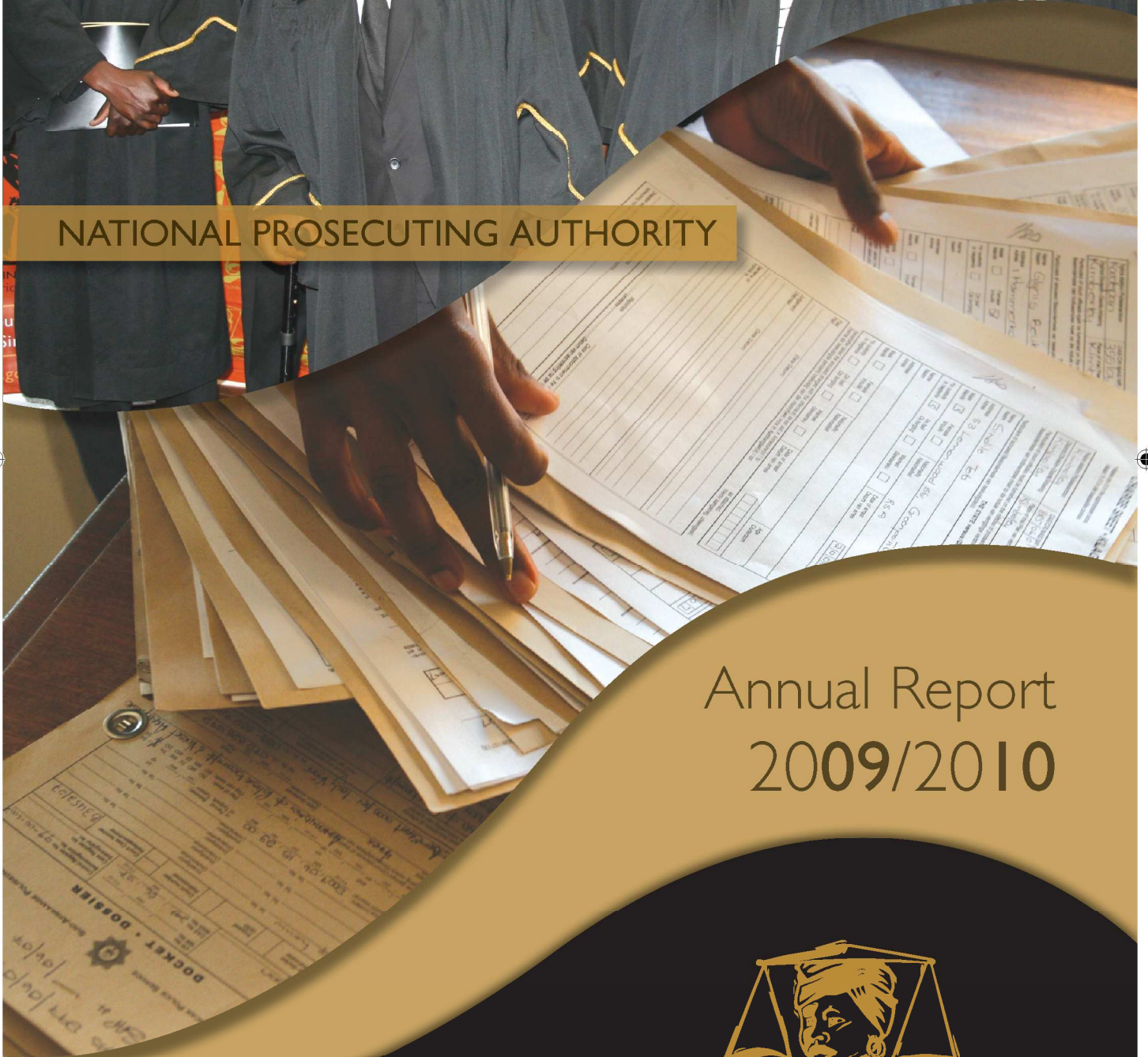


NATIONAL PROSECUTING AUTHORITY



Annual Report
2009/2010



NATIONAL PROSECUTING AUTHORITY
South Africa

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 for 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.



Table of Contents

1.	GENERAL INFORMATION	1
2.	INTRODUCTION	2
3.	OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT	4
4.	OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT	5
5.	STRATEGIC OVERVIEW AND KEY POLICY DEVELOPMENTS FOR THE 2009/10 FINANCIAL YEAR	6
6.	INFORMATION ON THE ORGANISATION	7
	NPA VISION AND MISSION	7
7.	LEGISLATIVE MANDATE	7
8.	PART 2: PROGRAMME PERFORMANCE	8
	PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY (NPA)	9
	KEY MEASURABLE OBJECTIVES	10
9.	SUB-PROGRAMME 1: PUBLIC PROSECUTIONS	12
	NATIONAL PROSECUTIONS SERVICE (NPS)	14
	PRIORITY CRIMES LITIGATION UNIT (PCLU)	21
	SPECIALISED COMMERCIAL CRIME UNIT (SCCU)	25
	SEXUAL OFFENCES AND COMMUNITY AFFAIRS (SOCA)	27
10.	SUB-PROGRAMME 2: WITNESS PROTECTION	30
11.	SUB-PROGRAMME 4: ASSET FORFEITURE	32
12.	SUB-PROGRAMME 5: SUPPORT SERVICES	36
	OFFICE OF THE CHIEF EXECUTIVE OFFICER (CEO)	37
	STRATEGY OFFICE	37
	PROGRAMME MANAGEMENT OFFICE (PMO)	37
	INTEGRITY MANAGEMENT UNIT (IMU)	38
	COMMUNICATIONS UNIT	39
	HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT (HRM&D)	42
	FINANCE & PROCUREMENT	44
	SECURITY RISK MANAGEMENT (SRM)	45
	INFORMATION MANAGEMENT SERVICE CENTRE (IMSC)	45
	RESEARCH AND POLICY INFORMATION (R&PI)	47
	LIBRARY SERVICES	47
13.	DEPARTMENTAL REVENUE, EXPENDITURE, AND OTHER SPECIFIC TOPICS	48
	COLLECTION OF DEPARTMENTAL REVENUE	48
	DEPARTMENTAL EXPENDITURE	48
	TRANSFER PAYMENTS (IF APPLICABLE)	49
	CONDITIONAL GRANTS AND EARMARKED FUNDS	49
	CAPITAL INVESTMENT, MAINTENANCE AND ASSET MANAGEMENT PLAN	49
	ASSET MANAGEMENT	49



I. INDICATOR DEFINITIONS	50
KEY CONCEPTS	50
DEFINITIONS OF MEASURES/INDICATORS	51
<i>Glossary</i>	53

Figures

Figure 1: Case Management: All courts	15
Figure 2: District Courts: Finalised Cases	16
Figure 3: Regional Courts: Finalised Cases	16
Figure 4: Case Management in the High Courts	17

Tables

Table 1: Voted Funds for the NPA	9
Table 2: Key Measurable Objectives for the NPA as reflected in the Estimates of National Expenditure (ENE)	11
Table 3: Service Delivery Indicators for the NPS- 2005/06-2009/10	14
Table 4: SCCU Service Delivery Performance Indicators-2005/06-2009/10	25
Table 5: SOCA Service Delivery Performance Indicators-2005/06-2009/10	27
Table 6: Witness Protection Service Delivery Performance Indicators-2005/06-2009/10	31
Table 7: AFU Service Delivery Performance Indicators-2005/06-2009/10	33
Table 8: Collection of Department Revenue in the NPA	51
Table 9: Departmental Expenditure	51

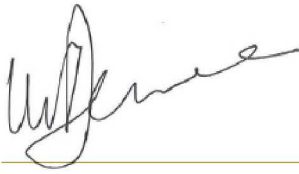
ANNUAL FINANCIAL STATEMENTS	60
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I. General Information

Submission of the Annual Performance Report to the Executive Authority

I have the honour of submitting the 2009/2010 Annual Report of the National Prosecuting Authority in terms of the National Treasury Guidelines.



Dr Khotso De Wee

Chief Executive Officer (Acting)

Date: August 2010



Ms N Msomi

Director-General: Department of Justice and Constitutional Development

Date: August 2010



2. Introduction

The National Prosecuting Authority (NPA) continued in the period under review to uphold Government's vision of a better life for all. In support of this vision and the strategy of the Department of Justice and Constitutional Development (DoJ&CD), the NPA continued to participate in the review of the Criminal Justice System (CJS). The CJS Review is Government's central strategy to address the challenges faced by the CJS. The NPA played a significant role in processes aimed at finalising protocols and legislative changes dealing with, for example, screening of dockets, provision of legal aid, mental health, bail and forensic issues.



The appointment of the National Director of Public Prosecutions (NDPP) with effect from 1 December 2009, brought stability to the NPA. In support of good governance, the NPA established appropriate governance structures and controls. The NPA Strategic Plan 2010-2015 has been submitted to the Minister of Justice and Constitutional Development for approval.

The NPA continued to do good work in many spheres and the improvements and performance achievements in these areas are dividends of a dedicated and committed workforce led by a strong and able team of managers.

Overall, the high conviction rate has been maintained. The Specialised Commercial Crime Unit (SCCU) achieved a conviction rate of 93.66% (0.34% below target). Although the unit's conviction rate is slightly lower compared to the 93.70% achieved in the 08/09 financial year, the achievement remains exceptional. The National Prosecutions Service (NPS) showed a 2.3% improvement on its overall conviction rate by achieving 88.6%. Prosecutorial efficiency was significantly improved which is demonstrated by a 12.5% increase in the number of cases finalised with 12.5%. The unit increased the use of alternative dispute resolution methods (ADRM) with 31.1%. The case backlog reduction project has continued to assist at the regional court centres where additional courts have been established. The project contributed to a 9.7% reduction in the number of backlog cases. A conviction rate of 67.7% (1.6% above target) compared to 66.7% of the previous year was achieved in courts dedicated to deal with Sexual Offences.

The NPA achieved the target of ensuring that 20 Thuthuzela Care Centres (TCCs) are operational throughout the country.

During the reporting period, the NPA ensured again that no witnesses on the Witnesses Protection Programme were harmed for the eighth year in succession.

The Priority Crimes Litigation Unit (PCLU), through the Missing Persons Task Team (MPTT), commenced with four new projects which include the Robben Island Prisoners Project which relates to the tracing of the remains of political prisoners who died while serving their sentences and whose whereabouts are unknown.

The Asset Forfeiture Unit (AFU) has also maintained excellent performance: The value of deposits into the Criminal Assets Recovery Account (CARA) in the year under review was R51,7m (48% above target), orders in favour of the victims of crimes was R52,3m (50% above target), new restraints R491m (36% above target) and confiscation or forfeiture orders, R185m (23% above target). The values achieved are the second highest ever and this was the most successful year for the AFU to date.

The NPA vacancy rate is 16.5% which is a significant reduction on the previous financial year's 24.9%. The NPA will continue to focus on further reducing the vacancy rate and specific interventions have been put in place to achieve this.

The NPA hosted the Heads of Prosecuting Agencies Conference (HOPAC) from the 10th to 13th November 2009 in Cape Town with great success. The aim of the conference was to give HOPAC members an opportunity to discuss matters of contemporary significance regarding prosecutions, general principles, operational needs and issues of practical importance and to exchange different points of view.

The placement of prosecutors previously attached to the Directorate of Special Operations (DSO) was finalised whilst that of some of the investigators is still to be finalised. The transfer of the accompanying budget to the South African Police Service (SAPS) was also finalised. The working relationship with the newly established Directorate of Priority Crime Investigations (DPCI), also known as the Hawks, has been established and a dedicated prosecutorial component identified. Continuous engagements will take place to enhance the working relationship in an effort to make an impact in the fight against crime.



Requests for Mutual Legal Assistance (MLA)

At the end of March 2010 the Office of the NDPP had a total of 105 requests for Mutual Legal Assistance on hand. 58 new requests were received during the reporting period and 68 requests, including requests previously received, were finalised. The majority of requests received were from the United Kingdom (12), the USA, Germany and the Netherlands (5 each) and Brazil and Portugal (4 each). The remaining requests received were from a wide range of countries, including Italy, Argentina, Zambia, Switzerland, Turkey, France, Denmark, the Czech Republic, Israel and Botswana. The NPA issued 10 new requests during this period which were made up of 4 to the USA and the remaining comprising of one each to Australia, Sweden, Singapore, Japan, the Czech Republic and the United Kingdom (UK).

Extraditions

Whilst a total of 59 extradition applications were still on hand at the end of March 2010, 27 extradition matters were finalized during 2009/10 financial year. 18 applications for extradition were received from requesting countries which included 4 requests from Botswana, 2 each from Swaziland, Lesotho and Poland and the remaining requests being made up of countries such as Portugal, Italy, Germany and the UK. South Africa registered 6 new requests but it should be noted that, of these, 3 have not yet been issued and the applications are still being prepared in two of these matters.

Acknowledgement

I wish to acknowledge the hard work and dedication of all employees during the past year and look forward to an even more exciting year ahead.



Adv. M Simelane

National Director of Public Prosecutions

Date: August 2010

