Maintenance: 5 sessions, attended by 80 delegates
- Trafficking in Persons: 5 sessions, attended by 81 delegates
- Integrated training for stakeholders at TCCs: 17 sessions, attended by 469 delegates.

Noteworthy cases (reported at TCCs)

State v TD Mollo

The accused faced several charges including rape over a period of time. The accused was a pastor and the biological father of the victim. He was convicted and sentenced to life imprisonment.

State v S Ndou

The accused is referred to as the "Facebook serial rapist" who befriended his victims on Facebook. This was followed by a meeting with the victims, after which he robbed and raped them. The accused was also linked by DNA-evidence, he was convicted accordingly and the case is postponed for sentencing.

State v Bredenham

The accused had multiple charges of sexual offences, including 6 for rape, 6 for compelled rape, 6 for sexual assault, 6 for sexual grooming of children. The biological mother was convicted and sentenced to several life imprisonments. The case against the biological father is currently part heard.

State v Roberts

The accused faced numerous counts of rape and sexual assault. Currently 6 victims, all minor children between the ages of 7 and 10 years. He was on parole for rape when these offences were committed, parole revoked after his arrest. Currently postponed for plea and trial.

State v Radebe

The accused faced 5 counts of rape, kidnapping and assault GBH, sexual assault, abduction, murder and robbery with aggravating circumstances. The facts of the case were shocking. He pleaded guilty and was sentenced to 129 years of imprisonment with 55 years effective.

State v Cook and others

The victims were respectively 2, 4 and 6 years old at the time of the removal of the children by DSD. All 3 children were severely malnourished, and during the assessment of the 2 eldest children it transpired that they were sexually abused by their mother, father, uncle, grandmother and cousin. The charges are varying between, rape (x8), sexual assault (x9), incest, compelling children to witness sexual offences, etc. Currently they are in custody, and case is currently part heard.

State v Tyrone James

The accused faced several charges of Possession of Child Pornography containing 56 822 images of child pornography and 3 charges pertaining to possession and dealing in drugs. The accused person pleaded guilty on 10 April 2018 and the matter is postponed to 22 May for sentencing purposes.

State v Didi

The accused and the complainant were in a relationship. She was 6 months pregnant. The accused, accused her of infidelity and raped her several times, vaginally and per anus, using bottles in an apparent attempt to abort the baby. He also severely assaulted her as a result of which she sustained serious injury. The baby was still born and had also suffered injury as a result of the assault on the complainant. Her 7year old son witnessed the assault. The accused was convicted for attempted murder, rape and malicious injury to property. He was sentenced to 6 years imprisonment for the attempted murder, 17 years imprisonment for the rape and 6 months imprisonment for malicious injury to property.

State v Mabitsela

The accused, a serial rapist was sentenced to 32 life sentences for 23 counts of rape, 6 counts of compelled rape, 18 counts of robbery with aggravating circumstances, 3 counts of sexual assault and 2 counts of kidnapping.

State v Dlamini

The accused were convicted and sentenced for rape and robbery to four life terms and a total of 225 years' imprisonment. They were a group of armed men targeting farms in Pongola and Magudu. The gang raped women they found on the farms and stole firearms and other valuables.

State v Magwaza

The accused was sentenced to 5 life terms and 200 years imprisonment after pleading guilty to the string of offences including rapes, compelled sexual assaults and compelling a person to witness a sexual offence.

Intimate-Partner Femicide

Violence against women (often referred to as gender-based violence) is common, serious, and takes many forms. The murder of an intimate partner is one of the most extreme consequences. Due to the prevalence of intimate partner violence against women, the organisation adopted a renewed commitment to prioritise its resources to address this surge of gender-based violence and to monitor the results of this intervention.

A total of 79 cases was finalised during this financial year of which only one acquittal was obtained. Hence a conviction rate of 98.7% was maintained. Noteworthy is that both Free State and Gauteng Local division recorded 20+ finalised cases during this year. The enhanced focus of the regions to curb this gender based violence are evident from the number of convictions obtained coupled with the severe sentences imposed by the courts:

Noteworthy Cases

State v Friederikson

The accused was convicted of conspiracy to murder his partner. The deceased reported him to the police as a result of which an extensive investigation was conducted. He was charged with various charges and convicted on 35 counts including rape and various statutory offences under various Acts. Whilst he was detained in prison he arranged the murder of his partner who would have been a key witness for the state. A life sentence was imposed on this count.

State v Maphoboli

The accused, a director at a local municipality, was charged in the high court with the murder of his wife. At the time of her death their relationship was acrimonious. They had been physical altercation as a result of which she sustained head injuries. He tried to dispose of her body by setting it alight on a rubbish dump. He was convicted of Culpable Homicide and Violation of a Corpse for which he received 10 years and 3 years imprisonment, respectively.

State v Lempetse

The accused was convicted for the Murder of his wife. The deceased died of injuries suffered during a sustained assault over a period of time. The accused was angry with her as she had left the house and had not provided him with a meal. The accused was sentenced to 12 years imprisonment.

State v Methu

The accused, wife of the deceased, was convicted of his murder. Their marriage was acrimonious. She approached a co-accused and offered him and amount of R2 000 to arrange a hitman to kill the deceased. She was sentenced to 18 years imprisonment.

State v Percy Khoza

The accused was convicted of the murder of his girlfriend. He stabbed her several times before loading her in the boot of her vehicle and driving around with the vehicle. He eventually left the vehicle in Malvern, where her body was recovered in the boot. The accused was sentenced to an effective term of 25 years imprisonment.

State v Mojela

The accused was married to the deceased. A protection order had previously been issued against the accused, in favour of the deceased. The accused killed the deceased by stabbing her multiple times. He entered into a section 105A plea agreement and was sentenced in the High Court to 20 years imprisonment for the murder and a further 2 years for the contravention of the protection order, which is to run concurrently with the 20 years imprisonment.

State v Duma

The accused shot and killed his girlfriend. He pleaded guilty to murder as well as the possession of an unlicensed firearm and ammunition and was sentenced to 20 years imprisonment

State v Tyobeka

The State entered into a section 105A plea and sentence agreement with the accused, in respect of the following charges, assault with intent to do grievous bodily harm, malicious injury to property and the murder of his girlfriend. An effective sentence of 30 years imprisonment was handed down to the accused.

State v Stout

The accused, Eric Stout, pleaded guilty in the Kimberley High Court to murder with the intent of dolus directus of an incident 3 years prior, where he strangled and stabbed the deceased. They were in a relationship and were living together. They did not have children together. The accused caught the deceased in a compromising position with somebody else earlier the day of the incident. Both the deceased and the accused were severely under the influence of alcohol. The accused was sentenced to 15 years imprisonment.

State v Baartman

The accused and the victim were in a relationship and were living together. The accused severely assaulted the victim on the day of the incident, and then carried her to her parents house and put her down on the couch. She died as a result of liver rupture and blood loss. The accused was found guilty of murder and sentenced to 10 years imprisonment.

PRIORITY CRIMES LITIGATION UNIT (PCLU)

State v Okah

The PCLU proceeded with an appeal in the Okah matter regarding a decision of the Supreme Court of Appeal (SCA) due to importance of the principles of aut dedere aut judicare in terrorism matters. The South African legislation was interpreted restrictively to relate only to terror financing charges by the SCA. Members of the unit conducted detailed research into the matters and also prepared an application for the NDPP.

Members of the unit appeared in the Constitutional Court in August 2017 for argument in regard to these principles. Members of the unit noted the judgment of the Constitutional Court, where the original convictions were reinstated. This is a seminal judgment about the interpretation of section 15, viz the jurisdiction clause in the counter terrorism legislation (POCDATARA) - but it also touches on aspects of the "Freedom fighter" exception in this counter terrorism legislation.

Achmed Timol Inquest re-opened

Working in cooperation with Webber Wentzel law firm, further evidence on the death of Mr Ahmed Timol was obtained. Memoranda were submitted to the Minister of Justice and the original inquest was reopened. On 28 April 2017 a pre -trial with Judge Mothle was held on the Timol matter. Members of the unit together with staff of Webber Wentzel met with a vast array of witnesses all over the country and even from the United Kingdom (UK). Members of the unit and the law firm did a pre-inspection at John Vorster Plein in Johannesburg, gathered information and photographs regarding the matter. Also, a number of experts were consulted that proved indispensable for a final decision. After the opening speeches of the different parties, evidence was led in the High Court Johannesburg. An inspection in loco was done at John Vorster Square and the evidence of the witnesses like Dr Saliem Essop, Dr Dilshchat Jetham, Ronnie Kasrils, Prof Naik and others was led. Prof Don Foster who published research on "detention and torture in SA in the late seventies early eighties" was also called by the state as well as Paul Erasmus, an erstwhile security policeman from Johan Vorster. The inquest proceeded during the last week of July 2017 with a number of new witnesses including Mr Essop Pahad, Dr Holland and Dr Naidoo. One Joa Roderiques, an erstwhile security policeman, who according to his own version was the last person that saw Ahmed Timol alive, gave evidence and was cross examined. Further police witnesses were located (Seth Sons and one Else) and gave evidence. Final argument was prepared and delivered on 24 August and judgment was handed down in October 2017. The judgment effectively reversed the finding of the first inquest and found that the security police were responsible for the death of Ahmed Timol. Certain recommendations were made about criminal investigations and dockets were opened in accordance with the recommendations of the presiding judge. By and large the reopened inquest was a success.

MISSING PERSONS TASK TEAM (MPTT)

The MPTT continued to work to establish the fate and whereabouts of those who disappeared in political circumstances between 1960 and 1994, i.e. the period covered by the Truth and Reconciliation Commission (TRC).

Gallows Exhumation Project

The Gallows Exhumation Project, launched by Minister of Justice and Correctional Services Michael Masutha in 2016, aims to recover the remains of political prisoners who were hanged on the Gallows at Kgosi Mampuru Correctional Facility (then known as Pretoria Central Prison) prior to the suspension of the death penalty in 1990.

The bodies of the hanged political prisoners remained the property of the state and were given pauper burials in municipal cemeteries around Pretoria. Families were denied the opportunity to bury them. Thus, although the families knew they had been executed, their remains were missing.

In all, 130 political prisoners from various political organisations including the PAC, the ANC, the UDF, and members of civil society were hanged. The Gallows Exhumation Project aims to recover the remains of 83 of these hanged political prisoners whose remains had not yet been found or recovered. The project is now just over halfway to completion.

During the year, the MPTT exhumed a total of these 27 hanged political prisoners as follows.

- On 30 and 31 May 2017 the remains of eight UDF supporters hanged between 1987 and 1989 were exhumed from pauper graves in Mamelodi Cemetery in Tshwane.
- On 31 August 2017 the remains of 10 PAC Poqo members hanged in the 1960s were exhumed from pauper graves in Mamelodi Cemetery. Several had been buried three to a grave.
- On 6 and 7 March 2018 the remains of a further nine PAC (Poqo) members were exhumed from Rebecca Street and Mamelodi cemeteries.

The above exhumations took place in the presence of representatives of their families, who were also escorted to the Gallows to conduct ceremonies at the site of execution, and to Freedom Park where the names of the hanged are commemorated.

In the interest of building a network of forensic exhumation skills beyond South Africa's borders, several of the Gallows exhumations were conducted in partnership with a forensic team from Zimbabwe.

Other Exhumations and Excavations

Aside from the 27 exhumations relating to the Gallows Exhumation Project, the following excavations were also conducted.

- The MPTT conducted large scale excavations in the pauper section at Mthatha cemetery in the Eastern Cape in search of the remains of MK members China Talakumeni and Gift Mgibe. The remains of over forty individuals were checked and DNA samples were taken from several remains. Test results are awaited.
- Extensive excavations were conducted at Ikageleng Cemetery in Zeerust in search of the remains of missing MK member Richard Mapela (MK Muzorewa). Numerous remains were examined in situ but all were excluded. Further investigations were also conducted at Rustenburg including scrutiny of cemetery records and onsite mapping of Tlhabane Cemetery.
- The remains of an individual recovered by the TRC in 1998 and given to the family of MK member Aaron Makwe were exhumed from Garankuwa cemetery after investigations indicated that those were not his remains. Forensic examination is underway.
- The MPTT rendered exhumation and forensic examination support in the recovery of the remains of MK member Pascal Macamba from Luanda, Angola. The project was led by the Eastern Cape Department of Sports, Recreation, Arts and Culture (DSRAC).
- The recovered skeletal remains of an unidentified female were examined but were excluded from links to any MPTT cases.

DNA Identifications

Two positive DNA matches were obtained during the year. The remains of two MK members recovered from recycled graves in Red Hill cemetery in Durban were identified as Mandla Mjwara (MK Sandile), who was shot

dead by security police on 30 June 1987 in Umlazi, and Mfaniseni "Baps" Mdlalose who was killed in Chesterville on 10 September 1987. The families were briefed on the positive results, and planning for the official handover is underway with all relevant stakeholders.

Handover of remains

The exhumed remains of 13 hanged UDF supporters were handed to their families in two official ceremonies hosted by the Minister of Justice and Correctional Services, Mr Michael Masutha, MP. The first handover ceremony took place in Oudtshoorn on 31 October 2017 and the second in Port Elizabeth on 6 November 2017.

Seventeen hanged PAC (Poqo) members were similarly handed over by the Minister in Queenstown on 23 March 2018. They were reburied in their respective Eastern Cape home towns in the weeks that followed.

In the above instances, the MPTT transported the remains to these areas prior to the handover ceremonies and laid them out in anatomical position in the coffins for family viewing. The MPTT also answered questions from the families regarding the condition of the remains, injuries and identification processes.

Symbolic Reburials/Spiritual Repatriations

The MPTT refers cases for spiritual repatriation or symbolic reburial ceremonies where no remains can be recovered due to the nature of their disposal. Preparatory groundwork was conducted for such a ceremony in the case of Tiisetso Leballo who was abducted from Nelspruit on 26 March 1992, taken to Penge Mine where he was shot and his body blown up. Assistance with site location is being provided by a former Vlakplaas explosives expert as well as former Vlakplaas commander Eugene de Kock.

Closing of cases

A total of 31 cases were closed by the MPTT during the year.

ASSET FORFEITURE UNIT (AFU)

The AFU managed to exceed most of its targets, despite the budget constraints which continue to pose a severe impediment in the unit's ability to perform optimally. This is reflected in a number of the areas where the unit was less successful in meeting some of its targets.

The good performance in those indicators achieved and exceeded can largely be attributed to the unit's planning, refocusing and reprioritisation of its limited resources. Amongst the strategies that produced positive results was the focus on high value cases using the civil forfeiture regime, paying particular attention to crime priority focus areas.

Number of completed forfeiture cases

The AFU completed 563 forfeiture cases, 68% over the target of 336 compared to a total of 572 forfeitures completed last year. A significant number of the said cases were opposed.

Value of completed forfeiture cases

The AFU obtained forfeiture and confiscation orders to the value of R350.95 million against a target of R600 million. This means an underachievement of 42%. The value of completed forfeiture cases in the 2016/17 financial year was R423.6 million. This means that the performance was 17% lower than the previous financial

year. The principal reason for the underachievement is due to undue delays in the finalisation of the litigation and settlement of two high value matters.

Table 26: Annual comparison of value of completed forfeiture cases

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Value of completed forfeiture cases	R164m	R119m	R296.4m	R1.940bn	R349.6m	R423.6m	R350.95m
Target	R224m	R167m	170m	R180m	R210m	R230m	R600m

Number of freezing orders

The unit achieved a result of 325 freezing orders against a target of 261 orders, thus exceeding the target by 25%. The positive result can be attributed to a focus on Chapter 6 preservations. The 325 orders obtained is 14% below the 377 orders which were obtained in 2016/17.

Table 27: Annual comparison of number of freezing orders

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Number of Freezing Orders	318	276	363	342	326	377	325
Target	318	324	281	281	321	324	261

Value of freezing orders

The unit obtained R4.4bn freezing orders against a target of R1.2bn exceeding the target by 267%. This result is 269% above the value frozen in 2016/17.

Table 28: Annual comparison of value of freezing orders

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Value of Freezing Orders	R53.4m	R518m	R701.5m	R2756m	R778.9m	R1.194b	R4.4b
Target	R500m	R600m	R710m	R755m	R1.1b	R1.1b	R1.2b

Value of freezing orders relating to corruption or offences related to corruption where the amount benefited is more than R5 million (including State Capture Cases)

During the year under review, freezing orders to the value of R3.8 billion were obtained against a target of R800 million, resulting in an over achievement of 376%. In the previous financial year the amount frozen was R627.3 million.

Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R415.5 million were obtained, exceeding the target of R300 million by 39%. The table below reflects the performance of the AFU from 2012/13 to 2017/18.

Table 29: Value of recoveries over six years

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Payments to Victims	R28.6m	R84.4m	R1 658m	R390.2m	R149.4m	R197.7m
Payments into CARA	R34.8m	R98.5m	R58.2m	R54.2m	R69.1m	R217.8m
Value of Recoveries ito POCA (Victims + CARA)	R63.4m	R182.9m	R1 716.2m	R444.2m	R219m	R415.5m

Success rate

A success rate of 99.1% was achieved, a slight improvement on last year's 99%. The result can be attributed to a cautious approach in case selection in big complex cases being handled in terms of Chapter 5 and a more aggressive approach in pursuing cases using Chapter 6 of the POCA Act.

Value of recoveries in relation to corruption where the amount benefited is more than R5m (proceeds of crime and government losses)

A result of R2.54m was achieved against a target of R100m, thus not meeting the target by 97%. The cause of the deviation is the undue delays in the finalisation of several complex high value matters.

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

A result of R410 thousand was achieved against a target of R1 million, thus not meeting the target by 59%. While the Unit obtained several restrained orders involving certain complex high value matters, there were no convictions were obtained and as such no confiscations orders could be secured in this category.

As part of its endeavour to continue making an impact on several crime typologies, the AFU made a concerted effort to undertake cases addressing several priority crime areas such as drugs, fraud corruption, environmental crimes and illicit financial flows, amongst others. The cases mentioned hereunder are some of the notable cases that were undertaken to address such focus areas.

Addressing drug dealing activities through asset forfeiture

NDPP vs Bacela

The North West AFU obtained a preservation against the assets of a known drug dealer in Mmabatho. Assets to an amount of R4.4 million were preserved in June 2017. This was part of a joint project with the DPCI against drug dealing in the North West Province.

Forfeiture of Immovable Property

The AFU Western Cape forfeited immovable property situated at Erf 3014, 118 Bokmakierie Street, Mossel Bay. The property was associated with various criminal activities such as drug dealing, rape and assault as well as stolen property being recovered there. The property was therefore forfeited as an instrumentality of crime.

Addressing Corruption

NDPP vs Lamoer and others

In April 2017 the AFU Cape Town obtained a restraint order against SAPS Provincial Commissioner Lamoer and Brigadiers Van Der Ross and Govender in the amount of R1.63 million. Pursuant to a guilty plea and conviction of the accused the AFU instituted and obtained a confiscation order.

NDPP vs Emily Mathe

The defendant worked in the Office of the Chief Justice and bribed the Forensic Auditor in the office to make findings which would exonerate her from any wrong doing following allegations of fraud against her. R15 000 was forfeited to the State in October 2017.

NDPP vs Nombembe

The defendant obtained tenders for cleaning materials at the Mnquma Municipality corruptly. He supplied black refuse bags to the Municipality at grossly inflated prices. A forfeiture order for R2.5 million was obtained in Port Elizabeth in November 2017. Despite the defendant passing on, the AFU proceeded against the deceased estate and obtained the forfeiture order to recover the government loss.

NDPP v Hattingh

The case in question addressed corruption at municipality level. The AFU working together with its partners such as the City of Cape Town and the SAPS obtained a restraint order valued at approximately R7.5m against the assets of a certain Paul Matthew Hattingh who abused his position as member of the Bid Adjudication Committee of the Municipality to award certain tenders to companies owned by his wife and daughter. The matter is also still pending.

NDPP vs Zeranza (Pty) Ltd and others

National Treasury paid a total of R2 billion in grants in terms of the Division of Revenue Act (DORA) to the Nelson Mandela Bay Metropolitan Municipality (NMBM) for the Integrated Public Transport System Project (the IPTS).

Pursuant to forensic investigations it was found that a number of entities and individuals were paid in terms of corrupt relationships with NMBM employees.

The AFU PE has obtained restraint orders against houses of Zeranza and Wessels valued in excess of R10 million. Further preservations orders to the value of R1.3 million were obtained in respect of properties that were acquired with proceeds of unlawful activities.

Addressing illegal mining

NDPP vs Ndumiso Booi and Others, NDPP vs Rodney Monthedi and Others

The AFU Polokwane served notices in terms of section 51 of the Prevention of Organised Crime Act 121 of 1998 on the owners of 21 trucks with over 40 trailers used to transport illegally mined chrome in the Sekhukhune area. The illegal miners sourced trucks through agents. The Section 51 notices serve as warning that the trucks will be forfeited if they allow their vehicles to be used for the transport of illegally mined chrome ore in future.

Addressing Environmental Crimes

NDPP vs Oil Separation Services Northern Services

The AFU Polokwane obtained a confiscation order to the value of R850 000 against a certain service company that unlawfully conducted waste management activities at its premises in Mokopane, without the requisite waste management license.

Addressing money laundering and illicit money flows

NDPP vs Rafiq

The accused was apprehended at OR Tambo International Airport in possession of cash to the value of R15.7m which she did not declare. A preservation order was granted for the full amount of R15.7 million to the Johannesburg AFU office in September 2017.

NDPP vs Nadeem Aboobaker

A preservation order to the value of R12 million was obtained in respect for cash found in the possession of the suspect which he did not declare whilst travelling to Dubai from OR Tambo International Airport.

NDPP vs Mohammed Baig and another

The accused were arrested with R21,2m cash in four travel bags when trying to board a flight in Bloemfontein Airport to Cape Town International Airport. The accused could not provide any explanation for their possession of the cash. They were to board an international flight to Dubai in Cape Town. The money was forfeited to the State on 21 September 2017.

NDPP vs G Asika

The suspect was searched at Oliver Tambo International Airport when he was about to board a flight to Dubai. He was found in possession of US dollars and British pounds to the value R4.7m which he had not declared. A preservation order was obtained for the full amount on 23 October 2017.

NDPP vs Mirzha Gaffer Baig

The suspect was found in possession of R2.2 million in cash at the OR Tambo airport as he was about to board a flight to Dubai. He did not declare the money. A preservation order for R2.2m cash was obtained on 16 October 2017.

NDPP vs Agwa

The AFU Port Elizabeth Office obtained a forfeiture order for R218 147.97 where the defendant obtained a Speedpoint Machine which they used to swipe counterfeit/cloned international credit cards.

NDPP vs Altcoin Trader

In a first the Johannesburg office obtained a preservation order for crypto-currency which was purchased with funds fraudulently transferred from a company in Namibia. A preservation order for R343 000 was obtained on 5 October 2017.

NDPP vs Mohamed Ameen

The AFU Western Cape obtained a preservation order against R9 million in cash found in the possession of the suspect at International Departures in Cape Town International Airport. The funds were found in two suitcases and consisted of Rand and US Dollars.

NDPP vs Nabeel Mohamed Aboo

The suspect was en route from Durban to Dubai and was found in possession of R6.17 million in cash in a suitcase. The AFU Western Cape obtained a preservation order for the cash and is in the process to bring a forfeiture application.

Addressing Fraud / Economic Crimes

NDPP v Davids/Platinum Forex

A forfeiture order was obtained for R99 million in Cape Town involving a Ponzi scheme being run by the respondents.

NDPP vs Bobroff

R101.5 million preservation order was obtained for monies located in bank accounts in Israel. The Bobroff father and son attorneys allegedly overreached their fees in Road Accident Claims they instituted in behalf of their clients. The order was obtained in the Pretoria Office in June.

NDPP vs Moshabane and Others

The defendant was in the employ of MTN. She fraudulently transferred funds from MTN's account to her personal accounts. A restraint order for R27.5m was obtained on 16 May 2017 in Johannesburg.

NDPP vs A Nkosi/JVN Asset Management & JVN Harvest Investments

R13.3m preservation order was obtained for this Ponzi scheme in Johannesburg on 18 June 2017.

NDPP vs Pamela Pillay

The AFU in Durban obtained a forfeiture order to the value of R58.2m in respect of an inheritance that was stolen in terms of a fraudulent will. The funds were recovered and paid back to the lawful heir and beneficiary.

NDPP vs Van Niekerk

Defendant defrauded her employer by entering into contracts with the clients of the employer under her own name thus misappropriating the funds. The Pretoria Office obtained a confiscation in the amount of R16.6 million in August 2017.

NDPP vs Ndungane

The defendant used a similar email address as the client of the Transferring Attorney to change the details of the bank account into which the proceeds of the sale of a property was paid. A forfeiture order for R8.1 million was obtained in the PE Office in September 2017.

NDPP vs GSQ/JA Smit

The AFU Johannesburg obtained a preservation order to the value of R71m against a fraudulent Ponzi scheme whose modus operandi was to promise massive returns on investments during November.

NDPP vs Stanley Malatji

The AFU Polokwane preserved assets of Stanley Malatji to the value of R1.8m. Malatji was a practising attorney and claimed compensation on behalf of his clients from the Road Accident Fund. Instead of paying those clients he withheld payments and kept his clients' money for his personal use.

NDPP vs Joosub and Others

The defendants committed VAT fraud. The actual loss to SARS was R30.5m. The money was then laundered by transferring portions through various companies and trusts. The AFU Pretoria obtained a restraint order for R30.5m in February 2018. The criminal case is ongoing.

Fraud /theft from local municipalities

NDPP vs Ndodana

A number of accused obtained a tender from the Buffalo City Municipality by fraudulent means and managed to secure payment for the tender without actual performance. An amount of R15.6 million was preserved on 28 September 2017.

NDPP vs Dual Point/Ndwandwe

The accused defrauded the Kenneth Kaunda Municipality in Orkney. A preservation order for R6 million was obtained on 29 September 2017 in Mmabatho.

NDPP vs PM Hlungwani

Fraudulent invoices were submitted to the Bushbuckridge Local Municipality and the OR Tambo municipalities respectively purportedly from the Compensation Fund of the National Department of Labour which were paid. A Forfeiture order for R5.1 million was obtained 19 October 2017 in Nelspruit.

NDPP vs Mnqeta

The defendant fraudulently obtained a tender with the Buffalo City Municipality. The East London Office obtained a preservation order to the value of R1.3 million in March 2018.

Land Affairs and Rural Development / Farm Matters

NDPP vs Ndlondlo Family Trust

Money was awarded to the Ndlondlo Family Trust by the Department of Rural Development and Land Reform in Kwa-Zulu Natal, based on fraudulent claims submitted. The Trust bought a farm, equipment and cattle with the monies. A forfeiture order for the farm was obtained in the amount of R2.2m on 22 June 2017.

Precious Metals

NDPP vs Leon Meyer

The accused stole and kept Gold bearing ore in his warehouse. R9.6 million in assets were preserved on 30 June 2017.

State Capture Cases

NDPP vs McKinsey / Trillian Matter

McKinsey Consulting was awarded a consulting contract with Eskom. The contract was irregularly awarded and services were not rendered in terms of the contract. The Bloemfontein and Durban AFU Offices collaborated on the preparation of the preservation application and obtained a preservation order in the amount of R1.595 billion in December 2017.

NDPP vs Estina Farm Matter

Money intended for the development of a dairy farm in the Free State was transferred to unrelated entities and used for personal gain, inter alia, to pay for a family wedding. The Bloemfontein and Durban offices collaborated on the matter and obtained a restraint against the accused in the amount of R220m in February 2018.

NDPP vs Tegeta Exploration and Resources and others / Environmental Rehabilitation funds

The AFU Pretoria obtained a preservation order in respect of Mining Rehabilitation Fund funds to the amount of R1.75bn in March 2017 for the Koornfontein and Optimum Mines which were being misused in contravention of Section 41 of the Mineral and Petroleum Resources Development Act 28 of 2002, read together with National Environmental Management Act (NEMA).

Initiatives and Interventions

As part of its efforts to improving performance and increasing the asset forfeiture footprint the AFU, in partnership with its stakeholders and other law enforcement agencies, embarked on several initiatives and interventions. The unit's successful performance can be attributed by and large to the said initiatives, some of which are listed hereunder.

Capacity Building and re prioritisation of Resources

In order minimise the effects of the budgetary constraints in the NPA, the AFU implemented a mitigation plan and strategy in order to ensure that it continues to perform and achieve its targets despite the limitations posed by such budgets cuts. For the most the AFU was successful in this endeavour.

Amongst others, the Regional offices were required to share the workload by re-deploying the resources (both human and material) to the respective need where there was a dire need for such resources.

Professional staff personnel (lawyers and investigators) were deployed to locations where several priority cases were needed to be undertaken. This did not only assist in alleviating the pressure and burden of under resourced offices and regions but it presented an opportunity to prioritise certain very important cases such as the State Capture Cases.

Further to that the more experienced junior and senior staff were given an opportunity to act in managerial positions in acting positions, to assist in the management of the ever increasing work load in the regions.

Training Initiatives and Development

The AFU continues with its comprehensive programme of training and development with a dual purpose of sharpening skills of Asset Forfeiture practitioners and further to broaden the footprint and scope of asset forfeiture processes in the fight against crime. Some of the key developments and initiatives that were successfully undertaken during the period under review are as follows:

Internal Training Development Initiatives

The budget constraints resulted in the inability to provide accredited training for staff. However, this reality posed an opportunity. Significant investment was made to develop the Unit's internal training strategies especially since asset forfeiture law remains a niche area that only the Unit can address specifically, that is, no accredited courses are available that specifically address asset forfeiture law. The unit also explored the possibility of implementing e-learning as an internal mechanism to improve training and development.

SA Asset Forfeiture Digest

The Digest is now an established monthly internal publication. Each office is required to submit legal related articles for publication. This serves as a learning tool for the Unit. The journal serves as a basis for the internal training provided to the staff of the unit.

Capacity building in the Southern African Region

The Prosecutor Placement Programme remains the key initiative of ARINSA for which AFU is responsible for implementation. Three sessions were held last year in which 32 officials attended from the following countries: Botswana, Burundi, Lesotho, Madagascar, Malawi, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe attended.

The AFU's role in developing capacity at a consistent high level across the continent not only continues but does so in an ever expanding manner.

The demand for the programme remains high and three sessions will be held in the coming year. The programme is of much benefit to the Unit itself, especially in the development of relationships with foreign counterparts which greatly enhance the fight against transnational crime.

Other International Engagements

The AFU continues to make use of all available opportunities to attend training to enhance its fight against transnational crime. This is a particular advantage of being a member of ARINSA, through which such opportunities arise. The particular ARINSA workshop that was attended was one on Terrorist Financing Workshop for Senior Managers.

OFFICE FOR WITNESS PROTECTION (OWP)

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

The Office for Witness Protection is an independent covert office and derives its mandate from the Witness Protection Act 112/1998. All OWP's functions are classified secret so as to ensure the safety of witnesses, their related persons and OWP officials. Witnesses and their related persons must voluntary agree to be admitted onto the Witness Protection Programme (WPP).

Judicial proceedings are defined as:

- Criminal proceedings
- Proceedings before a commission or a tribunal
- Proceedings under the Inquest Act
- Proceedings relating to investigations conducted by the IPID
- Proceedings referred to in Chapters 5 and 6 of POCA

Performance Highlights

OWP achieved all its 5 targets in the reporting period. It is particularly notable that OWP for the past 17 years achieved its key performance indicator (KPI), "no witnesses or related persons harmed, threatened or killed whilst on the programme who complies with the rules of the programme".

During the reporting period, no incidents were recorded of witnesses being harmed, threatened or killed whilst on the Witness Protection Programme.

For the period under review, 9 witnesses and one related person walked off the witness protection programme (out of a total of 722 – the highest number of witnesses and related persons managed since the proclamation of the WP Act). Witnesses are not kept under 24-hour guard, they are placed in places of safety, with a view to re-integrate them into society. They are admitted into and signed off the programme on a voluntary basis. 99.9% witnesses who walked-off, testify. After walk off is detected the I.O and prosecutor is immediately notified to ensure that the witness is detected and brought to court to testify. In high profile cases where there is a walk- off, OWP readmit the witness, taking into account the bigger picture.

There are a number of interrelated reasons for walk-offs, including:

- Strict conditions of the Protection Agreement;
- Removal from historical homes (danger area);
- Removal from family support, community support and comfort zone;
- Trauma;
- Profiling of witness e.g. section 204

Nature of cases (crimes and charges) in which protected witnesses are expected to testify

Since charges are changed, added or withdrawn by DPPs and prosecutors, OWP does not keep updated information of all the charges against the accused persons in which the protected witnesses must testify. However, at the time of admission the predominant crimes are murder, robbery, rape, gang violence, drug

trafficking, environmental crimes (rhino poaching, etc.), crimes against the state and Organized Crime (POCA). In addition, international witnesses who are required to testify at the International Criminal Court (ICC) for crimes identified in the Rome Statute are also kept.

The total average costs for the protection of witnesses and related persons

The average cost per month to protect a witness and related persons is R 18 345.85. This amount excludes the salaries and other related costs of protectors and support personnel, the use of official vehicles and operational accommodation/places of safety. In addition, special hired vehicles and special rented accommodation are used for operations.

Number of operations and the operational expenditure

The number of operations during the reporting period totalled 601.The all-inclusive average cost of operations amount to R 27 876.17 per operation. The cost of fuel increases had a negative impact on the operational budget.

Value for money

OWP continues to make a crucial contribution to the successful investigation and prosecution of very serious criminal cases and other judicial proceedings. In 2017/18 OWP's contribution of witnesses on the programme testimony resulted in the conviction of 48 accused persons and the following sentences.

Table 30: Number of jail terms and life sentences in cases involving witnesses in the witness protection programme

Quarter	Number of Jail Terms	Number of Life Sentences
Q1	394	5
Q2	52	5
Q3	187	7
Q4	86	10
TOTAL	719	27

Table 31: Summary of finalised cases referred to above

Ref No.	Case No. and Charges	Number of Accused	Verdict	Number of Jail Terms	Number of Life Sentences	Accused
WC 38/14	Kleinvlei CAS 302/02/14 Murder, Attempted Murder x 3; possession of firearm and ammo, POCA, dealing in drugs	4	Guilty	349	1	S van Rooyen, S Viljoen, J Viljoen & V Joshua

Ref No.	Case No. and Charges	Number of Accused	Verdict	Number of Jail Terms	Number of Life Sentences	Accused
EC 43/15	Motherwell Cas 56/04/15 & 181/10/15 (3X murder & 2x possession for semi-automatic pistol and ammunition)	2	Guilty	30	2	T Ngqoba & V Dili
WC 22/17	Kirstenhof 76/03/2016 Murder, Rape X 2, Aggravated robbery	1	Guilty (changed plea)	15	2	H Olivier
KZN 48/16	Matatiele CAS 170/10/2016	1	Guilty	15	1	Mafunda
KZN 10/16	Amangwe CAS 135/12/2015 Murder & Conspiracy	2	Guilty	25	1	Mahlobe & other
KZN 42/16	P/Shepstone CAS 49/02/16 Murder	4	Guilty		2	Alungile & 3 others
KZN 34/15	Umlazi CAS 317/06/2015 Attempted Murder	1	Guilty	12		Bahni
KZN 28/17	Umlazi CAS 545/05/2015 Murder	1	Guilty		1	Bahni
WC 15/15	Mitchellsplein 2420/07/13 Murder, Armed Robbery	2	Acc No 1 Guilty, Acc No 2 Acquitted		1	Putase and One Other
NW 17/14	Nietverdiend CAS 3/12/2014 Conspiracy To Murder	1	Guilty	5		G Legalatladi
EC 14/10	King Williams Town Cas 223/05/10 Murder	7	Guilty	182	6	
WC 45/15	Elsiesrivier CAS 252/10/15 House robbery, rape and Intimidation	3	Guilty	16	0	Moegamat van Wyk, Benjamin Hendricks & Igshaan van Wyk

Ref No.	Case No. and Charges	Number of Accused	Verdict	Number of Jail Terms	Number of Life Sentences	Accused
WC 30/16	Macassar 27/04/16 Murder & Housebreaking	3	2 Guilty, 1 Acquitted (Charlton Petersen)	6	2	Bradley Hartnick @ Bees, Louisano Saayman & Carlton Petersen @ Gatsby
WC 23/15	Grassy Park 532/04/15 Murder X 4; Attempted Murder, Possession Of Firearms And Ammo X 2	2	Guilty	24	8	Anthony Williams And Lyle Lamour
WC 66/14	Manenberg 758/11/16 Attempted Murder	1	Guilty	8	0	S Mitchell
MP07/& 08/14	Witbank CAS939/04/2014 Attempted murder, Robbery, Kidnapping, Conspiracy, Malicious damage to property, Assault GBH	13	Guilty	20	0	December Nkosi and 15 other
MP11 & 12/14				6	0	
MP13/14				12	0	
MP34/14				10	0	

Resettlement Agreements (Aftercare)

60% of the witnesses in any given year cannot go back to their homes. OWP uses alternative humanitarian approaches in resettlement agreements, guided by constitutional values and ethos and the Witness Protection Act to provide support and related services. Due to budget constraints OWP is unable to enhance its existing aftercare standard operating procedure. Despite the limited aftercare, there has still been 100% successful resettlement - after care.

During this reporting period, 109 witnesses with 103 related persons were discharged, resettled/relocated in a humane manner through amicable resettlement agreements, after completing their testimony or after it was decided by prosecution not to use them as witnesses. 29 witnesses returned to the danger area in the reporting period.

Over the past 17 years, there were no complaints, grievances or litigation by witnesses that were discharged/ resettled. Witnesses were satisfied with OWP's after care. Prior to discharge OWP there are financial implications in resettlement agreements, the office of the Auditor-General audits the OWP processes.

There was one witness who, prior to discharge and resettlement, attempted to enrich himself at the expense of tax payers. He approached the Public Protector and his lawyers. After OWP provided all information to refute

allegations and claims the Public Protector and his lawyers closed their files because the allegations against OWP were unfounded and of no substance.

National and International Stakeholder and Partners Relations Co-operation.

The Director of OWP continued to provide high level training on witness protection to prosecutors at Justice College training programmes. The Director also continued to provide good practice recommendations to DPSA in the field of Whistleblower Protection.

OWP works closely with the Institute for Security Studies (ISS) on Capacity Building and sharing good practice in Africa. Two (2) OWP officials attended a workshop and delivered a presentation in Ethiopia on RSA OWP experience in running its Witness Protection Programme in September 2017, to strengthen the co-operation and partnership between African Witness Protection Agencies and OWP RSA continues to build capacity in the field of Witness Protection.

In and during 2017/18 OWP provided high-level training and guidance to Namibia to assist them in developing their Witness Protection Act which was promulgated in October 2017, largely based on the RSA's Witness Protection Act.

Conclusion

The CARA allocation that was made in 2011 was mainly used for ACTT cases and was depleted in March 2017. It was an extremely difficult year, due to increased demand for OWP services and the lack of budget to fill critical vacant posts. Notwithstanding the difficulties, which included a buget cut of R31m (34.7%) and the non-filling of critical vacant posts due to the financial constraints, the OWP registered good performance overall. The unit once again achieved a clean audit on the A-G special audit on administration, operations and finances, for the 16th year in a row.

LEGAL AFFAIRS DIVISION (LAD)

LAD's goal is to deal with civil litigation and to provide sound legal advisory services to the National Director. It contributes to the following NPA strategic objectives:

- Increased successful prosecution.
- Improved prosecution of cases that require specialised prosecution.
- Remove profit from crime.

Overview of volume of work

As reflected below, there has been a rapid increase in the volume of work done by LAD. However, there has been little increase in capacity and staff have been placed under immense pressure. Thus, it is imperative that there be significant increase in capacity if it is to continue doing its work effectively.

Civil claims

LAD achieved its best ever performance in 2017/18, as cases continued to increase rapidly.

During the last 5 years the number of civil claims has trebled, and doubled in the last 3 years. This is an average increase of 27.8% per year.

The increase in civil claims is reflected in the table below. The rate of increase has slowed down in the last 2 years, but is still very high at about 25%.

Table 32: Annual rate of increase in civil claims

Civil Claims Per Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	% years Increase (5 years)	Average Annual Increase
Target	-	-	-	-	1 200	1 400	n.a	n.a
Number of claims	509	736	847	1 109	1 383	1 732	n.a	n.a
vs target	-	-	-	-	+15.3%	+29.6%	n.a	n.a
% increase pa	-	+44.6%	+15.1%	+30.9%	+24.7%	+25.2%	+240.3%	+27.8%

It is a major challenge for LAD to deal with this massive increase in workload, and a significant increase in staff is urgently required.

Applications

LAD achieved its best ever performance in 2017/18, as applications increased significantly.

During the past 4 years the number of applications more than doubled, a total increase of 135%. Although the inflow of cases has slowed down somewhat, it is still likely to continue to increase by about 10% per year.

During the past year, applications increased by 12.1% to 28, up from 256 the previous year.

It was 14.8% above the target of 250.

Table 33: Applications

Applications Per Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	% years Increase (5 years)	Average Annual Increase
Target	-	-	-	-	250	250		
Number	122	136	258	248	256	287		
v target					+2.4%	+14.8%		
% increase pa		+11.5%	+89.7%	-3.9%	+3.2%	+12.1%	+135.2%	+23.8%

Overview of performance in 2017/18

It was the first significant increase in applications received in 4 years and was partly due to the increased applications brought against NPA by NGOs.

Legal agreements

65 agreements were vetted in 2017/18, compared to 51 in 2016/17, a significant increase of 27.5%. The number varies from year to year, depending on the needs of the NPA.

Quality of work done

Over the past two years LAD introduced indicators of the quality of work done.

Percentage of civil claims won

LAD introduced a new indicator to measure its success rate in civil claims two years ago. Since then it has won 51 of 66 cases, a success rate of 77.3%, well above the target of 45%.

Table 34: Performance against target on civil claims

Performance 2017/18 vs target			Performance vs 2016/17		Performance vs best ever	
Target 17/18	Performance 17/18	% increase	Perform 16/17	% increase	Best	% increase
45%	77.3%	+32.3%	57.4%	+19.9%	57.4%	+19.9%

In the past year it recorded its best ever success rate of 77.3%, well above the 57.4% achieved in the previous year which was also its previous best. The target has been increased to 55% for 2018/19.

Percentage saved in civil claims

For the past two years LAD set a target for the amount saved of the amount claimed in civil claims finalised.

Table 35: Performance against target on amount saved on civil claims

Performance 17/18 vs target			Performance vs 16/17		Performance vs best ever	
Target 17/18	Performance 17/18	% increase	Performance 16/17	% increase	Best	% increase
85%	95.4% (R51.4m of R54.3m)	+10.4%	93.9%	+1.5%	95.5%	-0.1%

In the current year, the unit saved R51.4m of the R54.3m claimed. This represents a saving of 95.4%, which is well above the target of 85%. Performance was 1.5% above the previous year, and slightly below the best ever performance of 95.5% The target has been increased to 87.5% for 2018/19.

Capacity of LAD

The capacity of LAD has increased slightly in the past years, and is lagging far behind the huge increases in the volume of work. The consequence is that staff members are working under huge pressure and are finding it increasingly difficult to make meaningful input into cases.

They essentially have to focus on ensuring that processes run smoothly, and are seldom able to take any active part in actual litigation. This matter requires urgent attention in the new financial year, to ensure better alignment between capacity and the organisation's needs.

Noteworthy cases

Media access to trials

Media 24 v NDPP

An order was granted against the NPA by the Cape High Court, for media to have access to the trial of alleged axe family murderer, Henry van Breda. On appeal, the Supreme Court of Appeal listed the criteria applicable to media access to trial proceedings.

Cases against prosecutors

Visham Panday

The applicant withdrew the two applications. The first was to have the prosecutors found in dereliction of their duties, for declining to prosecute in a car theft case he opened. The second was to have the NDPP's agreement with the decision reviewed and set aside.

He withdrew the applications after his request for a postponement was opposed and refused by the court. The NPA was vindicated for not accepting the advice of senior counsel to agree to a postponement, but to insist on a formal application to oppose setting out the basis on which it should be opposed. Panday can bring another application but first has to pay costs.

Constitutional challenges to Acts

Dagga cases

Gareth Prince v Min of Justice and Correctional Services; Jonathan David Rubin v NDPP; Jeremy David Acton and Others v NDPP

Gareth Prince and members of the Dagga Party brought several proceedings in various provinces to challenge the constitutionality of s4(b) of the Drugs Act, and s22A (10) of the Medicines Control Act.

S4(b) of the Drugs Act prohibits the use or possession of any dependence-producing substance; or any dangerous or undesirable dependence-producing substance.

The Western Cape High Court declared s4(b) and 5(b) of the Drugs Act inconsistent with the Constitution and invalid to the extent that "they prohibit the use of cannabis by an adult in a private dwelling, where the possession, purchase or cultivation of cannabis is for personal consumption by an adult.

The State filed a notice to appeal in the Constitutional Court. The State contends that the High Court erred in formulating and characterising the issues before it. The High Court ignored the case presented by the State and concentrated on the right to privacy only. The court also erred in concluding that the impugned provisions

violated the applicants' right to privacy. The applicants never pleaded a case or desire to "partake of a small quantity of cannabis in the intimacy of their home."

The State further contends that the High Court erred in rejecting the uncontroverted evidence of the State. In particular, it erred in rejecting the expert evidence of Dr Gouws, tendered on behalf of the Minister of Health. It did so on the basis that it did not regard Dr Gouws as appropriately qualified and rejected Dr Gouws' use of expert medical reports compiled by other medical practitioners, including psychiatrists. It did so on the basis that she was not a psychiatrist and therefore could not give evidence on matters of psychiatry, despite her qualification as, inter alia, a pharmacist. However, the court accepted that it was permissible for the criminologist report of Shaw et al to place reliance on medical reports, even though its authors had no medical background whatsoever.

The applicants argued that s 4(b) violates their constitutional rights, including the right to privacy. The Court dealt extensively with the argument relating to privacy. The applicants and amicus Curiae contended that activity of smoking dagga takes place in the privacy of one's own place and one has a right to personal autonomy.

The State argued that the adverse effects of cannabis are such that in the final analysis users will suffer and that unfettered autonomy does not exist. Individual autonomy is important but does not enjoy primacy over all other values. Having regard to the legitimate State interest in proscribing the use of cannabis, compared to the applicants' right to personal autonomy, the State submitted that the limitation of the right to privacy is justifiable.

JC Stobbs and Clark Pretoria

This matter was enrolled for trial in July and August 2017 and allocated to Ranchod J. Stobbs and Clark who have brought action proceedings to challenge the constitutionality of s4(b) of the Drugs Act and s22A(10) of the Medicines and Related Substances Control Act.

S4(b) of the Drugs Act prohibits the use or possession of any dependence-producing substance, or any dangerous dependence-producing substance or any undesirable dependence-producing substance. Cannabis is listed as undesirable dependence-producing substance in terms of from Part iii of schedule 2 of the Drugs Act. The plaintiffs seek to remove cannabis from Part iii of schedule 2. If this relief is granted, s 5(b) would no longer be applicable to cannabis but to the remaining substances.

The matter was set down for hearing as special trial in July and August 2017.Counsel advised the NPA to acquire the services of a criminologist to testify on behalf of the NPA and/or to file affidavits by experienced NPA officials who have expertise in dagga matters.

The appointed advocate will depose to an answering affidavit dealing with the above mentioned issues, and the issues raised on behalf of the NPA in the affidavits filed in the Western Cape.

The trial is now proceeding. On the date of hearing, the matter was postponed *sine die*.

Immigration Act s34(1)(b) and (d): Lawyers for Human Rights v Home Affairs

The sections were declared to be inconsistent with s12(1) and s35(2)(d) of the Constitution.

Although the declaration of invalidity was suspended for 24 months from the date of the order to enable Parliament to correct the defect, the court decided that with immediate effect, any illegal foreigner detained under s34(1) of the Immigration Act shall be brought before a court in person, within 48 hours from the time of arrest or not later than the first court day after the expiry of the 48 hours, if 48 hours expired outside ordinary court days.

Illegal foreigners in detention at the time of the order had to be brought before a court within 48 hours from the date of the order, or on such later date as decided by a court. The National Director took steps to set up meetings with relevant role-players the same afternoon. The Minister of Justice and Correctional Services declared Lindela to be a place of court session, and the High Court was approached and granted an extension of the period within which the deportees have to appear before court.

The Head of NPS advised that prosecutors are not to be involved in the applications for continued detention with the aim to deport, and will discuss with DPPs the possibility of prosecution in selected matters.

Sexual Offences Act: Nicole Levenstein & 7 Others versus Sidney Frankel

Nicole Levenstein and 7 others applied to the South Gauteng High Court to have s18 of the Criminal Procedure Act, 51 of 1977, declared unconstitutional, to the extent that it bars the right to institute prosecution for all sexual offences, in terms of the Sexual Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, other than rape, after the lapse of 20 years.

The DPP: South Gauteng had declined to prosecute Sidney Frankel, who was accused of violating the victims between 1970 and 1989, while they were still between the ages of 6 and 15 years old. In terms of s18, all these offences prescribed between 1997 and 2011.

The applicants stated that they only acquired full appreciation of the criminal acts between 2012 and 2015. That is when they decided to open a criminal case against Frankel, who died a few weeks before the matter was heard in court. The offences were committed as common law offences as they were committed before the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007.

The NPA and DOJ&CD abided the decision of the court. The court declared s18 of the Criminal Procedure Act inconsistent with the constitution and invalid to the extent that it bars, in all circumstances, the right to institute a prosecution for all sexual offences, after the lapse of 20 years from the time when the offences were committed.

The declaration of invalidity was suspended for 18 months to allow parliament to remedy the Act. Pending the enactment of the remedial legislation by parliament, or the expiry of 18 months, the section is to be read as though the words "and all other sexual offences, whether in terms of common law or statute" appear after the words" the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 respectively.

Protection of Information Act s8 and s10, Criminal Procedure Act s252(A)(6)

Morris BL vs Minister of Justice

It is argued that that the presumptions and reverse onus of proof created by s8 and s10 militate against the right to a fair trial as in s35(3) of the Constitution, and that s252(A)(6) is unconstitutional as it provides for proof on a balance of probabilities and not beyond reasonable doubt.

It is argued that this infringes the right to a fair trial in s35(3), and that it is incompatible with the presumption of innocence and the right to silence because of the requirement that the accused must provide the grounds on which the evidence is inadmissible.

Regulations of Gatherings Act s12

Patricia Tsoaeli and 93 others

A full bench in the High Court Bloemfontein upheld an appeal against a conviction in terms of s12(1)(e) of the Regulations of Gatherings Act on two grounds.

The undisputed facts were that the conveners of the meeting informed the police in the presence of the attendees that prior notice was given and that documentary proof existed. The court held that the Act only requires prior notice and not consent. The necessary mens rea to act in contravention of the Act was not proved.

The court held that s12(2) of the Act gives a convener a defence if a gathering occurred spontaneously. The court held further that there is no reason why the same defence will not or cannot be applicable to attendees.

The court dealt with the interpretation of s12(1) (e) of the Act which reads as follow: "Any person who in contravention of the provisions of the Act convenes a gathering, or convenes or attends a gathering or demonstration prohibited in terms of this Act shall be guilty of an offence."

With reference to a prohibited demonstration or gathering the court referred to s3(2), s5 and s7 wherein the legislature explained the circumstances and meaning of a prohibited gathering.

The facts of the present case did not fit any of the circumstances in the Act. The court found that the language used in s 12(1)(e) is not indicative that a gathering for which no prior notice was given, is automatically prohibited and further that the Act acknowledged the constitutional right to peaceful demonstration.

The court further referred to the right of the SAPS to effect arrests in the event of transgressions during a gathering to maintain law and order. The NPA did not appeal and will provide guidelines to prosecutors on the future handling of these matters.

Mlungwana

The court set aside a conviction for a contravention of s12(1)(a). The appellants convened a gathering against poor sanitation services without notice to the municipal authority.

The court found the criminalisation of failure to give notice to be unconstitutional as it unreasonably and unjustifiably limits the right to freedom of assembly in s17 of the Constitution.

The matter will now go to the CC for confirmation (or not) of the declaration of invalidity. The police (and not the DOJ&CD) are the administrators of the Act.

Assisted suicide

Walter Suzanne, Harch Diethelm Gunther Grubb Lynn Sederholm, Karen N.O

The summons was sent to DOJ&CD to oppose. The plaintiffs required an amendment of s27(1)(2) or s7(2) of the Constitution to enable any mentally competent adult terminally ill person to approach the High Court to confirm whether the terminal patient may, depending on the particular facts, undergo physician assisted suicide or euthanasia.

In the summons the first plaintiff is the doctor, two of the plaintiffs are terminally ill patients and the other plaintiffs are the trustees.

Other applications

Robert James Stransham Ford – Euthenasia case

The judgment granted a declaratory order for doctors not to be criminally charged if they perform euthanasia to their patients. Appeal against the decision of the North Gauteng High Court by the State was upheld.

CASAC

In 2015 CASAC brought an application in the North Gauteng High Court, for an order to review and set aside the settlement agreement in which the former National Director, Mr Nxasana, concluded with the President. As a result, Mr Nxasana resigned as National Director and received a total package of R17 million. The basis of the CASAC application was that the agreement did not comply with the provisions of s 12(5) NPA Act, 32 of 1998 and therefore, it was unlawful.

The North Gauteng High Court set aside the settlement agreement and declared certain NPA Act provisions unconstitutional. The declaratory order was referred to the Constitutional Court for confirmation. Judgement is awaited.

Constitutional Court: Ravanna Jacobs

The applicant brought an application for direct access to the Constitutional Court. The application emanated from the internal grievance which was lodged by the applicant whilst in the employ of the NPA.

The NPA instituted and investigation to the allegation and finally laid charges against the Chief Prosecutor. The Chief Prosecutor was charged with 12 counts of misconduct. The internal disciplinary hearing Chairperson found the Chief Prosecutor guilty of all those charges levelled against him and he was subsequently dismissed from employment. The matter was then referred for the unfair dismissal. The Applicant participated at the arbitration hearing. The outcome was a retrospective reinstatement on the same terms and conditions that governed the employment relationship prior to his dismissal.

The NPA opposed the Constitutional Court application on the basis that the Applicant has previously launched a civil claim on the same cause of action in the North Gauteng High Court was set down for trial.

The Applicant then requested that the matter be removed from the roll. The Applicant intends to deprive the above Honourable Court of the benefits and assistance of the views of the lower courts (namely the High Court and the Supreme Court of Appeal) on the matter.

She wanted to discover documents and evidence which are highly contested and controversial without given the lower court chance to scrutinize and asses their evidential value.

She wanted the Constitutional Court to settle dispute of fact, which might require leading of evidence, but did not advance any cogent reason why the matter cannot be ventilated in the High Court.

The Constitutional Court dismissed the application as the requirements for direct access have not been met in that there are no exceptional circumstances warranting direct access.

Public Service Association obo Meintjies and 55 others

The applicants are SMS members of the NPA. They seek enforcement of two collective agreements concluded under the Labour Relations Act, 66 of 1995 ("LRA").

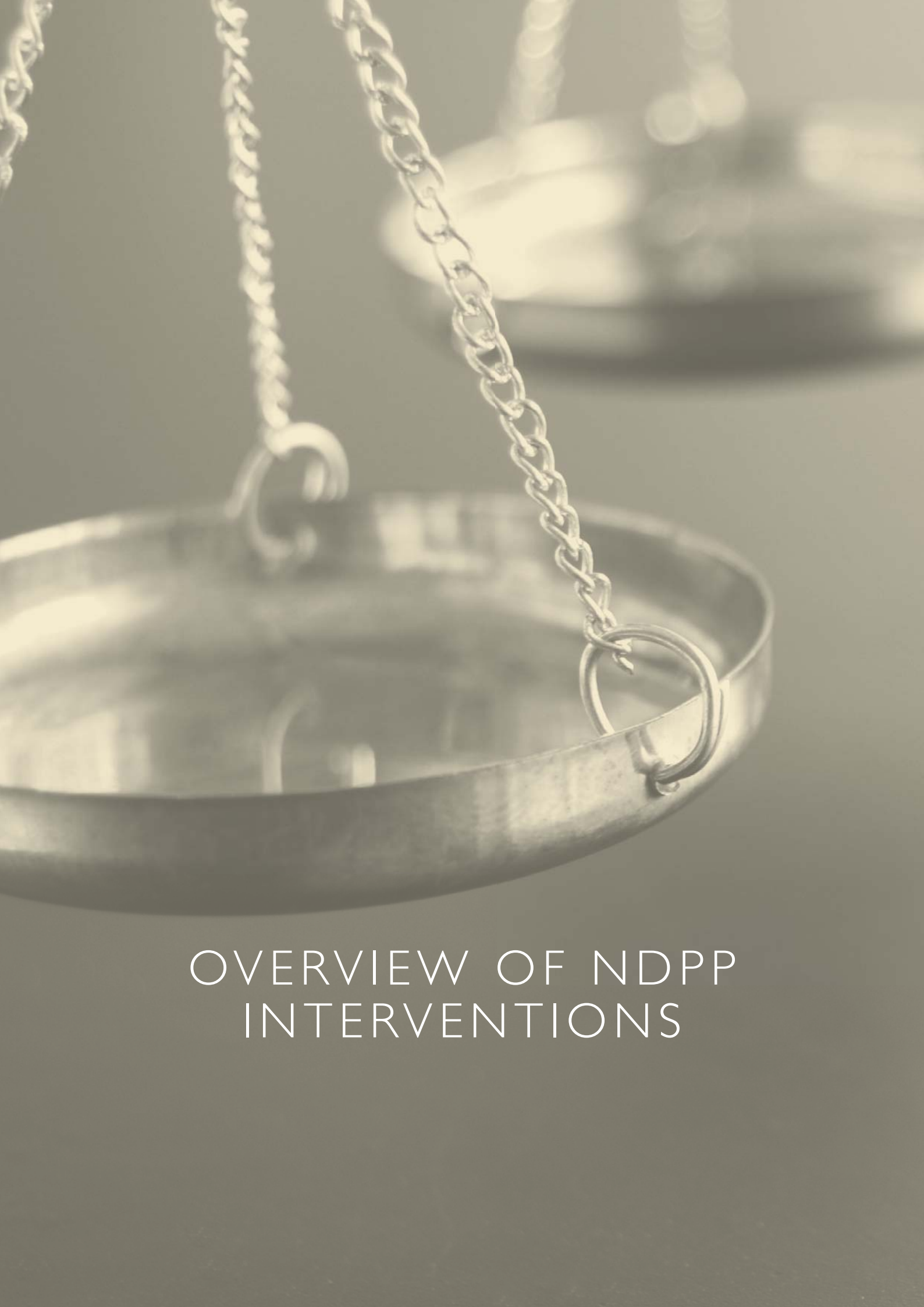
The NPA is opposing the matter on grounds that the collective agreements and the Determination of the Minister

of Justice relied upon by the applicants are not applicable to SMS members.

It is clear from paragraph 3 of the 2010 Determination that it applies to qualified legal professionals appointed in terms of s16 of the Act. This axiomatically excludes the Deputy Directors because they are appointed in terms of s15 of the Act.

The applicants want to be promoted to position of Production Specialists mentioned in the Determination which is applicable only to the prosecutors appointed in terms of S16 of the NPA Act. It is the contention of the NPA that nothing in the Determination and agreements obliged the NPA to create the posts nor can all the individual applicants seriously lay any claim to an uncreated post.

The NPA contends that the disputes about the interpretation and application of the collective agreements are to be dealt with in accordance with the dispute resolution procedure of the Public Service Co-Ordinating Bargaining Council (PSCBC). The applicants also rely upon an unfair labour practice. The NPA contends that unfair labour practice disputes relating to promotion and benefits must be dealt with in terms of the LRA. S191 provides that such disputes must be referred for conciliation, and if that fails, for arbitration to the Council or the Commission for Conciliation Mediation and Arbitration (CCMA). Furthermore, it is the contention of the NPA that there are presently two pending matters, one before the Bargaining Council and another before the Labour Court, where the applicants in substance seek the same relief. The disputes are between the same parties and over the same subject matter, namely the application of the collective agreements and the fairness of the remuneration increases applicable to the Individual Applicants as compared with their subordinates.



OVERVIEW OF NDPP INTERVENTIONS

Representations

The majority of the representations received during the performance year were requested to reconsider decisions in criminal matters. The policy directives require that the remedy of recourse to the relevant DPP be exhausted before the National Director will review the decision of the DPP. The review process to be followed by the National Director is prescribed in S22(2)(c) of the NPA Act and is adhered to.

Representations at the national office are received either directly from representors or via the office of the National Director. The NPA also provides for representations to be submitted via email to communication@npa.gov.za. A significant percentage of representations were received through this channel in the year under review.

The NPS component has implemented an electronic system to ensure that accurate statistics are kept and that information can quickly be accessed. A total of 571 files pertaining to representations were received. 384 files were finalised reflecting a clearance ratio of 73%. 69 of the finalised files were matters placed before the National Director as review decisions, where 61 were confirmed and only 8 were overturned.

Table 36: Summary representations reviews placed before the NDPP

Number of review memorandums submitted via the NPS – per DPP / Special DPP office	Number of decisions made by DPPs Confirmed by the NDPP/DNDPP	Number of decisions made by DPPs overturned by the NDPP/DNDPP	Total per DPP / Special DPP Office
Eastern Cape - Grahamstown	13	3	16
Western Cape	52	2	54
Kwa- Zulu Natal	13	2	15
North Gauteng, Pretoria	18	1	19
South Gauteng , Johannes-burg	20	2	22
Free State - Bloemfontein	7	0	7
North West- Mmabatho	5	0	5
Northern Cape - Kimberley	3	0	3
Polokwane	9	1	10
Eastern Cape - Mmabatho	1	0	1
TOTAL	141	11	152

Centralisation authorisations

Table 37: Matters in which centralisation was authorised

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Sello Moeng	Limpopo	Murder Kidnapping Assault	North Gauteng	24/04/2017
State v Moses Cornel Mahlangu	North Gauteng	Rape	North West Provincial Division	29/05/2017
State v Jacobus Johannes Oosthuizen	Western Cape	Fraud Forgery	Eastern Cape	15/09/2017
State v Tebo Puthegelo	Gauteng Local Division Johannesburg	Housebreaking Robbery Malicious injury to property Contravening the provisions of Section 28(1) read with Sections 27 and 28(2) of the Explosives Act 26 of 1956 – Possession of explosives	Gauteng Division, Pretoria	10/05/2017
State v Lungile Edward Kwaza	Grahamstown	Fraud, alternatively Theft	Bloemfontein	24/05/2017
State v Matuma Kobola and Others	Bloemfontein	Contravention of section 63(1) of the National Road Traffic Act, Act 93 of 1996 – Reckless or Negligent driving (Accused 1) Forgery and/or Uttering (Accused 3) Defeating the ends of justice, alternatively, contravention of section 9 of the Justice of the Peace and Commissioners of Oath Act, Act 16 of 1963 – making a false statement in and Affidavit (Accused 3)	Gauteng Division Pretoria	20/06/2017

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v A Kristwell and 18 Others	Gauteng Local Division	Accessory after the fact to Murder Theft Contravention of section 3 read with section 1, 103, 117, 120(1) A and 121 read with Schedule 4 of Act 60 of 2000, and further read with Section 250 of Act 51 of 1977 – Possession of unlicensed firearm (2 counts) Defeating or obstructing the course of justice (4 counts)	Gauteng Division Pretoria	11/07/2017
State v Venus Baloyi	Polokwane	Housebreaking with the intent to rape (2 counts) Attempted robbery with aggravating circumstances (2 counts) Kidnapping (1 count) Rape	Gauteng Local Division Johannesburg	28/07/2017
State v Themba Clement Simelane	Gauteng Local Division Johannesburg	Contravention of Section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Rape) Contravention of Section 120(6)(b) read with Sections 1,103, 117 and 121 read with Schedule 4 of the Firearms Control Act 60 of 2000 and also read with section 250 of the Criminal Procedure Act 51 of 1977 (Pointing of an object resembling a firearm)	Gauteng Division Pretoria	28/07/2017
State v Lonwabo Solontsi	Eastern Cape Division Grahamstown	Murder Assault with Intent to do Grievious Bodily Harm Contravention of section 117(a) Escaping Kidnapping Sexual Offences Robbery Attempted Murder	Mthatha Bisho Western Cape North West Mthatha	11/08/2017

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Maponya and 6 Others	Bloemfontein	Contravening Section 18(2)(a) of the Riotous Assemblies Act of 1956 (Act 17 of 1956), Read sections 51(2). 52(2) 52A and 52B of the Criminal Law Amendment Act, 105 of 1997 – Conspiracy to commit Robbery with Aggravating circumstances	Johannesburg and North Gauteng Provincial Division	30/08/2017
State v Johannes Tshepo Bahula and 2 Others	Gauteng Division	Contravention of the provisions of Section 4(1)(f)(iv) read with Sections 1,17,19,20,103,117,120(1)(a) and section 121, further read with Schedule 4 and section 151 of the firearms Control Act, Act 60 of 2000, and further read with section 250 of the Criminal Procedure Act, Act 51 of 1977 as well as Section 51(2) of the Criminal Law Amendment Act, Act 105 of 1997 Contravention of the provisions of Section 90 read with Sections 1, 103,117, 120(1)(a), Section 121 read with Schedule 4 and section 151 of the Firearms Control Act, Act 60 of 2000, and further read with the provisions of Section 250 of the Criminal Procedure Act, Act 51 of 1977	Limpopo Division, 103, 117, 120(1)	20/09/2017

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Metlae Solly Jumbane and Others	Gauteng Provincial Division Pretoria	Contravention of the provisions of section 18(2) (a) of Act 17 1956(Conspiracy to commit offence – Escaping from lawful custody) Defeating the administration of justice Contravention of the provisions of Section 4 (1) (a) (i)(aa) read with Sections 1,2,4(2), 24, 25, 26(1)(a) of Act 12 of 2004 (Corruption – Accepting a benefit)	Gauteng Local Division Johannesburg	19/10/017
State v Thomas Simbi Gideon Ndlovu	North West	House breaking with the intent to rob Robbery with aggravating circumstances Unlawful possession of a firearm Unlawful possession of ammunition Attempted murder Kidnapping	North Gauteng Provincial Division	20/10/2017
State v Lesley Nailana and four Others	Gauteng Local Division Johannesburg	Murder and Defeating or Obstructing the course of justice Theft	Gauteng Division Pretoria	03/11/2017
State v Charles Mthetwa	Gauteng Provincial Division Pretoria	Kidnapping Contravention of section 3, read with Sections 1, 55, 56(1), 57, 58, 59 and 60 of the Criminal Law (Sexual Offences and Related Matters) – Rape (9 count) Robbery with aggravating circumstances (4 counts)	Gauteng Local Division Johannesburg	01/11/2017

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Bongani Motha	South Gauteng Local Division Johannesburg	Robbery with aggravating circumstances Kidnapping Contravening the provisions of section 3, read with the provisions of section 1, 103, 117, 120(1)(a), and 121, read with Schedule 4 of the Firearms Control Act 60 of 2000, and further read with the provisions of section 250 of the Criminal Procedure Act 51 of 1977, as well as section 51(2) of the Criminal Law Amendment Act, 1997 (Act 105 of 1997) – Possession of an unlicensed firearm	Provincial Division Pretoria	24/11/2017
State v Khaya Patrick Jomose	Limpopo Provincial Division Polokwane	Robbery with aggravating circumstances Extortion	Gauteng Provincial Division Pretoria	24/11/2017
State v Albert Lightboy	Gauteng Provincial Division Pretoria	Contravention of Section 3, read with Sections 1, 55, 56(1), 57, 58, 59 and 60 of the Criminal Law (Sexual Offences and Related Matters) – Rape (1 count)	Limpopo Division	27/11/2017
State v Raymond Jones	North West	Rape Sexual Assault	Gauteng Division Pretoria	13/02/2017
State v Bruce Roelofse	North Gauteng	Rape	Northern Cape	04/04/2017
State v Jacob Johannes Straus	Northern Cape	Sexual Assault	Free State	04/04/2017

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Ralph Stanfield and 23 Others	Western Cape Division	Contraventions in terms of Section 9(1)(a) and 9(2)(a) of Act 121 of 1998 Contraventions in terms of Section 3 of Act 12 of 2004 Fraud Contraventions in terms of Section 9(1) of Act 60 of 2000 Contraventions in terms of Section 120 of Act 60 of 2000 Contraventions in terms of Section 18(2)(a) of Act 17 of 1956 Forgery Uttering Contraventions In terms of Section 3 of Act 60 of 2000 Contraventions in terms of Section 90 of Act 60 of 2000 Contraventions of Section 6 of Act 121 of 1998 Defeating the ends of Justice	Gauteng Local Division Johannesburg	01/02/2018
State v Neeteson-Lemkes and Three Others	Local Division Johannesburg	Murder (1count) Attempted murder (1count) Kidnapping (1count) Assault with the intent to cause grievous bodily harm (Assault GBH) (3 counts)	North Gauteng Pretoria	01/03/2018
State v Mvimbane, Khuselwa and Another	Gauteng Local Division Johannesburg	Defeating or obstructing the course of justice	North West Division Mmabatho	05/03/2018
State v Madimetja Daniel Machete and Others	North West Division Mafikeng	Count 1: Murder, read with the provisions of Section 51(1) (a) and Schedule 2 of the Criminal Law Amendment Act (Act 105 of 1977) as amended	North Gauteng Provincial Division	26/03/2018

Citation of matter	DPP division requesting jurisdiction	Charges committed in requested division	DPP division from which jurisdiction was removed	Date of Authorisation by NDPP
State v Simvumile Ntshuntshe and 3 Others	Local Division Bisho	Housebreaking with the intent to steal and theft	Eastern Cape Grahamstown	06/04/2018

International Cooperation in Criminal Matters

Mutual legal assistance (MLA), extraditions and related matters

The NPA deals with incoming formal requests for MLA wherein the Minister of Justice and Correctional Services has issued a notification in terms of section 7 of the International Co-operation in Criminal Matters Act 75 of 1996. These matters are coordinated in the Office of the National Director (ONDPP) and the necessary assistance in the execution of the requests is rendered in conjunction with the Offices of the Directors of Public Prosecutions in whose respective jurisdictions the evidence sought is located.

In the case of incoming requests for extradition, the NPA renders the necessary assistance once the Minister has issued a notification in terms of section 5 of the Extradition Act 67 of 1962. The Office of the DPP in whose area of jurisdiction the fugitive resides, works with the Interpol officers to ensure that an arrest is effected and extradition proceedings are conducted.

The MLA Office also deals with outgoing requests for mutual legal assistance and extradition in cases where South Africa is the requesting state. It happens often that material evidence is located beyond the borders of the Republic. Such evidence is obtained by transmitting a request for mutual legal assistance to the relevant country. In cases where a perpetrator of crime has moved to another state, that fugitive can also be extradited back to the Republic, pursuant to the NPA's request to the country where the fugitive has fled. In cases of outgoing requests for MLA and extradition, the Minister does not play a role, as it is the case with the incoming requests. The safeguard in these instances is that all the outgoing requests should be approved by the NDPP prior to their authentication and onward transmission to foreign jurisdictions.

South Africa transmits and receives requests for international cooperation in accordance with bilateral treaties, multilateral conventions and other instruments to which it is a signatory. However, it is also possible to render and/or request assistance in the absence of these instruments and in those instances, requests are dealt with in terms of the principle of comity. Therefore, the absence of a treaty does not necessarily preclude execution of requests for international cooperation.

During the reporting period, the NPA dealt with 87 new requests for mutual legal assistance. 66 of these requests were received from foreign states and 21 were initiated by South Africa and transmitted to foreign states. The office also received 31 new requests for extradition, 19 of these were received from foreign state and 12 were initiated by the RSA. 68 requests for mutual legal assistance and extradition were finalised during the 2017/18 period.

Ensuring efficiency in international relations, treaty negotiations and related matters

The NDPP concluded a Memorandum of Understanding with the Director of Public Prosecutions of the Republic of Botswana as a means of strengthening relations and enhancing cooperation in the area of the fight against

transnational crime. The office of the NDPP (ONDPP) is in the process of concluding Memoranda of Understanding with offices of the Attorneys-General of the State of Palestine, the Republic of Somalia and the Supreme People's Procuracy of Vietnam.

The ONDPP is working closely with the Chief Directorate: International Legal Relations of the Department of Justice and Constitutional Development as well as the Department of International Relations and Cooperation (DIRCO), to facilitate the conclusion of Extradition and Mutual Legal Assistance Treaties between the Governments of the Republic of South Africa and the Republic of Mozambique.

The NPA participated in the 8th Conference of the State Parties to the United Nations Convention Against Transnational Organised Crime as well as in the 8th Session of the Working Group on International Cooperation in Vienna, Austria in November 2017. The NPA has also participated in the two series meetings of UNODC Expert Group Meetings in May/June and November 2017. The Expert Group Meetings were organised to deliberate and develop Global Handbook and Practitioners' Guide on international cooperation in trafficking in persons cases.

The official responsible for international cooperation in the ONDPP is a member of the NPA Anti-Trafficking in Persons Task Team which ensures that the relevant legislation is implemented and that prosecutors are trained on the all relevant aspects including the transnational nature of trafficking related offences and international cooperation. The Task Team meets on an annual basis to review the training material and deliberate on other related aspects.

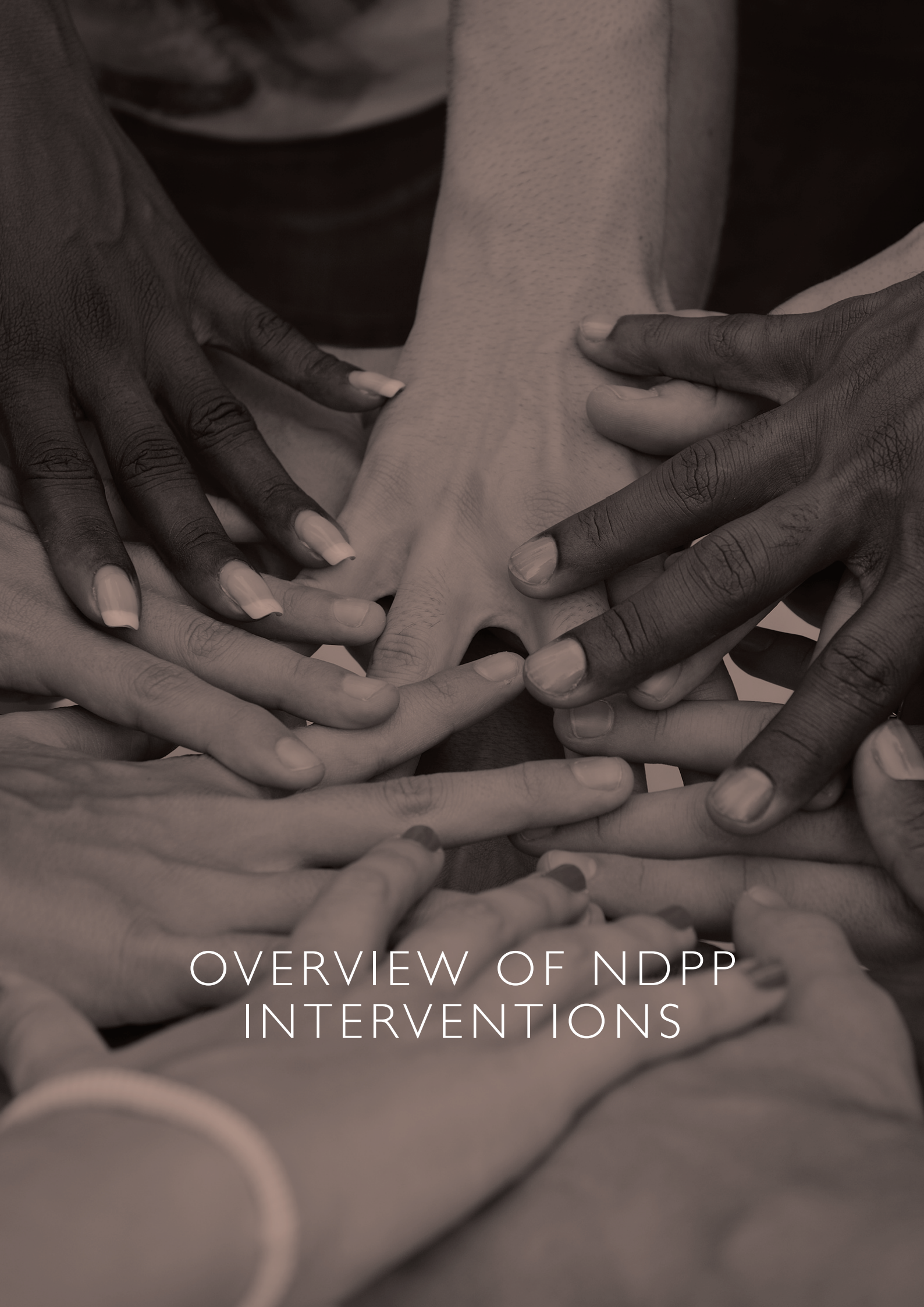
The ONDPP has participated in a number of inter-departmental meetings coordinated by DIRCO relating to international engagements.

Africa Prosecutors Association (APA)

The NPA is one of the founding members of the APA, which was established to focus specifically on prosecution related matters affecting prosecuting agencies and offices of prosecutors general in the African continent. The National Director is the Treasurer-General in the Executive Committee and two DPPs of the NPA are members of the Strategic Committee.

International Association of Prosecutors (IAP)

The NPA is a member and the National Director a member of the executive committee of the IAP, an international body that represents the interests of prosecuting agencies, prosecutors and prosecutors' associations worldwide, with members from all regions of the world. South Africa is hosting the 23rd Annual Conference and General Meeting of the IAP in September 2018. The conference, themed 'Prosecutorial Independence – The Cornerstone of Justice to Society' will coincide with the NPA's 20th anniversary.



OVERVIEW OF NDPP INTERVENTIONS

Financial Overview

Although the NPA experienced serious constraints in respect of the Compensation of Employees as well as Goods and Services budget allocations, the NPA managed to spend 100% of its budget allocation after final virement during the year under review. National Treasury approved a virement of Operational budget to Compensation of Employees, during the Adjustment Estimate of National Expenditure (AENE) process and the Department of Justice and Constitutional Development (DoJ&CD) approved a final virement of R 58 million at the end of the financial year, in order for the NPA to pay outstanding contractual obligations as well as payment of the 2016/17 performance awards. The NPA monitored expenditure very closely during the financial year in order to ensure that the organisation remained within the allocated budget baseline.

The NPA is not a revenue generating department, and does not charge tariffs for services rendered. Neither does the NPA provide free services that would have yielded revenue had a tariff been charged.

As from the 2014/15 financial year the NPA incorporated its annual financial statements and annual report against pre-determined objectives into the Department of Justice and Constitutional Developments, as Programme 4 of the Department's Budget Vote. The Office of the Auditor-General did not express a separate audit opinion on the NPA but on the overall departmental budget vote.

Budget allocation as it relates to the core business of prosecution and related services are divided into four sub-programmes, as follows:

Table 38: Expenditure report

SUB-PROGRAMME NAME	2017/18			2016/17		
	FINAL APPROPRIATION	ACTUAL EXPENDITURE	(OVER)/ UNDER EXPENDITURE	FINAL APPROPRIATION	ACTUAL EXPENDITURE	(OVER)/UNDER EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000
National Prosecutions Service	2 946 254	2 946 254	-	2 776 285	2 776 285	-
Asset Forfeiture Unit	126 520	126 520	-	133 011	133 011	-
Office for Witness Protection	189 994	189 994	-	183 521	183 521	-
Support Services	480 273	480 147	126	461 759	461 759	-
TOTAL	3 743 041	3 742 915	126	3 554 576	3 554 576	-

Table 39: Budget allocation per economic classification

SUB-PROGRAMME	NATIONAL PROSECUTIONS SERVICE	ASSET FORFEITURE UNIT	OFFICE FOR WITNESS PROTECTION	SUPPORT SERVICES
Compensation of employees	2 810 918	114 640	95 412	181 783
Goods & services	124 239	11 486	94 259	265 551
Payment of capital assets	3 535	54	320	23 821
Other	7 562	340	3	9 118
Total	2 946 254	126 520	189 994	480 273

Expenditure on compensation of employees before final virement, was at 101.09% (R3,203 billion) which resulted in a overspending of R34,5 million. This overspending was due to the implementation of cost of living adjustment including increases in the housing and medical aid allowances during the financial year. The expenditure on goods & services before final virement was at 105,33% (R 495,5 million) which resulted in an overspending of R 25 million due to the payment of contractual obligations.

The primary focus of the NPA is public prosecution and 78,7% of the total allocation was spent on National Prosecutions Service. Support Services provides centralised services such as security, fleet, facilities and IT services and account for 12,8% of the total budget allocation. The NPA's expenditure increased by 5.30% from R3.55 billion in 2016/17 to R3.74 billion in 2017/18. The main contributors to this increase were the cost of living adjustments.

Personnel position of the NPA

The Human Resource Management and Development Unit's commitment to the provisioning of human capital support for prosecutions remains the central focus of its business, even under severe budgetary constraints. Though the cost reduction measures proposed by National Treasury on all government departments and entities has had a major impact on most of its programmes, particularly those aimed at strengthening the increasing demand for support to the prosecution services, primary support has been maintained throughout.

The Critical Posts Review exercise conducted during the period revealed an even deeper challenge in the organisation with regards to the collective capacity of human resource particularly in the prosecutions. The need to reprioritise posts according to their critical nature as defined by the exercise, means that a large number of posts will not be filled even though they are essential due to an anticipated overspend on compensation budget. The non-filling of these posts could have devastating effects to the organisation and its human resources. This means more pressure on prosecutors and other occupations to fill the gaps created by the non-filling of vacancies and the resulting effects are burnouts which further results to high rate of absenteeism due to illness.

The increasing demand for the utilisation of the Employee Health and Wellness Programme, particularly in the area of stress and trauma management for employees dealing with traumatic incident cases has gained enormous support in areas where work stressors due to staff shortages have emerged. This service has been offered to all court personnel irrespective of the location of the courts. Further programmes including training were offered to empower court personnel to respond to work and personal pressures and almost all NPA personnel were reached

through different interventions. The implementation of the DPSA changes on the performance management systems effective from 1 April 2018 for the SMS and Non-SMS members is well underway.

The tables below provide the personnel status in the NPA as at 31 March 2018.

Table 40: Breakdown of total employment in the NPA per office

Office / Division	Filled	Vacant	Total	Vacancy rate
DPP: Eastern Cape Division	368	54	422	13%
DPP: Free State	265	30	295	10%
DPP: KwaZulu-Natal	623	109	732	15%
DPP: Limpopo	275	41	316	13%
DPP: Mpumalanga	189	58	247	23%
DPP: Mthatha	160	46	206	22%
DPP: North Gauteng	412	100	512	20%
DPP: North West	185	20	205	10%
DPP: Northern Cape	143	35	178	20%
DPP: South Gauteng	461	84	545	15%
DPP: Western Cape	548	89	637	14%
Administrative Support H/O	325	135	460	29%
National Office NDPP(NPS, LAD, PCLU & Strategy Operations)	71	13	84	15%
AFU	126	41	167	25%
SOCA	164	63	227	28%
SCCU	159	34	193	18%
Office for Witness Protection	152	13	165	8%
Grand Total	4626	965	5591	17%

Table 41: Breakdown per core responsibilities

Functional Responsibilities	Total	Filled	Vacan & Unfunded	Vacancy Rate
Prosecutions	3 626	3 084	542	15%
Legal Administration Support (AFU Investigators, CPO & VAO, etc)	227	179	48	21%
Administrative Support	1 573	1 211	372	23%
Office for Witness Protection (incl. A dministration)	165	152	13	8%
Total	5 591	4 626 (42 Contract)	965	17%

Employment equity profile per Office/ Division

Table 42: Status of employment equity per office

Office / Division	A	C	I	W	Total FEMALE	A	C	I	W	Total Male	Grand Total
Office of the NDPP	9	2	0	5	**16**	9	0	0	1	**11**	26
	1	0	0	0	**1**	0	1	0	3	**2**	5
	7	1	2	11	**21**	10	2	0	9	**21**	42
DPP: North Gauteng	35	4	0	4	**43**	15	0	0	2	**17**	60
	16	0	0	0	**16**	1	1	0	0	**2**	18
	82	4	6	69	**161**	125	2	2	44	**173**	334
DPP: South Gauteng	33	4	0	2	**39**	20	1	0	0	**22**	60
	14	0	0	0	**14**	2	1	0	0	**3**	17
	78	7	26	61	**172**	172	2	4	34	**212**	384
DPP: Eastern Cape Division	33	7	2	5	**47**	16	3	0	2	21	68
	6	0	0	1	**7**	1	0	0	0	1	8
	59	26	4	42	**131**	102	17	5	37	161	292
DPP: Mthatha	23	3	1	0	27	10	0	0	0	**10**	37
	4	0	0	0	4	2	0	0	0	2	6
	38	2	1	2	43	70	3		1	75	117
DPP: Mmabatho	20	1	0	3	**24**	17	0	0	1	**18**	42
	9	0	0	0	**9**	1	0	0	0	**1**	10
	45	1	0	6	**52**	78	0	0	11	**89**	141
DPP: Free State	11	9	0	2	**22**	7	3		2	**12**	34
	9	1	0	0	**10**	2	0	0	0	**2**	12
	48	4	3	49	**104**	80	3	2	30	**115**	219
DPP: Mpumalanga	11	1	0	2	**14**	7	0	0	0	**7**	21
	4	0	0	0	**4**	1	0	0	0	**1**	5
	46	2	2	25	**75**	71	1	1	15	**88**	163
DPP: Limpopo	23	0	0	0	**23**	16	0	0	0	**16**	39
	12	0	0	0	**12**	1	0	0	0	**1**	13
	79	2	0	7	**88**	126	0	0	9	**133**	223

Office / Division	A	C	I	W	Total FEMALE	A	C	I	W	Total Male	Grand Total
DPP: KwaZulu Natal	38	10	11	7	66	20	0	1	1	22	88
	17	0	1	2	20	3	0	0	0	3	23
	148	7	73	29	257	185	8	36	26	255	512
DPP: Northern Cape	13	7	0	2	22	9	0	0	0	9	31
	1	2	0	0	3	0	0	0	0	0	3
	18	7	0	11	36	48	14	0	11	73	109
DPP: Western Cape	21	34	1	2	58	6	5	1	1	13	71
	10	8	0	0	18	2	0	0	0	2	20
	36	123	15	71	245	68	87	5	52	212	457
Asset Forfeiture Unit	9	2	0	3	14	2	0	0	0	2	16
	6	4	2	5	17	12	4	0	10	27	44
	10	1	7	6	24	20	4	5	13	42	66
Specialised Commercial Crimes Unit	25	0	0	1	26	9	2	0	0	11	37
	0	0	0	0	0	0	0	0	0	0	0
	18	5	11	14	48	46	6	3	19	74	122
Sexual Offences and Community Affairs	21	3	3	14	41	20	2	0	3	25	66
	57	6	0	1	64	22	0	0	0	22	86
	9	0	1	1	11	1	0	0	0	1	12
Office for Witness Protection	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	52	1	5	13	71	36	10	4	31	81	152
Administration	145	10	3	21	179	114	14	5	13	146	325
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
Total					**2 390**					**2 236**	**4 626**

Skills Development

The skills development programme was scaled down due to the budget constraints. Within the limits of the budget, the following programmes were offered and attended by NPA personnel.

Table 43: Breakdown of training programmes by number of attendees

Type of course	Attendees	Type of course	Attendees
ACFE conference	5	Bas systems training	1
AFU Chapter 6 preservation workshop	11	Basic management principles	18
AFU newsletter discussion programme	209	CIP Block 1 level 6-12	391
AFU POCA workshop	62	Code of conduct for prosecutors	17
Digest discussion programme	11	Diversity and inclusion program (follow-up)	19
Enforcement training	26	Diversity management and inclusion programme	53
Foreign bribery	14	Effective public speaking, presentation and communication skills	20
Money laundering	16	Finance for non-financial managers	12
PFMA	33	Fraud and corruption awareness training	9
Platinum forex training	14	General principles of BAS	1
POCA assessment	21	Improving workplace ethics: beyond rules and regulations	36
SABRIC (SCCU & SAPS)	32	Mentoring and coaching skills program (SASSETA)	20
Integrated session: SCCU/SAPS on stress management	10	Public administration learnership NQF Level 5 (SASSETA)	25
Integrated training (NPA VS SAPS) Cybercrime	30	Public administration learnership nqf level 6 (SASSETA)	30
International training aid : cyber training (Namibia)	1	Supply chain management skills program	10
Integrity at work	16	Workplace discipline and grievance procedure	37
Mental health awareness	13	Child pornography and related offences	115
Performance management in the NPA	78	Corruption and fraud	156
Impersonal finance	15	Cybercrime	101
Train-the-trainer (AFU induction)	2	High court bridging course	65
Smartboard training	3	Mediations and ADRM	37

Type of course	Attendees
Terrorist financing workshop	3
Mutual legal aid	28
I-Base- enforcement process training	2
Electronic case management system	18
UNODC: terror financial workshop	6
Understanding disabled witnesses (for Court Preparation Officers and prosecutors)	23
Understanding sexually abuse witness for court preparation officers and prosecutors	33
Victim impact training for Court Preparation Officers and prosecutors	51

Type of course	Attendees
Organised crime (advanced)	55
Psychiatry / psychology and the law	61
Trial advocacy (district courts)	73
Trio and other serious violent crimes	134
Stock theft and related offences	86
SOCA : integrated training for stakeholders at TCC	48 **
SOCA : sexual offences for TCC case managers	18
SOCA : Domestic violence	23
SOCA : Maintenance	73
SOCA: Child justice	72

Discipline

Incidences of improper conduct either of the part of management where employees were aggrieved or on the part of employees with a number of investigations and misconduct enquires resulted in a number of labour matters which are indicated in the tables below.

The below table indicates the number of misconduct cases dealt with during the year as well as the nature of finalisation. Most of the cases were resolved through final written warnings followed by dismissals.

Table 44: Misconduct and Disciplinary Outcome

Nature of misconduct	Number of cases	%
Negligence	5	2
Bringing the name of the NPA into disrepute	2	0,7
Dishonesty	4	1,5
Incapacity	1	0.37
Improper conduct	3	1,11
Reporting under influence	1	0.37
Failure to comply with instruction	2	0,7
Off duty misconduct	1	0.37
Breach of confidentiality	1	0.37
Sexual harassment	1	0.37
Unethical conduct	1	0.37

Absenteeism	1	0.37
Financial misconduct (failure to declare financial interest)	247	91
Total	270	100

Table 45: Outcomes of Misconduct and Discipline Enquiries Finalised

Outcomes of disciplinary hearings	Number	% of total
Corrective counselling	1	3.8
Verbal warning	1	3.8
Written warning	6	23
Final written warning	7	27
Suspension	2	7.7
Demotion	0	0
Dismissal	2	7.7
Not guilty	2	7.7
Case withdrawn	2	7.7
Resignation	1	3.8
Set aside	1	3.8
Discharge	1	3.8
Total	26	100

Table 46: Outcomes of disciplinary hearings

Outcomes of disciplinary hearings	Number	% of total
Corrective counselling	2	4.9%
Written warning	5	12.2%
Final written warning	14	34.1%
Suspension	2	4.9%
Dismissal	10	24.4%
Not guilty	3	7.3%
Case withdrawn	5	12.2%
Total	41	100%

The table below indicates combination of grievances, disputes as well as suspensions.

Table 47: Grievances, Disputes and Precautionary suspensions

Labour Matter	Total cases	Total Resolved	Total Referred	Resolution rate
Grievances	152	122	30	80.3%
Labour Matter	**Total cases**	**Upheld**	**Dismissed**	**Success rate**
Disputes	23	21	2	91.3%

Labour Matter	Total Cases	Total Within Time	Total exceeding Time	Total Cost of Suspensions
Precautionary Suspensions	15	1	16	R3 535 845.02

INTEGRITY MANAGEMENT UNIT

The Integrity Management Unit (IMU) of the NPA is responsible for the investigation of cases of possible integrity breaches by NPA staff.

For the 2017/18 reporting period, the IMU was able to attain its objective of helping to improve both the integrity and compliance levels of the organisation.

The Fraud and Corruption Directorate was able to investigate and report on 75% of its investigation cases and was also able to identify potential fraud and corruption risks through its structured detection programme. More than 350 calls were received through the Anonymous Tip-Offs whistleblowing hotline, managed by a third party company, most of which warranted either an investigation or a referral to an appropriate agency for further investigation.

From a compliance perspective, the IMU was able to assist the NPA achieve 100% compliance with the Financial Disclosure of SMS members. Since the introduction of the financial disclosure obligations for levels 12 and below, the IMU attained an 86% compliance rate for the reporting period. In addition, the IMU was able to process 100% of all the requests for remunerative work from NPA officials, and also reported on the gifts, sponsorships and donations received by both the organisation and by individual officials.

Lastly, since a significant part of the IMU mandate is to advocate for better compliance and integrity amongst officials, this was achieved through its numerous programmes facilitated through the Ethics Management and Advocacy Directorate. Formal training sessions were conducted with prosecutors and other officials and various ethics forums were held in all regions. These ethics conversations and training sessions serve to prick the conscience of officials and also act as the insurance against further ethical lapses of officials.

Table 48: Reported cases of integrity breaches

Type of integrity breach	No. of reported cases	Nature of reporting	
		General cases	Hotline cases
Unethical conduct/misconduct	37	14	23
Corruption	9	5	4
Conflict of interest	3	2	1
Prosecutorial discretion	18	-	18
Defeating the ends of justice	1	-	1
Leakage of information	2	1	1
Loss of petty cash	1	1	-
Bank account scam	1	1	-
Abuse of SCM process	1	1	-
Loss of docket	2	1	1

Loss of laptop	1	1	-
Maladministration	1	1	-
Not IMU mandate	2	1	1
TOTAL	79	29	50

Table 49: Status of cases ethical breach matters that were dealt with in the period

Status of case	No. in the State
Cases Finalised	68
Cases unsubstantiated	36
Cases referred	22
Pending	33

The IMU is responsible for managing the Code of Conduct for prosecutors on behalf of the National Director of Public Prosecutions. During the period no amendments were made to the Code of Conduct.

INFORMATION SYSTEMS MANAGEMENT

Implementation of Electronic Case Management System (ECMS)

ECMS functionality enhancements were successfully implemented in four provinces, namely Kwazulu-Natal, Limpopo, North West and Gauteng. A case management system for SOCA which is integrated to ECMS has been developed, tested by the user and will be deployed during the financial year 2018/19.

Development of Legal Affairs Division (LAD) System

The development of the LAD Information System is complete and the system will be implemented during the financial year 2018/19. The system will allow LAD to capture all their cases and monitor progress of each case, improve the ability to report, store and classify any related documentation to a case.

Integration of Invoice Tracking System with Central Supplier Database (CSD) System

The integration of internal SCM system with the National Treasury CSD system will be completed during 2018/19. The integration will enable supply chain management to search online for suppliers, obtain real time supplier information and verification of supplier information.

Library and Records Management Services

The provision target for information requests, books and e-books nationally availability is met. Annual stock take is conducted and due to lack of budget, procurement of new books is limited. Incoming documents to Document Centre can now be captured electronically on a system, in line with the approved file plan.

SECURITY MANAGEMENT SERVICES

Protection of NPA personnel

The Security Management Service unit coordinated the provision of protective security to prosecutors who have the potential to be threatened or directly threatened in the execution of their duties, NPA staff in building facilities and assets.

Provision of information security (vetting), awareness sessions and pre-employment screening

The unit is responsible for facilitating the vetting process for all senior management (SMS members) through the State Security Agency (SSA). Employees who join the NPA have to be screened before they are confirmed to be employees of the organisation.

Occupational Health and Safety (OHS) Measures

A total of 16 OHS audits were conducted and 16 reports were signed off and sent to the respective regions/ buildings for implementation. Evacuation drills and HIRA (Hazard Identification and Risk Assessment) were conducted in NPA buildings.

COMMUNICATION UNIT

Public Education Campaigns

The NPA's ability to pursue public education campaigns was severely constrained in the reporting period, due to the financial constraints facing the organisation. While the community television campaign called NPA for My Justice, with informative content about prosecutions and all other work of the NPA, was developed and broadcast on many platforms in 2012, it continues to run on Tshwane TV, GauTV and on FreshTV, due to the lasting relevance of the content that was produced. The NPA also participated in the DoJ&CD's Let's Talk Justice campaign, a community radio campaign to educate the public about the entire justice system, broadcast through GCIS facilities.

Community Outreach

The NPA participated in community outreach events, mainly in partnership with other partners in the criminal justice system, to inform the communities about the performance of the NPA and to report back on specific issues related to those respective communities.

Social Media

With the advent of the financial constraints facing the organisation, the Communication Unit has significantly relied on social media platforms, mainly Facebook, for communicating public education and awareness activities. The NPA facebook page not only provides a message dissemination platform for the organisation, but it is also a powerful tool of engagement and interaction with members of the public.

STRATEGY MANAGEMENT

Strategy Management plays a pivotal role in ensuring that the NPA and its sub-programmes continue to contribute towards the achievement of its strategic and operational imperatives in line with governmental policies and plans.

Strategy includes risk management to ensure that no organization operates in a risk-free environment.

Generation and preservation of information through research and knowledge management is part of strategy. Information garnered through research and knowledge management is used to inform the strategic direction of the NPA.

Frontline Monitoring, Complaints Management and Service Delivery Improvement Models are Service Delivery programmes in which the NPA participates.

Annexure A Technical indicators and descriptions

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	High court's, regional court, district courts and SCCU central data sheets
Method of calculation	The total number of cases finalised with a guilty verdict (including Sec 57A) divided by the total number of cases finalised with a verdict reflected as a percentage. Convictions are recorded at the date of sentencing after guilty verdict or verdict of not-guilty. One case may result in conviction of more than one focus area.
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	HC 90%, RC: 78%, DC: 93% Cybercrime: 95%, Complex commercial crime: 93%, Organised crime: 90%, Sexual offences: 70%, Trio crime: 85%, Violent protest and industrial action: 74%, TCC reported cases 70%,money laundering 75%, murder prosecutions 75%
Indicator responsibility	ADNDPP: NPS
Indicator Title	**Number Of Completed Forfeiture Cases**
Short definition	Total number of forfeiture completed
Purpose/importance	It measures the reach of the impact that the AFU has by indicating how many cases were dealt with
Source/collection of data	Case report form that is captured on a central data sheet
Method of calculation	Simple count of forfeiture cases completed
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	Yes

Desired performance	500 for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Value of completed forfeiture cases
Short definition	Estimated value of the assets of which the persons 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 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 returned by a 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 performance	R6 billion for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Number of witnesses and related persons harmed, threatened or killed whilst on the witness protection programme
Short definition	Witnesses and related persons harmed, threatened or killed whilst on the witness protection programme
Purpose/importance	Measures the effectiveness of the witness protection programme
Source/collection of data	Central datasheet
Method of calculation	The total number of witnesses and related persons 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	Non-cumulative

Reporting cycle	Quarterly
New indicator	No
Desired performance	No (0) witnesses or related person must be harmed, killed or threatened
Indicator responsibility	DNDPP: Administration & OWP

Indicator Title	**Number of persons convicted of corruption or offences related to corruption where the amount involved 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 involved exceeds R5 million per case. The total amount involved in the case is measured
Purpose/importance	To measure whether serious corruption is being successfully dealt with
Source/collection of data	Corruption Register
Method of calculation	Simple counts of persons convicted of corruption in the reporting period, where the amount involved 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	30 for 2018/19
Indicator responsibility	ASDPP: SCCU

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	NPA Daily Court return
Method of calculation	The total number of government officials convicted of corruption in the reporting period
Data limitations	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly

New indicator	No
Desired performance	230 for 2018/19
Indicator responsibility	ADNDPP: NPS

Indicator Title	Number of persons convicted of private sector corruption
Short definition	Conviction of private sector persons that committed offences relating to corruption
Purpose/importance	To measure whether serious corruption is being successfully dealt within the private sector sphere
Source/collection of data	Private sector corruption register
Method of calculation	Simple count of persons/companies convicted of private sector corruption
Data limitations	Manual count
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes
Desired performance	Baseline for 2018/19
Indicator responsibility	ADNDPP: NPS

Indicator Title	Number of victims assisted at TCC sites
Short definition	The number of victims that received integrated services at the current 55 TCC sites.
Purpose/importance	It provides an indication of the volume of victims that received integrated services including trauma containment according to the TCC-model.
Source/collection of data	TCC data base and TCC register per site
Method of calculation	Manual calculations of the number of victims that accessed TCC services at the 55 sites on a monthly basis.
Data limitations	Manual system
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Monthly and quarterly
New indicator	Yes
Desired performance	29 800 for 2018/19.
Indicator responsibility	ASDPP: SOCA

Indicator Title	Number of freezing orders obtained

Short definition	Total 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 is captured on a central data sheet
Method of calculation	Simple count of freezing orders obtained
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance	264 for 2018/19
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
Reporting cycle	Quarterly
New indicator	No
Desired performance	R10 billion for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Value of freezing orders obtained relating to corruption where the amount involved is more than R5 million
Short definition	Value of the freezing orders relating to the offence of corruption and/or offences related to corruption where the amount involved exceeds R5 million per case
Purpose/importance	To measure whether serious corruption is being successfully dealt with by the JCPS

Source/collection of data	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 involved exceeds 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 performance	R8 billion for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Value of recoveries in terms of POCA
Short definition	The amount of recoveries including payments paid to CARA or victims of crime in terms of court orders in terms of the Prevention of Organised Crime Act (POCA)
Purpose/importance	It provides an indication of the total value of cash or property recovered by the NPA which is paid either identified victims who have suffered financial loss due to crime, or to CARA.
Source/collection of data	The proof of payment is reflected on the case report form and captured on the central data sheet. CARA payments are obtained from the CARA bank statements.
Method of calculation	The total amount paid or the net market value of property transferred to the victims of crime or CARA 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
Reporting cycle	Quarterly
New indicator	Yes
Desired performance	R3 billion for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Success rate of litigated cases
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 judgment after it is made
Type of indicator	Output
Calculation type	Non-cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance	93% for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator title	Value of recoveries relating to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)
Short definition	The amount of recoveries in cases relating to corruption where the amount involved exceeds R5 million per case
Purpose/importance	To measure whether very serious cases of corruption is being dealt with successfully by the JCPS
Source/collection of data	Serious corruption register
Method of calculation	The total amount paid or the net market value of property transferred to the victims of crime or CARA during the reporting period resulting from orders or agreements obtained in respect of corruption or related offences where the amount benefitted is more than R5m per case. 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	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance	R2.5 billion for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator title	Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses)
Short definition	The amount of AFU recoveries in cases from all government officials in offence of corruption and/or offences related to corruption.
Purpose/importance	To measure whether the state is successful in recovering the proceeds of corruption from government officials in cases dealt with by the JCPS
Source/collection of data	Monthly office reports are captured on the serious corruption register
Method of calculation	The total amount paid or the net market value of property transferred to the victims of crime or CARA during the reporting period resulting from orders or agreements obtained in respect of corruption or related offences by government officials. 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	Information is provided manually
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	No
Desired performance	R2.4 million for 2018/19
Indicator responsibility	DNDPP: AFU

Indicator Title	Percentage of witnesses and related persons that walked off the witness protection programme
Short definition	Witnesses and related persons 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	Electronic datasheet
Method of calculation	The number of witnesses and related persons that walk off the programme in the reporting period divided by the total number of witnesses and related persons on the programme
Data limitations	Manual system
Type of indicator	Output
Calculation type	Non-cumulative
Reporting cycle	Monthly
New indicator	No
Desired performance	1.5% for 2018/19

Indicator responsibility	Special Director: OWP

Indicator Title	Percentage of witnesses and related persons successfully discharged and resettled (Aftercare)
Short definition	Comprehensive support or aftercare provided to witnesses and related persons leaving the witness protection programme
Purpose/importance	To reflect a total number of witnesses and related persons officials successfully discharged and resettled
Source/collection of data	Electronic Datasheet
Method of calculation	The total number of witnesses and related persons discharged and resettled divided by the total number of witnesses and related persons on witness protection programme, calculated as percentage
Data limitations	Manual system
Type of indicator	Output
Calculation type	Non - cumulative
Reporting cycle	Monthly
New indicator	No
Desired performance	100% for 2018/19
Indicator responsibility	Special Director: OWP

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