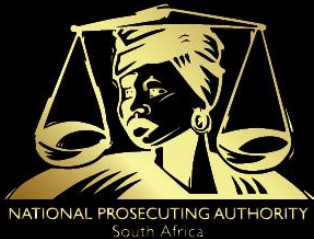


National Prosecuting Authority (NPA)

Performance

AS AT 31 DECEMBER 2019



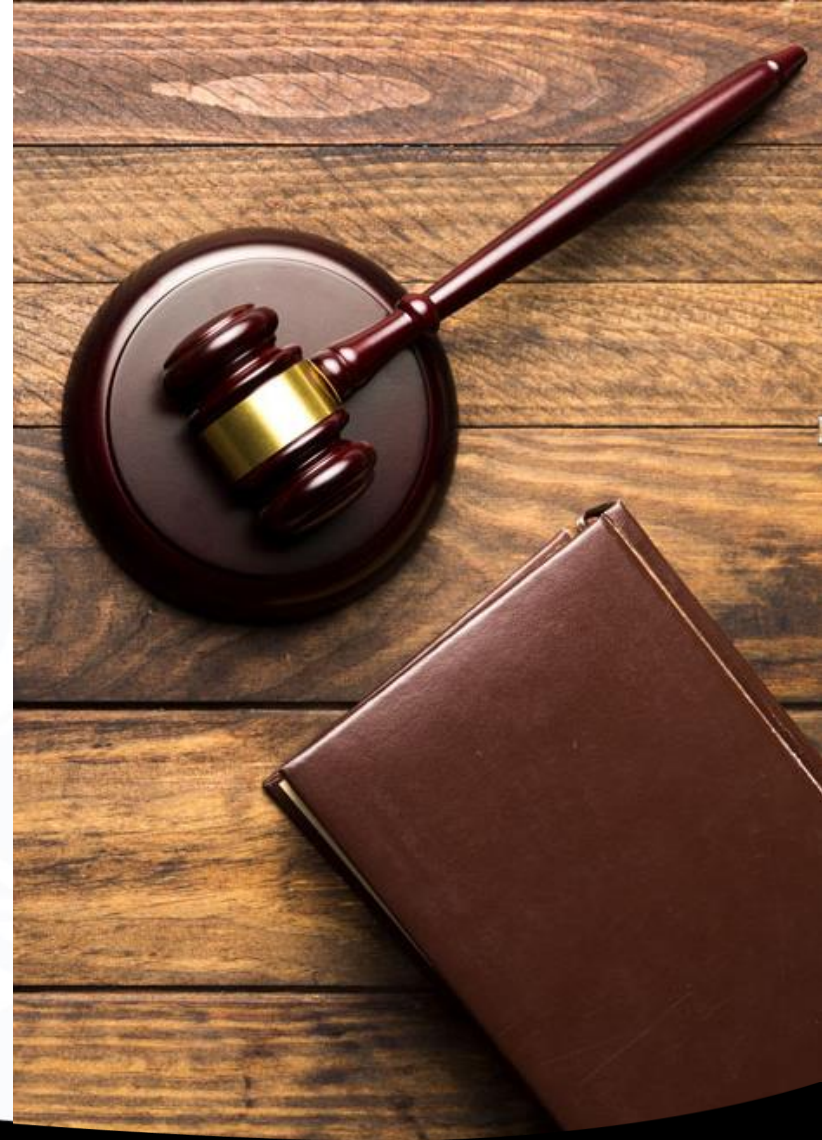
justice in our society so that people can live in freedom and security

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- 1 POLICY MANDATE**
- 2 STRATEGIC OBJECTIVES**
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- 4 NDPP OVERVIEW AND UPDATE**
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National Prosecuting Authority (NPA)

Policy Mandate



Programme 4: National Prosecuting Authority – Policy Mandate

The National Development Plan 2030 (NDP): Government’s long-term vision

Outcome 3 of the medium-term Strategic Framework (MTSF):

“All people in South Africa are and feel safe”

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



OUTCOME 1

Reduced level of contact crime



OUTCOME 2

An efficient and effective criminal justice system



OUTCOME 4

Secure cyber space



OUTCOME 5

Ensure domestic stability

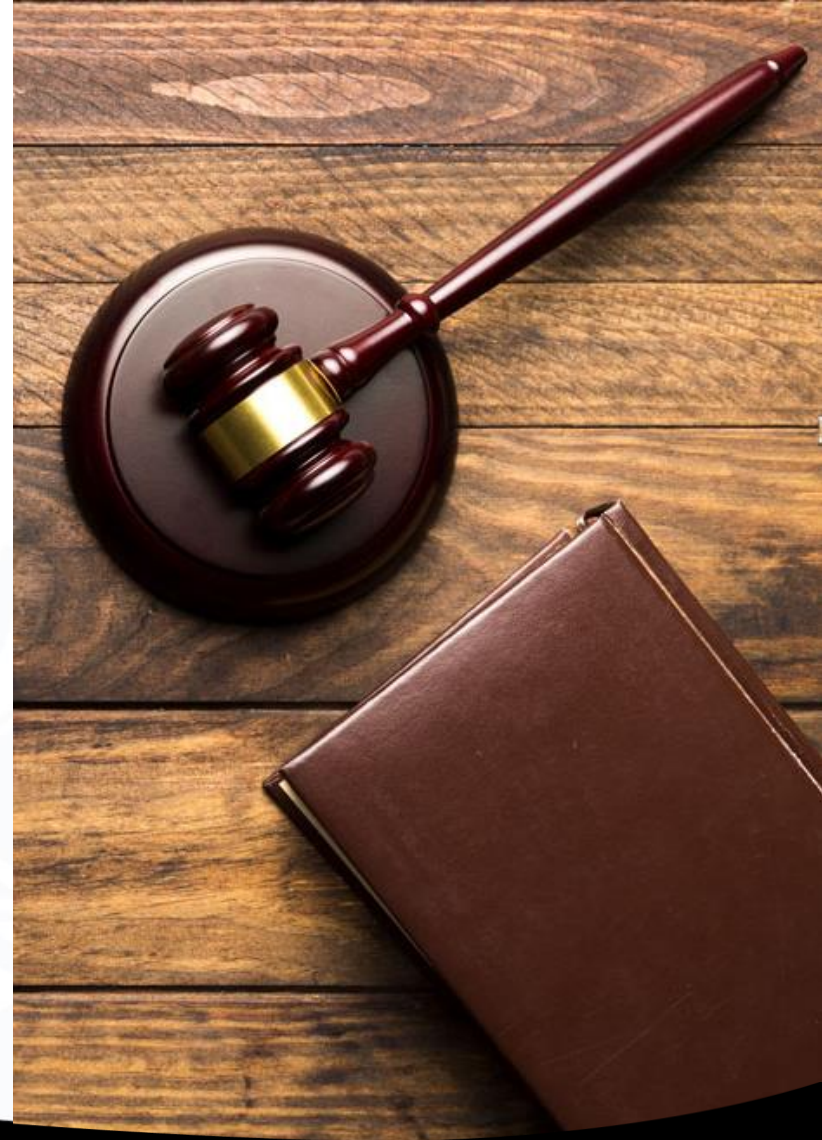


OUTCOME 7

Corruption in the public and the private sectors reduced

National Prosecuting Authority (NPA)

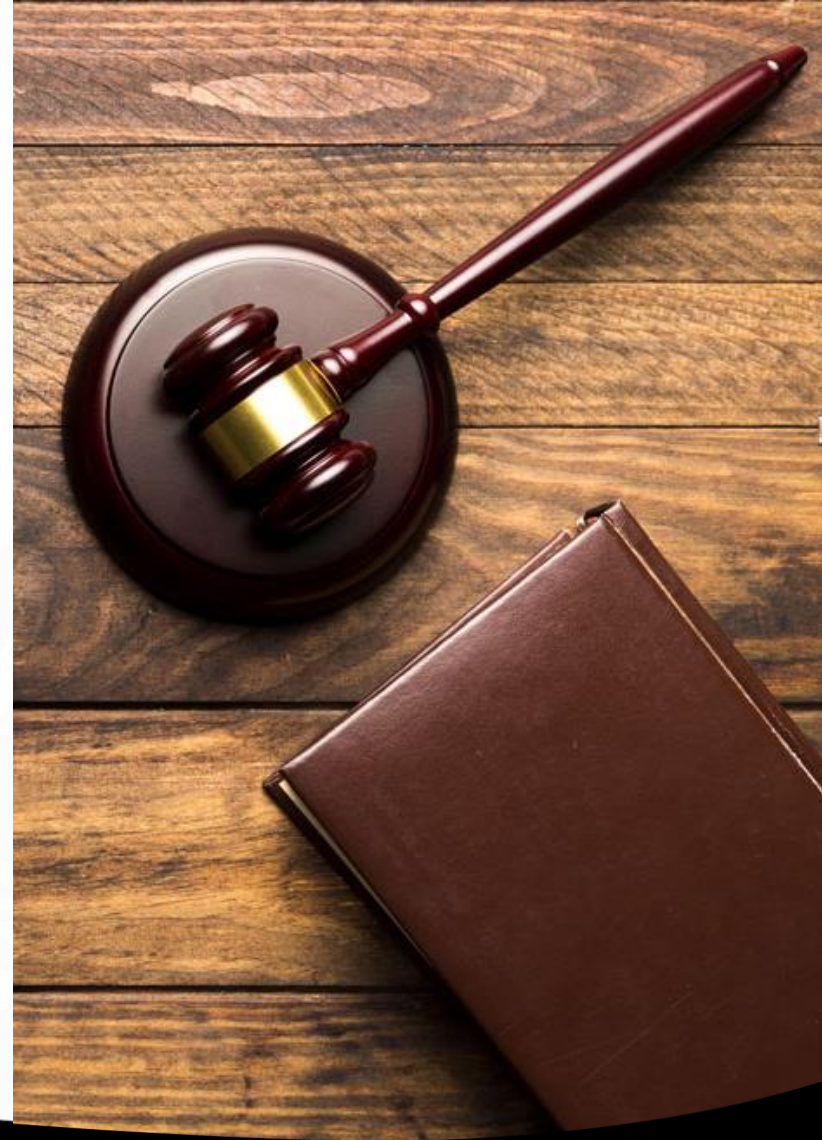
Strategic Objectives



Strategic Objectives

- **National Prosecutions Service (NPS):**
 - Ensures **successful prosecution**
- **Asset Forfeiture Unit (AFU):**
 - Ensures that **profit is removed from crime**
- **Office of Witness Protection (OWP):**
 - Ensures that vulnerable and intimidated witnesses and related persons are **successfully protected**
- **The Investigating Directorate:**
 - **Combats** serious, complex or high-profile corruption **in 3 focus areas**, i.e. corruption in the security sector; corruption at State owned entities and high-level corruption in the public and private sector

NDPP Overview & Update

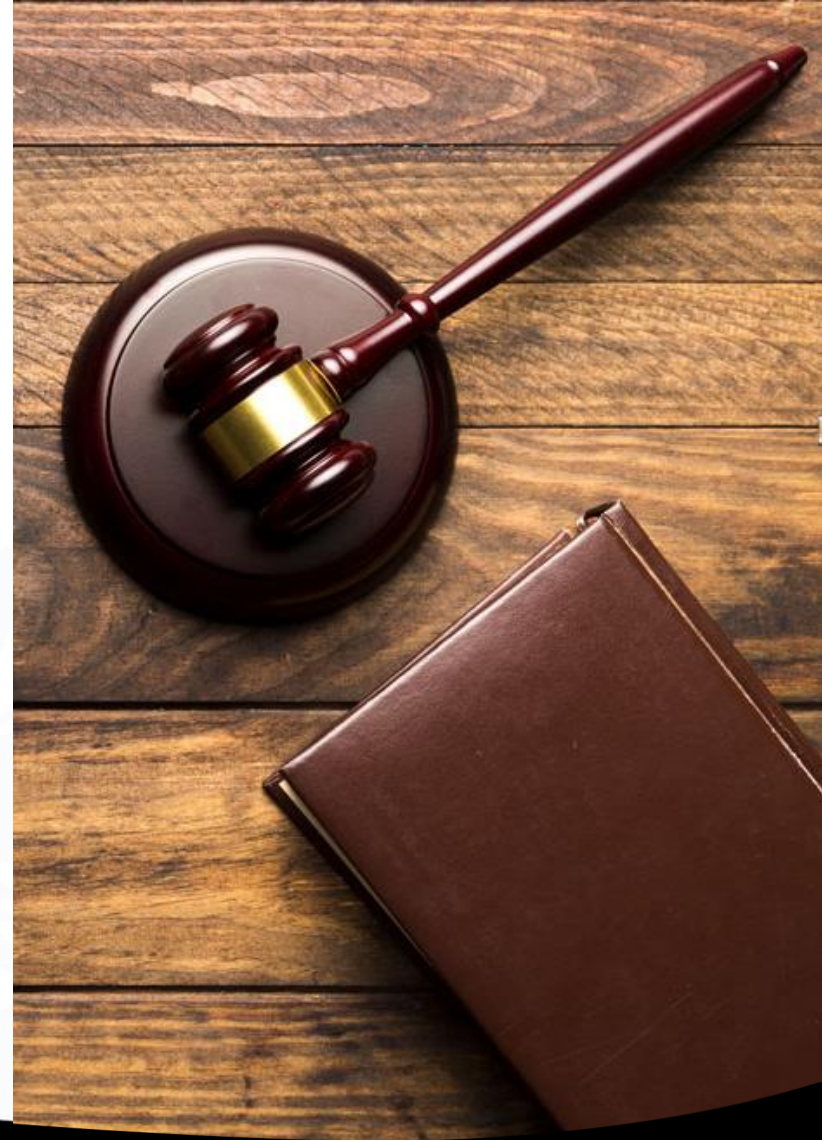


NDPP Overview

- **Leadership:** Appointments in critical positions imminent and interim changes in place
- **Budget:** Additional allocation
- **Recruitment:** 921 posts advertised, significant progress, Aspirant Prosecutor Programme reinstated
- **Morale:** Improvement-regional engagements, budget, recruitment
- **JCPS engagements:** Actively participate to address inefficiencies
- **Highlight:** prosecution of cases involving municipalities

National Prosecuting Authority (NPA)

NPA Performance



NPA Performance from April 2019 – December 2019

OVERALL NPA PERFORMANCE FOR YTD 2019/2020



- The NPA reports currently reports on **28 targets**
- Of the 28, **17 (61%) were achieved** and **11 (39%) were not achieved**

Progress: Achievements – 17 Indicators

11 INDICATORS EXCEEDING TARGET OVER 5%

- Regional Court **82,7%**
- Private Sector Corruption
- TCC Conviction Rate **74,6%**
- Organised Crime **94,9%**
- Victims assisted TCC's
- District Court **95,1%**
- Murder **80,8%**
- Sexual Offences **74,7%**
- Violent Protest **81,3%**
- Money Laundering **98,3%**
- Freezing orders

4 INDICATORS EXCEEDING TARGET LESS 5%

- High Court **91,4%**
- % Witness walked off **1.1%**
- Cyber Crime **98,4%**
- Government Officials Corruption

2 INDICATORS WITH NO DEVIATION

- Witnesses harmed or threatened **0**
- % Witness successfully discharged **100%**

Progress: Non-Achievements

11 INDICATORS (39%)

➔ Value Completed Forfeiture cases	➔ No of Completed Forfeiture
➔ Value Freezing orders – R5m corruption	➔ Value Recoveries in POCA
➔ Value Recoveries in R5m corruption	➔ Value recoveries for government official corruption
➔ Value Freezing Orders	➔ No of Freezing Orders
➔ Commercial Crime 92,2%	➔ R5 mil corruption
➔ Trio Crimes 82,2%	

HIGH IMPACT CORRUPTION ACHIEVEMENT

75 Cases – Value R7 202 655 543 (R7,2bn)

11 Cases – enrolled since Oct 2019

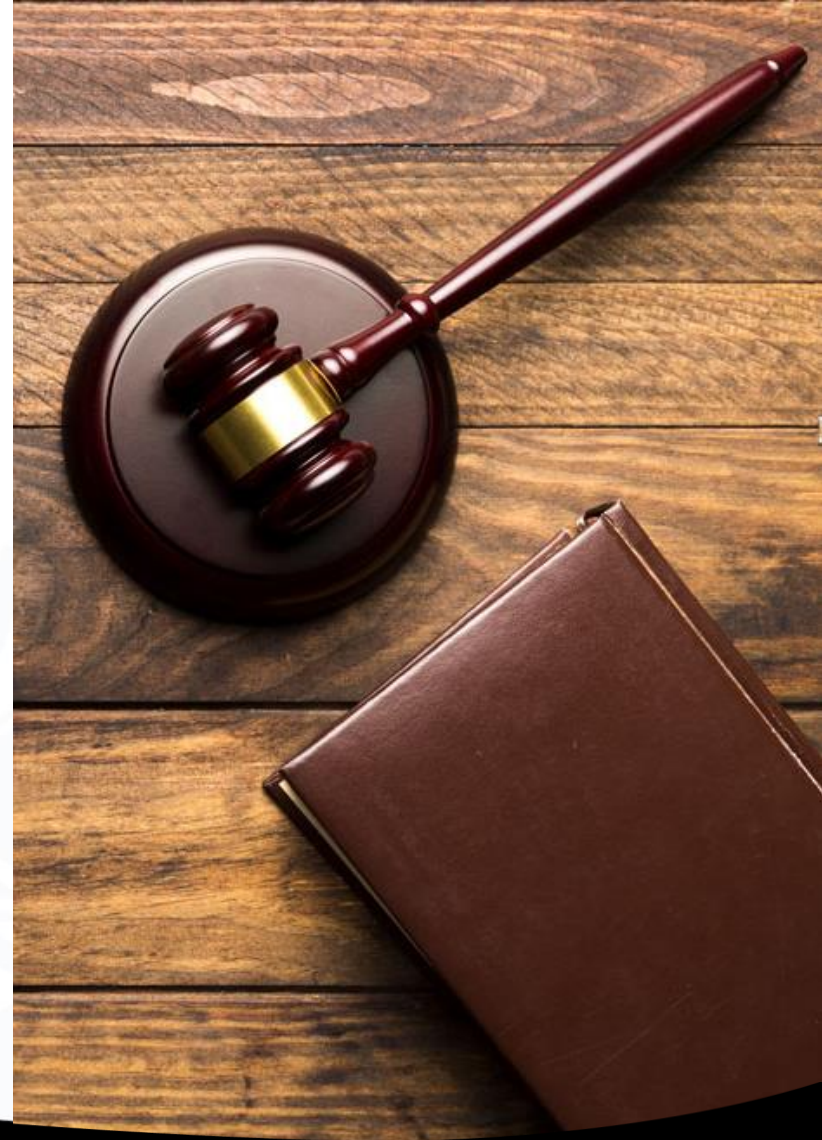
13% – value enrolled cases (R971 695 025)

- The AFU's performance over the past 10 years has shown a **consistent increase for all indicators**

National Prosecuting Authority (NPA)

YTD PERFORMANCE

NPS Performance



Sub-Programme 1: National Prosecutions Service (NPS): Conviction Rate

- Overall conviction rates have been achieved - the number of convictions have decreased
- Trio crimes conviction slightly below target-contributing factors known and being addressed
- Good achievement in the prosecution of gender based violence
- Challenges in number of persons convicted of corruption where the amount involved is more than 5m
 - MTSF indicator over 5 year period (in last year)
 - Achieved 119 against 120 target in 5 year period
 - ACTT inefficiencies and indicator description

Sub-Programme 1: National Prosecutions Service (NPS): Conviction Rate

STRATEGIC OBJECTIVE 1:

Ensure successful prosecution

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Conviction rate in high courts	87% (845)	87% (634)	91,6% (631)	4%
Conviction rate in regional courts	74% (23 819)	74% (17 115)	82,7% (16 926)	9%
Conviction rate in district courts	88% (266 951)	88% (200 214)	95,1% (150 146)	7%



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

Money Laundering and Cybercrime

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Conviction rate in money laundering	75% (56)	75% (42)	98,3% (57)	23%
Conviction rate in cybercrime prosecution	95% (318)	95% (239)	98,4% (247)	3%

Complex Commercial Crime and Organised Crime

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Conviction rate in complex commercial crime	93% (900)	93% (675)	92,2% (471)	-1%
Conviction rate in organised crime	90% (332)	90% (249)	94,9% (205)	5%

Serious Corruption Convictions

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Number of persons convicted of corruption or offences related to corruption where the amount involved is more than R5 million	30	23	7	-70%

Corruption Convictions

R5M+ CORRUPTION CONVICTION

Two accused



Corruption:
Each 15 years imprisonment

Money laundering:
Each 10 years imprisonment

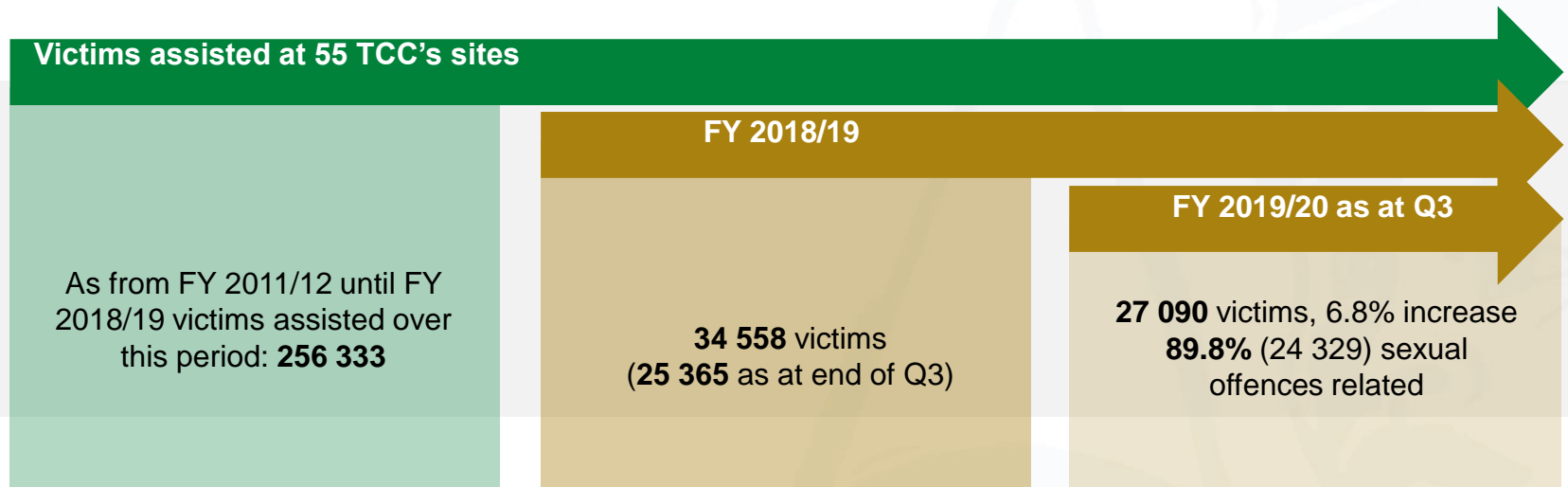
Government and Private Sector Corruption

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Number of government officials convicted of corruption or offences related to corruption	202	152	152	0%
Number of persons convicted of Private sector corruption	57	43	198	360%

Sexual Offences

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Conviction rate in sexual offences	70% (4 815)	70% (3 612)	74,7% (3 255)	5%
Number of victims assisted at TCC sites	29 840	22 380	27 090	21%
Conviction rate at TCC reported cases	70% (1 666)	70% (1 250)	74,6% (1 138)	5%

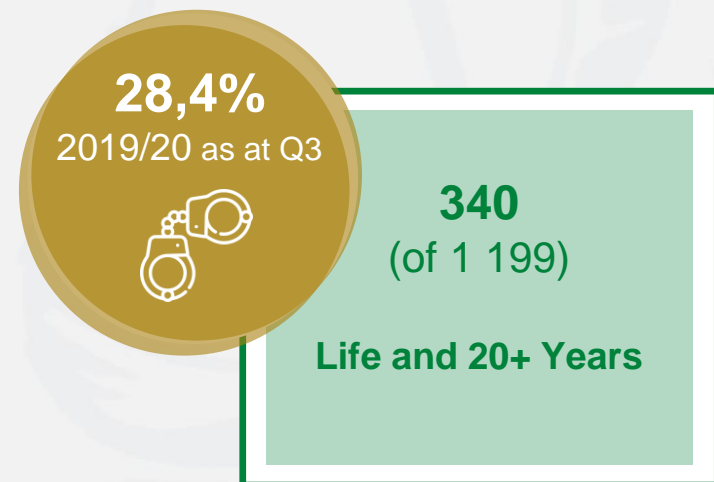
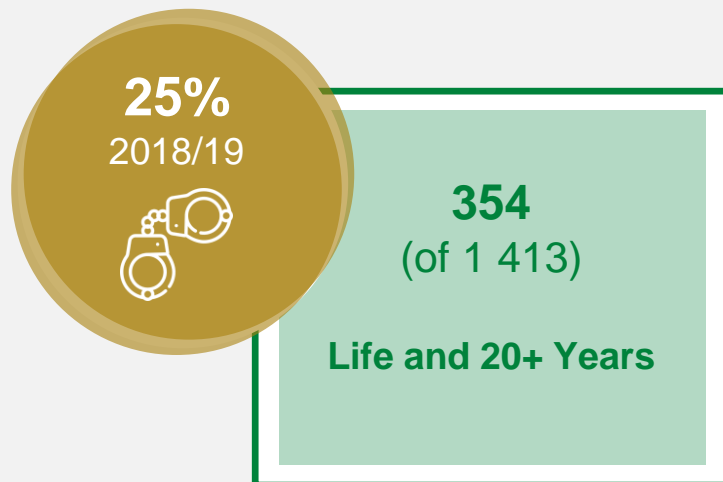
Additional Analysis: TCC reported matters and Cases:



Additional Analysis: TCC Finalised Cases and Sentencing

In the **review study of TCC sentenced cases**, the following positive trend is evident:

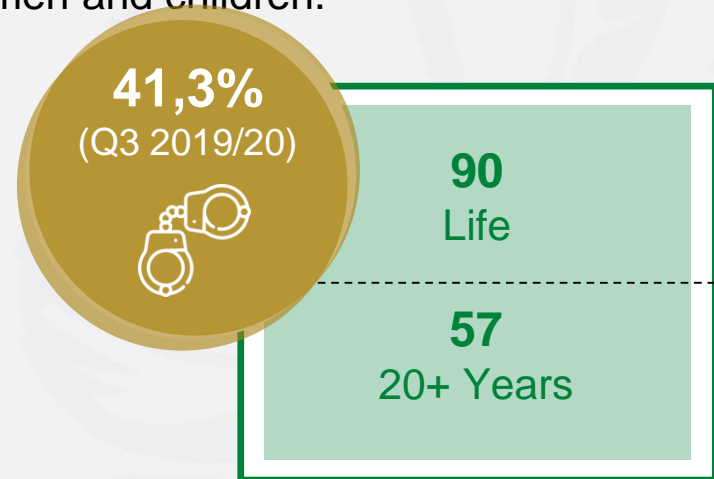
- In **18/19 FY 354 (of 1413)** received life and 20 plus years imprisonment, whilst in **current FY as at Q3 the number is 340 (of 1199)**
- In the 18/19 FY, **25% of all convicted accused received life or 20 plus years imprisonment** sentences, whilst in the current FY as at Q3 this was at 28.4% Hence an **increase of 3.4%** in those sentences by courts
- Also in 10-19 years imprisonment category, an **increase of 39.4% to 41.4% (plus 2%)**



Additional Analysis: TCC Finalised Cases and Sentencing

In comparing only the stats for Q3 the following is significant:

- 2018/19 FY, **440** accused with **77** life and **55** imprisonment of 20 plus years (30%)
- In current FY, **356** accused with **90** life and **57** imprisonment of 20 plus years (41.3%).
- Hence in the analysis it reflects **an increase of 11.3 % (41.3% versus 30%)**. Thus, the **courts are imposing more severe sentences**, specifically for these serious offences. This is due to a collective approach by stakeholders in the CJS to address the scourge of sexual violence against women and children.



Conviction Rate in Crime Focus Areas

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Conviction rate in trio crimes	85% (1 766)	85% (1 325)	82,2% (1 098)	-3%
Conviction rate in murder prosecutions	75% (3 477)	75% (2 608)	80,8% (2 567)	6%
Conviction rate in violent protests and industrial action	74% (95)	74% (72)	81,3% (78)	7%

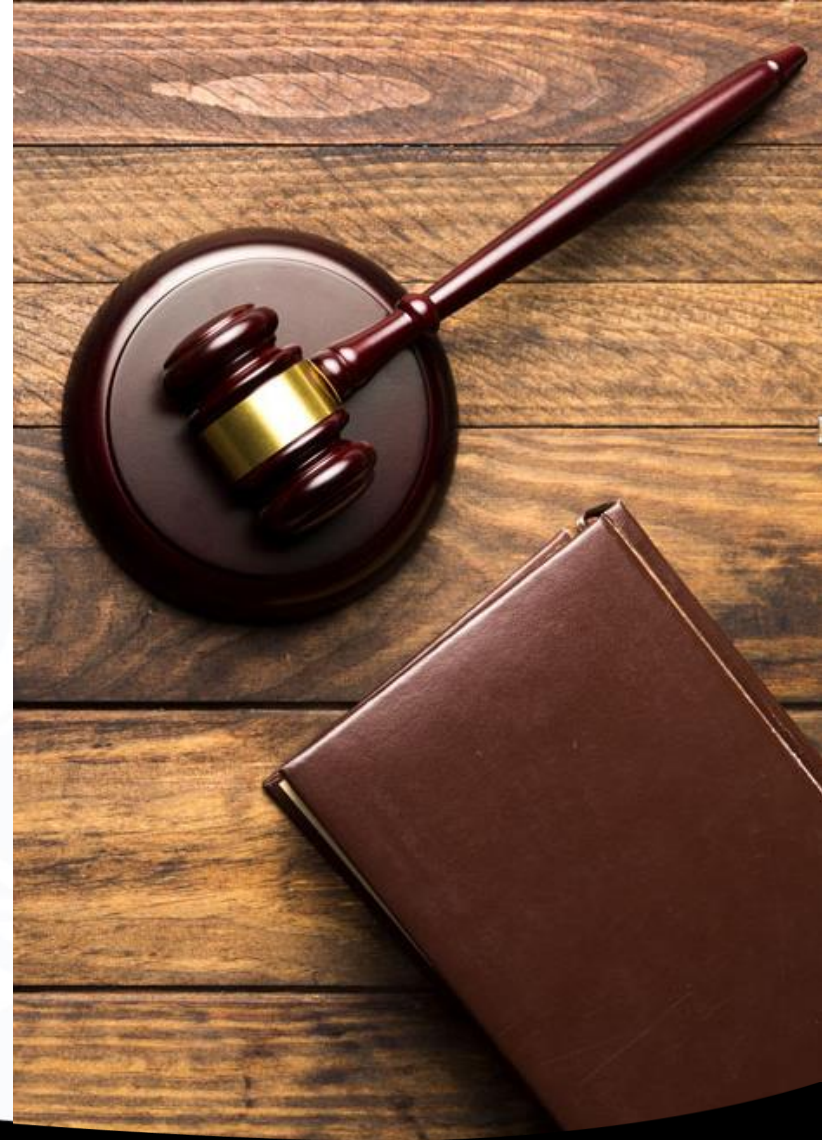
TRC Prosecutions

- Renewed commitment – NPS operational plan to deal with matters
- Deaths in detention focus
- All deaths equally important
- Met with families, HAWKS and related parties
- Establishing methods of resourcing CJS partners
- In process of responding to Rodriguez judgement

National Prosecuting Authority (NPA)

YTD PERFORMANCE

AFU Performance



Overall Performance of the AFU

- Targets not achieved

CHALLENGES

- Unrealistic target setting
- Complex to predict duration
- Dependency on prosecution and ACTT
- Vacancies and skills issues
- Inefficiency in the CJS
- Joint collaboration with other partners
- Removal of co-located investigative capacity

SOLUTIONS

- Recruitment
- Closely working with NPA and CJS partners
- Skills development
- Realistic target setting



Overall Performance of AFU Since 1999

COMPLETED

CONFISCATIONS/
FORFEITURES:



Number



Value

FREEZING
ORDERS:



Number



Value

TOTAL VALUE
OF RECOVERIES:



- R 1,09 billion was paid to CARA
- R5,7 billion was paid/returned to Victims

Completed Confiscations/Forfeitures

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Number of completed forfeiture cases	510	381	319	-16%
Value of completed forfeiture cases	R2.5bn	R1.8bn	R135m	-93%

- The AFU **completed 319 forfeiture cases to the value of R135 million.**
- Undue delays were experienced in the finalisation of criminal investigations - the **unit is engaging with its stakeholders to jointly prioritise matters**

Freezing Orders

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Number of freezing orders obtained	300	225	240	7%
Value of freezing orders	R6.8bn	R5.1bn	R1.82bn	-64%

- AFU obtained **240 freezing orders** to the **value of R1,82 billion**
- Undue delays in the completion of criminal investigations in complex matters. **AFU is prioritising the finalisation of high value matters** as well as consistent engagement with stakeholder, i.e. Forensic Accounting and Fraud Investigation (FAFI) and Anti-Corruption Task Team (ACTT) (Focus will be on *State Capture investigations* which are close to finality)

Value of Recoveries

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Value of recoveries in terms of Prevention of Organised Crime Act (POCA)	R2.2bn	R1.6bn	R211.6m	-87%

- **Recoveries in terms of POCA to the value of R211,6 million** where obtained.
- High value complex and serious corruption matters , especially State Capture cases are being prioritised

Freezing Orders (Serious Corruption) Success Rate

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Value of freezing orders obtained relating to corruption where the amount involved is more than R5 million	R4.7bn	R3.5bn	R1.6bn	-64%
Success rate of litigated cases	93%	93%	97.8% (323/330)	5%

- A total of **R1,6 billion freezing orders relating to corruption** where the amount involved is more than R5 million was obtained.
- The AFU successfully **won 97,8% of the litigated cases.**

Recoveries Serious Corruption (AFU)

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Value of recoveries relating to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)	R1.6bn	R1.2bn	R0	-100%

- **No recoveries relating to corruption** where the amount involved is more than R5 million, due to a lack of applicable cases

Recoveries (Government Officials)

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
Value of recoveries for government officials convicted of corruption and other related offences	R600m	R450m	R40 000	-91%

- **R40 000 recoveries relating to government officials** convicted of corruption and other related offences was obtained, **91% below the target**

Legal Affairs Division

CIVIL CLAIMS

LAD dealt with 1 529 claims - an increase of 5,9% compared to 1 440 in the previous reporting period

- The LAD saved the NPA R67 974m of R71 748m, i.e. calculated as the amount claimed vis- a- vis the amount paid out in finalised claims, which is **4,4% above the target of 90%**

APPLICATIONS

- 226 applications received and dealt with, compared to 213 in the previous year, (+ 6%)

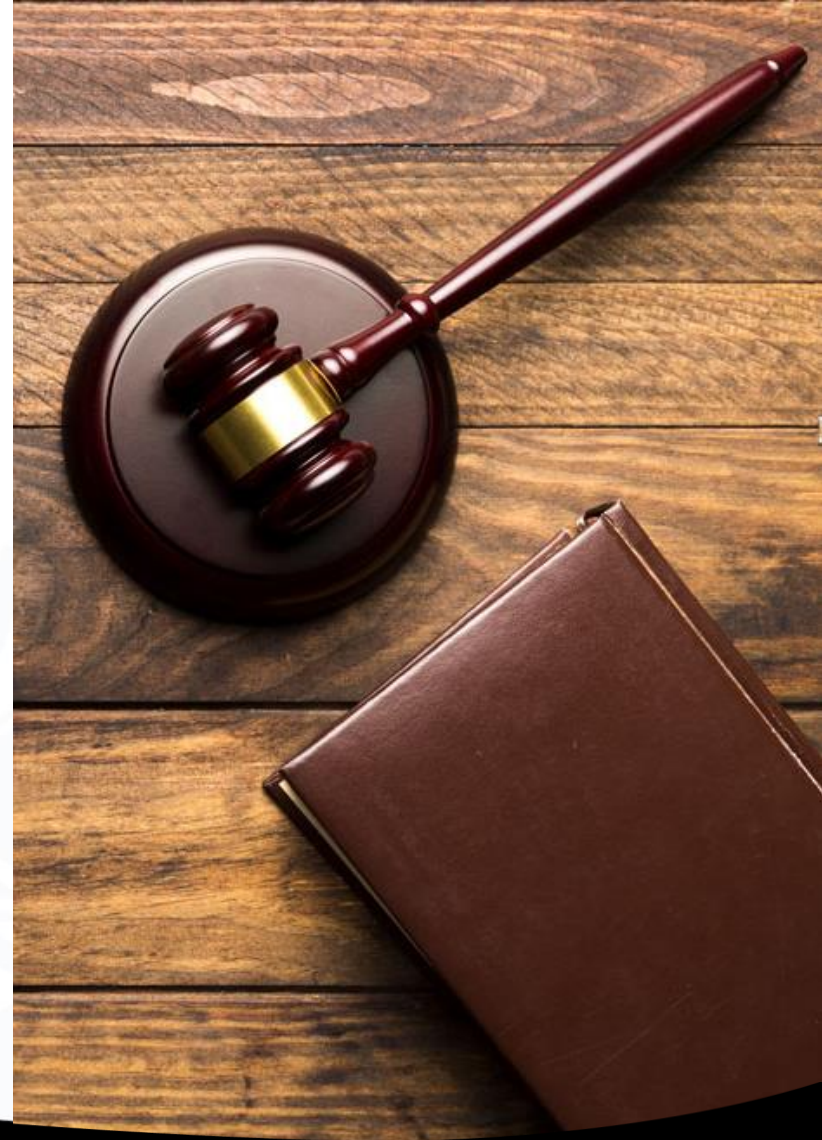
PERCENTAGE OF CIVIL CLAIMS WON

- LAD won 44 out of 57 cases, **23% above the target of 55%**

National Prosecuting Authority (NPA)

YTD PERFORMANCE

Witness Protection



Sub-Programme 3: Office for Witness Protection (OWP)

STRATEGIC OBJECTIVE 3:

Ensure vulnerable and intimidated witnesses and related persons are successfully protected

Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD target
Number of witnesses and related persons threatened, harmed or killed whilst on the witness protection programme	0	0%	0	0
% of witnesses and related persons that walked off the witness protection programme	1,5%	1,5%	1,1% (5/436)	+0,4%

- **No witnesses where threatened, harmed or killed** whilst on the Witness Protection Programme
- **5 (1,1%) persons**, voluntarily left the WPP

Office for Witness Protection (OWP)

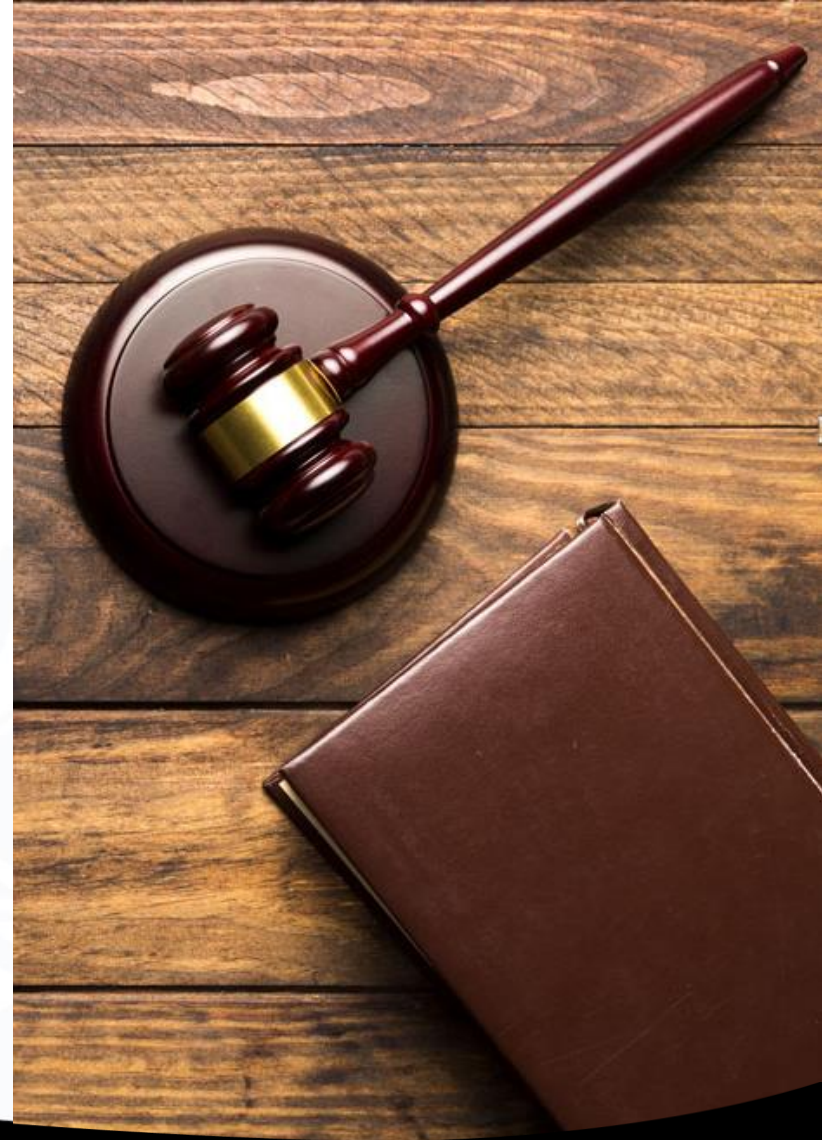
Performance Indicator	2019/20 Target as per APP	YTD Target	YTD Actual	% Deviation from YTD Target
% of witnesses and related persons successfully discharged and resettled	100%	100%	100%	0%



National Prosecuting Authority (NPA)

YTD PERFORMANCE

Status on Establishment of Investigative Directorate (ID)



Status on Establishment of Investigative Directorate (ID)

STAFF and BUDGET

- **6 permanent staff members, 18 Prosecutors** seconded from NPA DPP offices,
- **23 Crime Investigators part-time**
- **2 SARS employees** assisting with Legal- and Governance matters
- **5 Senior- and 1 Junior counsel** for legal support
- **Prosecutors and financial investigators posts advertised**
- **DPSA provided a deviation to appoint staff on contract**
- **R38 million allocation for current year**
- **The ID has been allocated R372m for the MTEF period**

Investigative Directorate (ID): Cases

AUTHORISATIONS

The **Investigating Director** authorised the following investigations in terms of Sec 28(1) of the NPA Act:

SECURITY SECTOR

- **SAPS** – Investigations into serious, high profile or complex corruption with the SAP Service
- **NPA** – Investigations into serious, high profile or complex corruption in the NPA

STATE OWNED ENTERPRISES

- **ESKOM** - Investigations into serious, high profile or complex corruption
- **TRANSNET PTY LTD** - Investigations into serious, high profile or complex corruption
- **Department of Public Enterprises (DPE)** - Investigations into serious, high profile or complex

Investigating Directorate: Cases

AUTHORISATIONS

High Level Public and Private Corruption:

- **ESTINA** – Investigations into serious, high profile or complex fraud and money laundering pertaining to the awarding of tenders and/or contracts as part of public private partnerships between the Free State Provincial Government and the Estina Company (Pty) (Ltd) for the period 2008-2018
- **BOSASA Group** – Investigations into serious, high profile or complex corruption involving the BOSASA Group and its affiliated entities
- The above authorisations **were informed by referrals in terms of Sec 27 of the NPA Act**, testimonies before the commissions of inquiry such as the Zondo Commission
- **These investigations bring together various reported cases** (currently more than 70 Case Dockets) in order to enable the effective focus and prioritisation of investigations

Challenges

- **SECONDMENTS**

- Legal framework
- Practical challenges
- Agreed with DGs that there is a need for a liaison person

- **INCREASED CAPACITY**

- Rapid personnel growth
 - GTAC support

- **MANAGING INTEGRITY**

- **INFRASTRUCTURE AND RESOURCE NEEDS**

- Commitment for funding (DoJ)
- DPW approached to source building

Challenges

- **PROCUREMENT PROCESSES**

- Commercial forensic and cyber forensic expert services

- **IT INFRASTRUCTURE**

- IT security
- Software for criminal investigations
- Intelligence gathering and advanced analytics and sharing information across agencies

Challenges

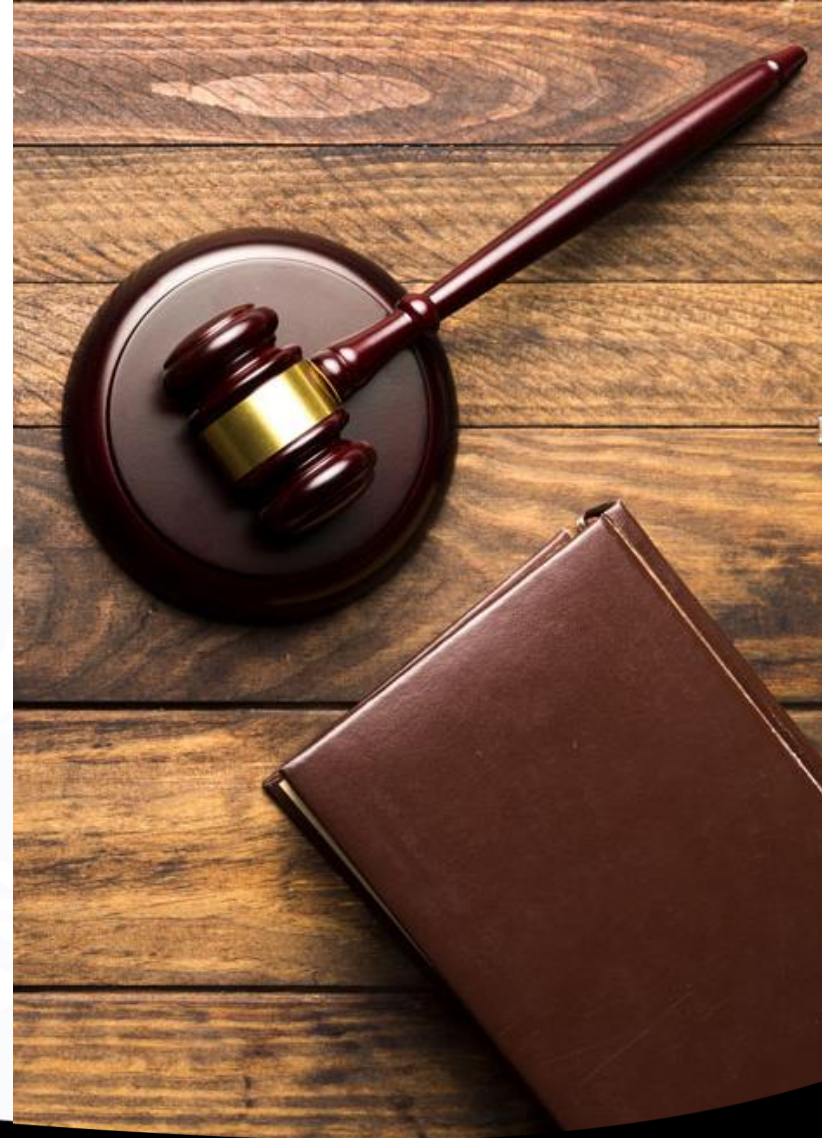
• **MLAs AND EXTRADITIONS**

- Obtaining evidence
 - Extraditions
 - Recovering assets
-
- In discussions with DoJ&CD to expedite MLAs and Extraditions and asset recovery
 - Explore multi-dimensional strategies across government structures

National Prosecuting Authority (NPA)

YTD PERFORMANCE

Budget Overview

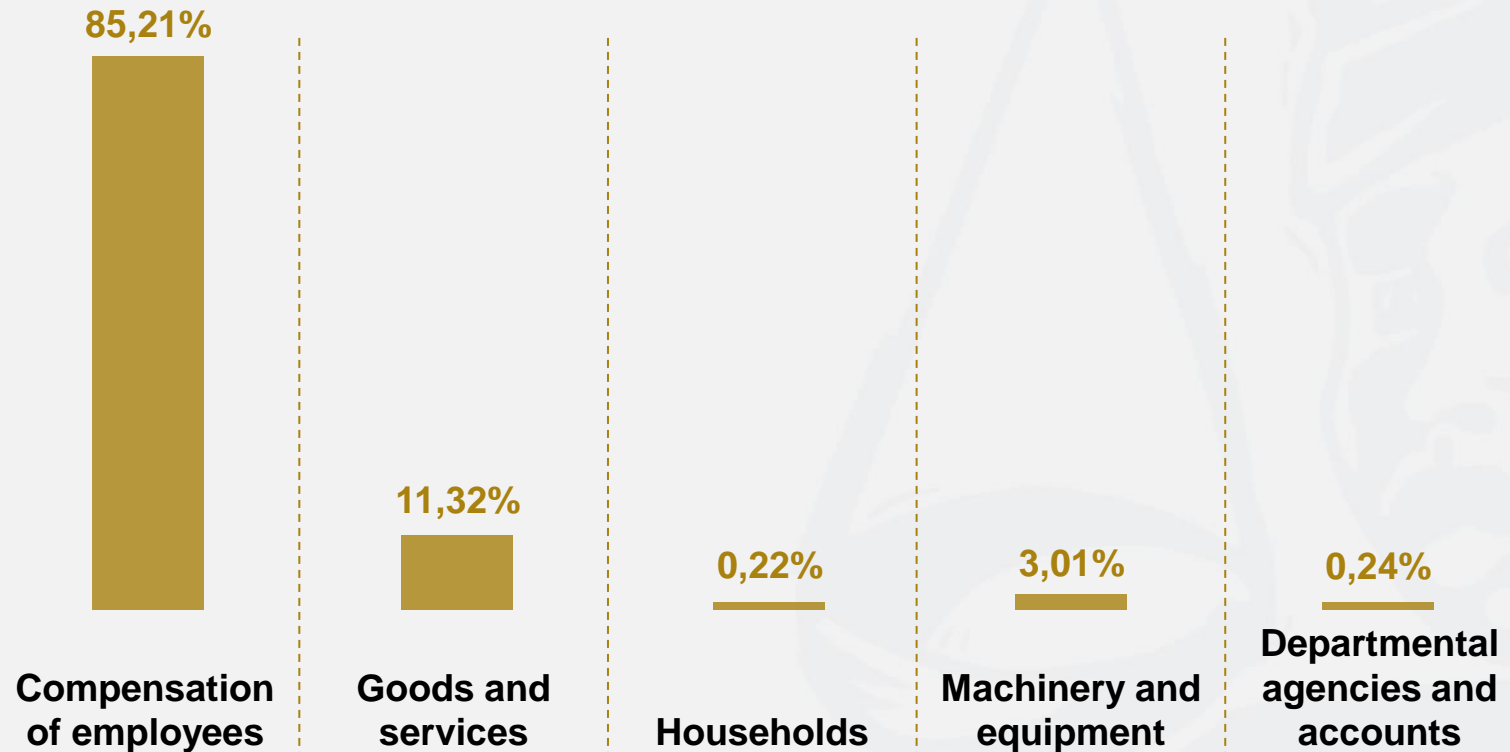


Budget vs Projected Expenditure for 2019/20

National Prosecuting Authority R'000	2019/20			
	ENE Budget	AENE Budget	Projected Expenditure	Projected Variance
Compensation of Employees	3 486 309	3 512 046	3 443 727	68 319
Goods and Services	391 006	466 698	521 621	-54 923
Transfers and Subsidies	18 922	18 922	24 565	-5 643
Machinery and Equipment	32 900	123 900	160 937	-37 037
Payment for Financial Assets	0	0	4 411	-4 411
Total	3 929 137	4 121 566	4 155 261	-33 695

- Virement of the anticipated **overall shortfall of R33 million** will be processed to the NPA from DoJ&CD at the end of the Financial Year

Overall AENE Split per Economic Classification – 2019/20



2020 MTEF

Programmes 4: National Prosecuting Authority	2020/21	2021/22	2022/23	Total MTEF Request (Excl 2019/20)
Aspirant Prosecutors Programme	30 000	60 000	70 000	160 000
Critical NPS posts	91 478	96 967	96 967	285 412
Investigating Directorate	115 276	126 601	135 463	377 340
AFU, SCCU Capacity, Safety, Security and Witness Protection	132 245	141 501	151 407	425 153
Total	368 999	425 069	453 837	1 247 905

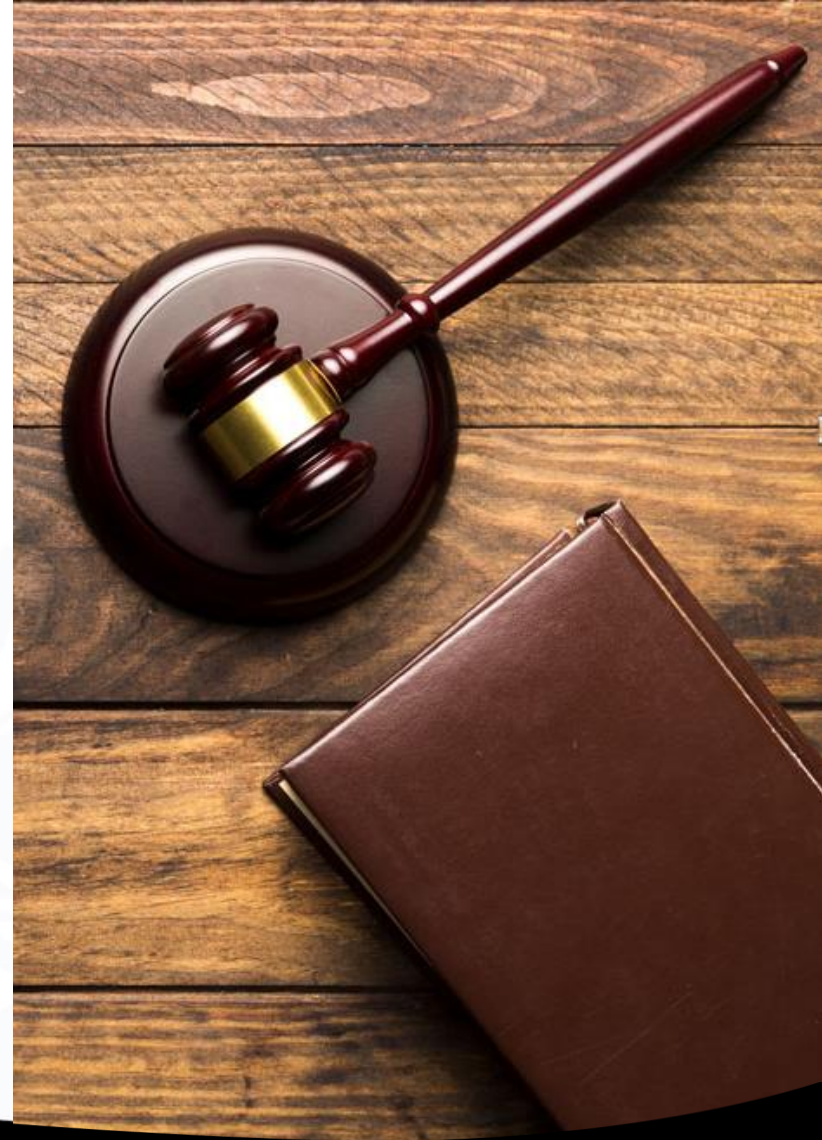
Overall Budget Growth per Economic Classification: MTEF

R' thousand	2019/20	2020/21	2021/22	2022/23	Average % increase over MTEF
	Adjusted Appropriation	Medium Term Estimates			
Compensation of employees	3 512 046	3 974 211	4 259 377	4 423 047	8,06%
Goods and services	466 698	553 760	587 814	611 403	9,61%
Households	8 874	9 362	9 888	10 359	5,29%
Machinery & equipment	123 900	35 992	37 712	39 759	-20,25%
Departmental agencies and accounts	10 048	10 601	11 195	11 611	4,94%
Total	4 121 566	4 583 926	4 905 986	5 096 179	7,37%
	8,48%	11,22%	7,03%	3,88%	7,37%

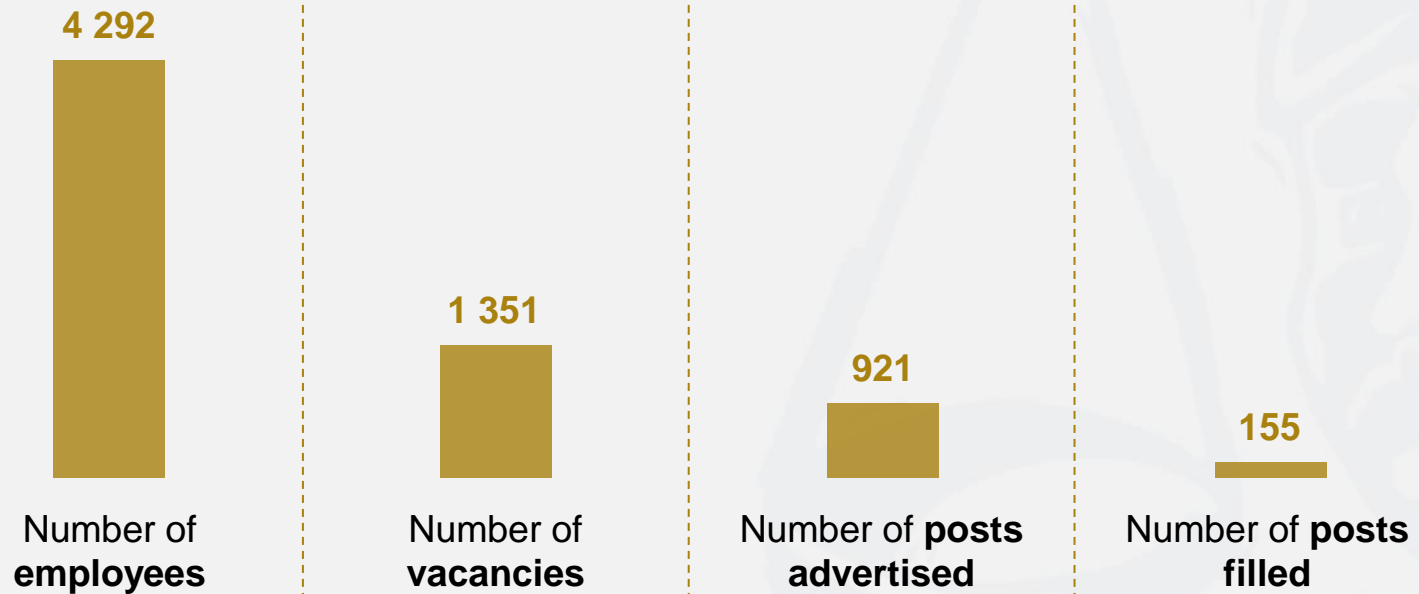
National Prosecuting Authority (NPA)

YTD PERFORMANCE

Recruitment



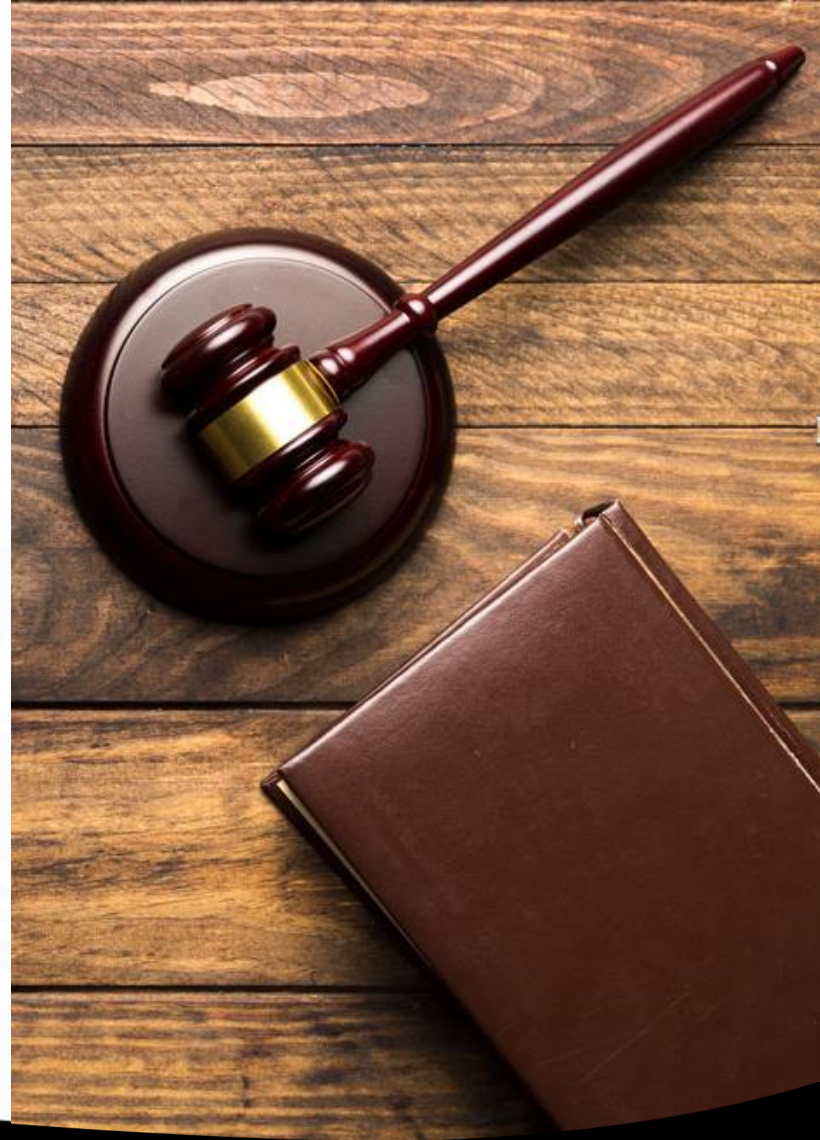
Recruitment



National Prosecuting Authority (NPA)

YTD PERFORMANCE

Corruption Cases – NPA Official



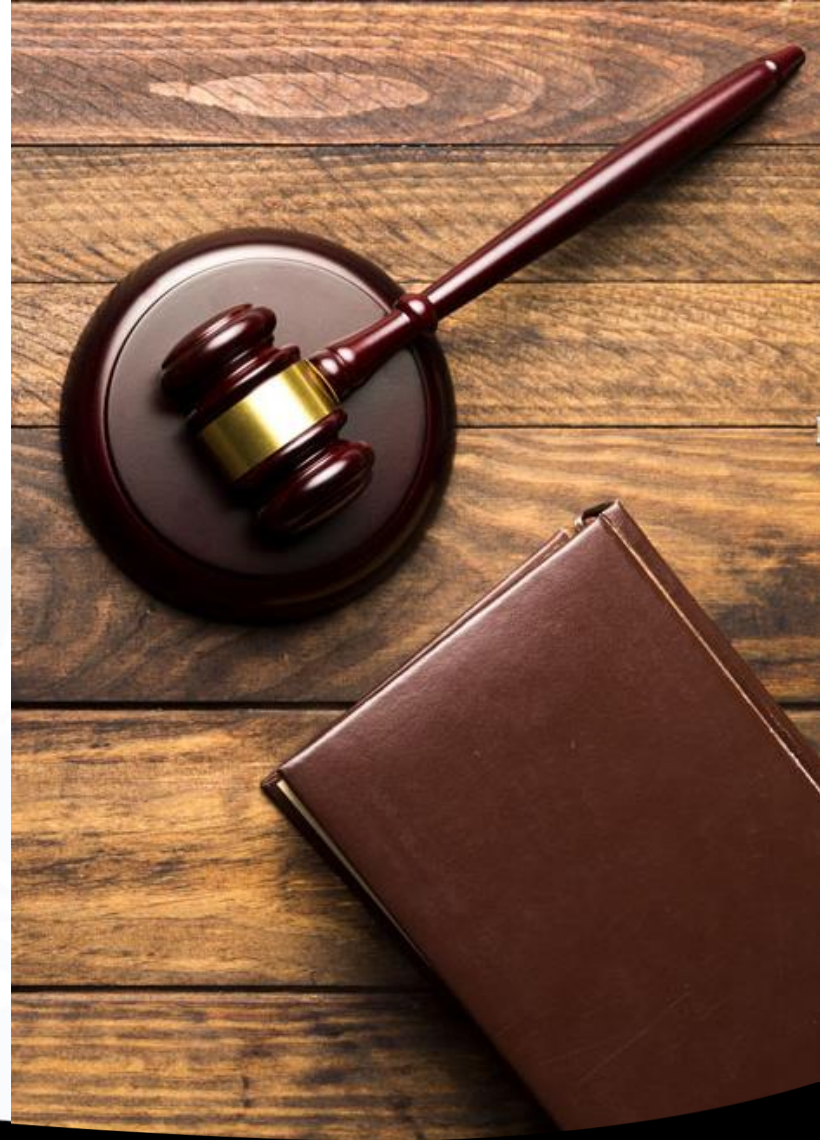
Corruption Cases – NPA Official

Programme	Purpose	Planned Sessions/ Cases Received	Actions
Fraud and corruption	<ul style="list-style-type: none"> To ensure that employee's conduct in breach of ethical standards is investigated as per pre-scripts. Mandate limits the IMU to conduct preliminary investigations and where appropriate refer to the relevant agency including Labour, Hawks, SAPS or SIU. 	<p>5 corruption cases were reported during 2019/2020</p> <p>1 fraud case was reported during 2019/2020</p>	<p>1 corruption case finalized. 4 cases are still pending</p> <p>1 fraud case is still pending</p>
Advocacy and stakeholder management	<ul style="list-style-type: none"> To create awareness on relevant policies (frameworks) and provide assistance to address ethical challenges. It is part of the proactive approach of educating employees to minimize unethical behaviour. 	<p>32 sessions are planned to be conducted during 2019/2020</p>	<p>17 ethics awareness sessions conducted</p>

National Prosecuting Authority (NPA)

YTD PERFORMANCE

Reflections and Way Forward



Key Priorities

Vision of the NPA: Independence, Credibility, Accountability and Professionalism continues through:

- **Strengthening the NPA**
 - **Integrity: Establish an Office of Complaints and Ethics**
 - **Establishment of an Innovation and Policy Support Office**
 - **Innovation Teams** established in all our divisions
 - **Modernisation**
 - **Review of training and staff development practices** to align with international good practices, including use of information technology to ensure increased professionalism
- **Stakeholder engagements: Anti-corruption workshop hosted** to strengthen and coordinate internal anti-corruption efforts; similar engagement planned with anti-corruption partners, including the Hawks, SARS, etc.

Thank You



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