

justice • freedom • security



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshutshisi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika



National Prosecuting Authority
Annual Report 2006/07

HOF 2 COURT

justice • freedom • security





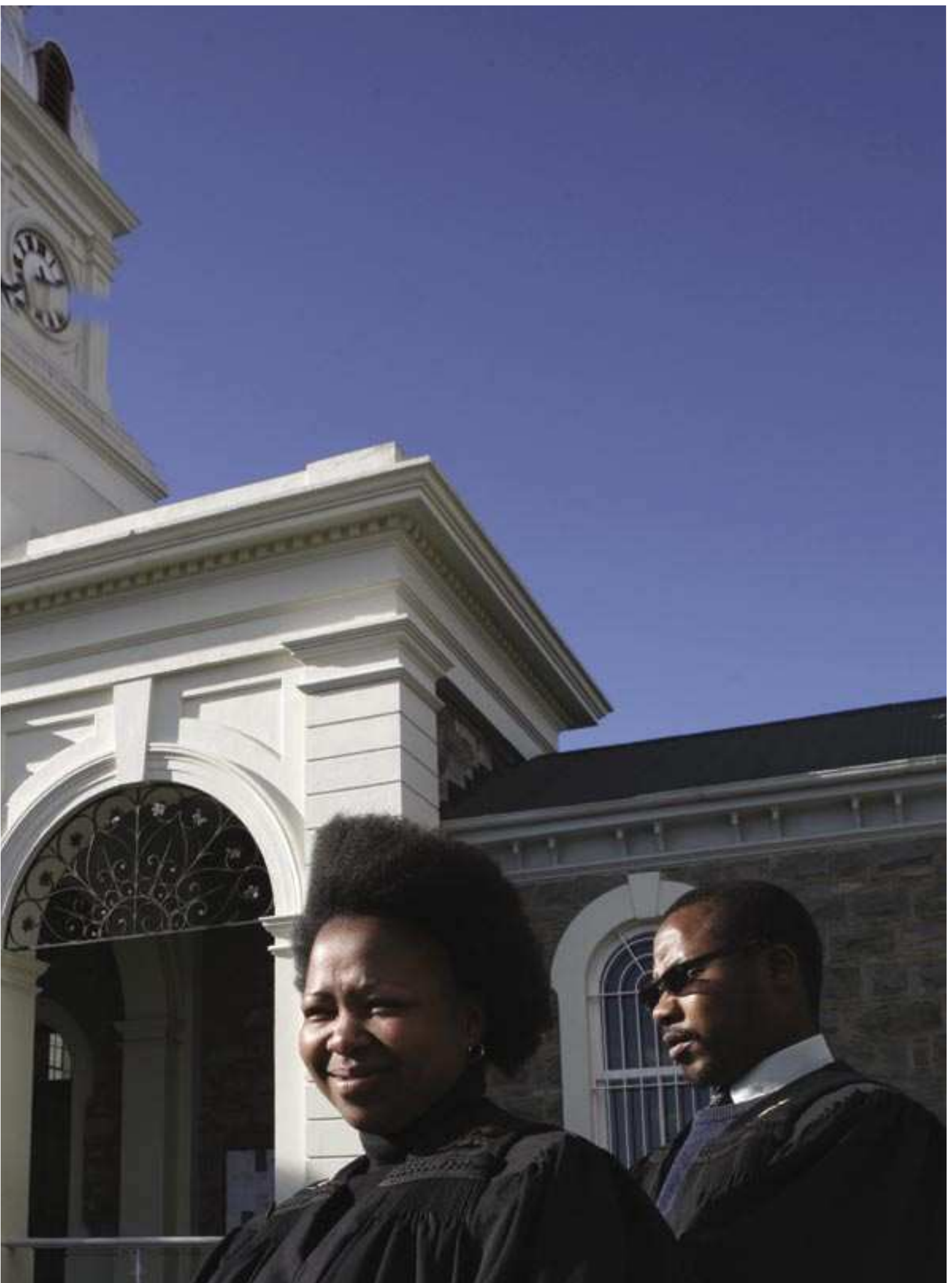
NPA Vision

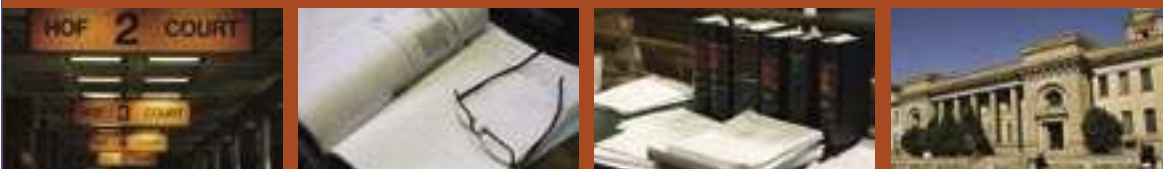
Justice in our society so that people can live in freedom and security

NPA 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.







LETTER OF PRESENTATION

September 2007

Members of Parliament
Ms Brigitte Mabandla MP, Minister of Justice and Constitutional Development

SUBMISSION OF THE NPA'S ANNUAL REPORT 2006/07

I take pleasure in submitting the Annual Report of the National Prosecuting Authority (NPA). This Report contains a review of the NPA's activities in the 2006/07 financial year, its audited financial statements and the Auditor-General's Report.

The NPA Annual Report has been prepared according to the provisions of the:

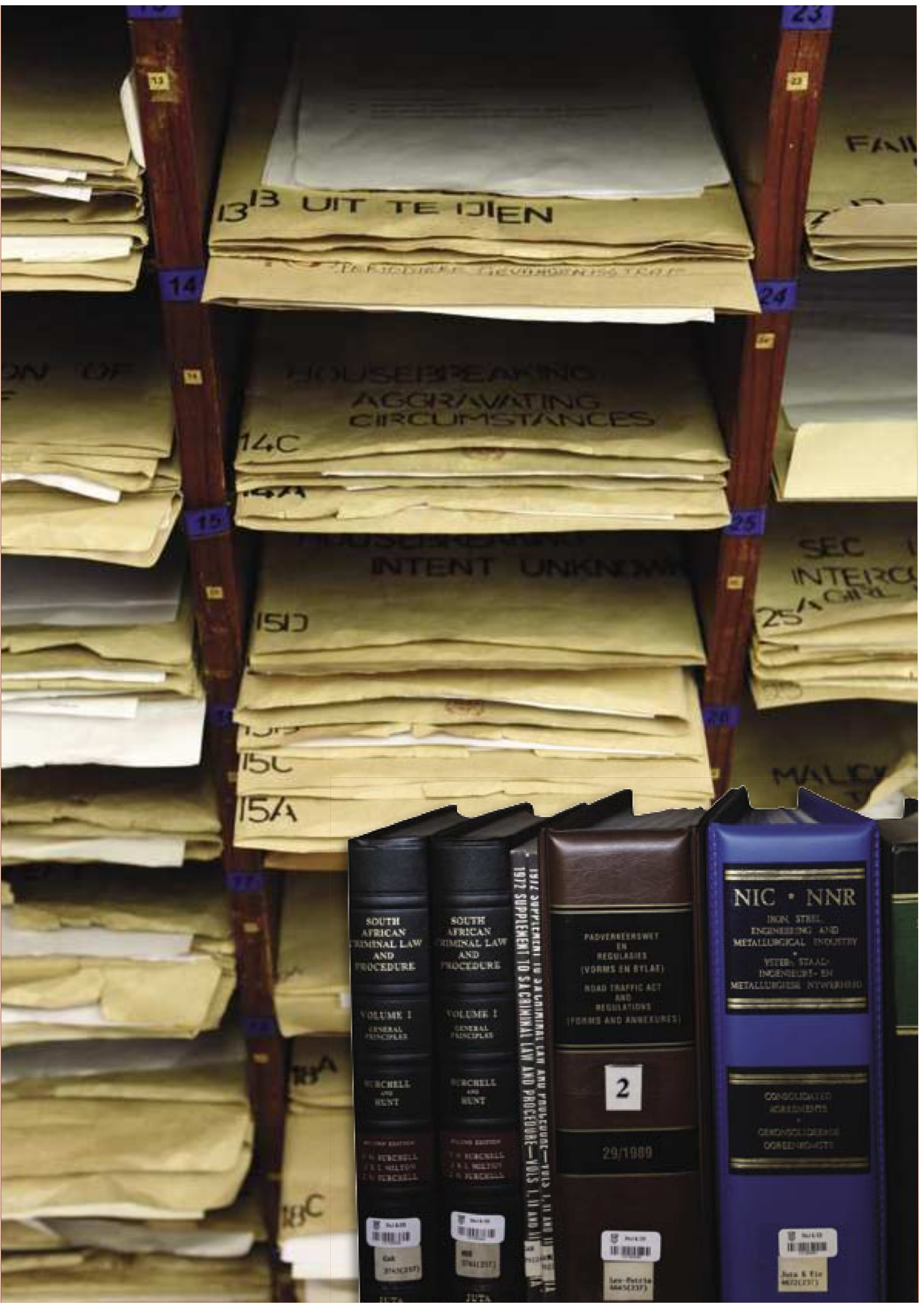
- Public Finance Management Act, 1999 (PFMA)
- National Prosecuting Authority Act, 1998 (NPA Act)
- Division of Revenue Act, 2003 (DORA)
- Division of Revenue Act, 2004 (DORA)
- Division of Revenue Act, 2005 (DORA)
- Division of Revenue Act, 2006 (DORA)
- Treasury Regulations (TR), March 2005.

The Report is structured in sections that report on the Governance, Delivery and Resourcing activities of the NPA, supported by annexures that provide supporting information.

The NPA has endeavoured to accurately and concisely provide all information required by the above legislation and regulations. In part, it also offers brief commentaries on ongoing or planned NPA activities in the 2007/08 financial year.

Yours sincerely

.....
Adv Vusumzi P Pikoli
National Director of Public Prosecutions



13 13 UIT TE DIEN

14C HOUSEBREAKING AGGRAVATING CIRCUMSTANCES

15C INTENT UNKNOWN

15A

25A SEC INTERCO

MALCO

SOUTH AFRICAN CRIMINAL LAW AND PROCEDURE
VOLUME I
GENERAL PRINCIPLES
MURCHELL AND HUNT
F. N. MURCHELL
J. L. HUNT
C. N. MURCHELL

SOUTH AFRICAN CRIMINAL LAW AND PROCEDURE
VOLUME I
GENERAL PRINCIPLES
MURCHELL AND HUNT
F. N. MURCHELL
J. L. HUNT
C. N. MURCHELL

1917 SUPPLEMENT TO SOUTH AFRICAN CRIMINAL LAW AND PROCEDURE—VOLS. I, II AND III

PADVERKEERWET EN REGULASIES (FORMS EN BYLAE)
ROAD TRAFFIC ACT AND REGULATIONS (FORMS AND ANNEXURES)
2
29/1980

NIC • NNR
IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY
VETER. STAAL-INGENIEURS- EN METALLURGIESE NYWERHOUD
CONSOLIDATED AGREEMENTS
GEMAGLIGDE OOREKKE-AGTE



justice • freedom • security

INDEX

| | |
|--|------------|
| SECTION 1: GOVERNANCE | 10 |
| Report of the Office of the National Director of Public Prosecutions | 10 |
| Report of the Chief Executive Officer | 15 |
| SECTION 2: DELIVERY | 23 |
| Programme 4: National Prosecuting Authority | 23 |
| NPA service delivery environment overview | 23 |
| NPA organisational environment overview | 23 |
| NPA strategic overview and key policy development | 24 |
| Service delivery improvement | 25 |
| Sub-programmes | 25 |
| Service delivery objectives and indicators | 25 |
| Sub-programme 1: Public Prosecutions | 26 |
| Service delivery achievements: NPS, SCCU, PCLU and SOCA | 28 |
| Sub-programme 2: Witness Protection Programme | 49 |
| Sub-programme 3: Special Operations: DSO and AFU | 52 |
| Conclusion: NPA Service Delivery | 62 |
| SECTION 3: RESOURCING | 64 |
| Strategic Resource Management | 64 |
| Highlights and challenges | 64 |
| Report on Corporate Services | 65 |
| SECTION 4: ACCOUNTING REPORT OF THE NPA | 69 |
| Report of the Audit Committee | 69 |
| Report of the Auditor-General | 71 |
| Report of the Accounting Officer | 77 |
| Accounting Policies | 84 |
| Financial Statements | 92 |
| SECTION 5: ACCOUNTING REPORT OF THE CARA | 125 |
| Report of the Audit Committee | 126 |
| Report of the Auditor-General | 127 |
| Report of the Accounting Officer | 131 |
| Accounting Policies | 134 |
| Financial Statements | 136 |



| | |
|---|-------------------|
| <u>Annexures</u> | <u>143</u> |
| Annexure A: Performance Information Reporting on Governance 2006/07 | 144 |
| Annexure B: Performance Information Reporting on Delivery 2006/07 | 148 |
| Annexure C: Performance Information Reporting on Resourcing 2006/07 | 164 |
| Annexure D: HR Oversight Report 2006/07 | 166 |
| Annexure E: NPA Organogram | 194 |

| | |
|------------------------|-------------------|
| <u>Glossary</u> | <u>196</u> |
| List of Acronyms | 196 |
| List of Acts | 199 |

Index of Tables

| | |
|--|-----|
| Table 1: Serurubele Transformation Programme Achievements 2006/07 | 15 |
| Table 2: 2006/07 Revisions to Strategy Map 2020 | 17 |
| Table 3: Key measurable objectives for the NPA as reflected in the ENE | 26 |
| Table 4: Sub-programme 1 ENE Service Delivery Objectives and Indicators | 27 |
| Table 5: NPS Service Delivery Performance Indicators - 2002/03 to 2006/07 | 28 |
| Table 6: Performance of Community Courts as at the end of March 2007 | 32 |
| Table 7: SCCU Service Delivery Performance Indicators - 2002/03 to 2006/07 | 38 |
| Table 8: SOCA/NPS Service Delivery Performance Indicators - 2002/03 to 2006/07 | 45 |
| Table 9: Maintenance enquiries finalised | 46 |
| Table 10: Status of awaiting-trial children | 47 |
| Table 11: SOCA training conducted | 48 |
| Table 12: Sub-programme 2 ENE Service Delivery Objectives and Indicators | 49 |
| Table 13: WPU Service Delivery performance indicators - 2002/03 to 2006/07 | 50 |
| Table 14: Sub-programme 3 ENE Service Delivery Objectives and Indicators | 53 |
| Table 15: DSO Service Delivery performance indicators - 2002/03 to 2006/07 | 54 |
| Table 16: AFU Service Delivery performance indicators - 2002/03 to 2006/07 | 59 |
| Table 17: AFU performance on number of orders | 59 |
| Table 18: AFU performance on monetary targets and CARA | 60 |
| Table 19: Meeting attendance by Audit Committee members | 69 |
| Table 20: Financial position | 77 |
| Table 21: Utilisation of donor funds | 80 |
| Table 22: Detailed key Governance measurable objectives reporting for the NPA and its business units | 144 |
| Table 23: Detailed key Delivery measurable objectives reporting for the NPA and its business units | 148 |
| Table 24: Detailed key Resourcing measurable objectives reporting for the NPA and its business units | 164 |
| Table 25: Personnel costs by programme, 2006/07 | 166 |
| Table 26: Personnel costs by salary bands, 2006/07 | 166 |
| Table 27: Salaries, Overtime, Home Owners' Allowance and Medical Assistance by programme, 2006/07 | 167 |
| Table 28: Salaries, Overtime, Home Owners Allowance and Medical Assistance by salary bands, 2006/07 | 167 |
| Table 29: Employment and vacancies by programme, 31 March 2007 | 168 |
| Table 30: Employment and vacancies by salary bands, 31 March 2007 | 168 |
| Table 31: Employment and vacancies by occupation, 31 March 2007 | 169 |
| Table 32: Job Evaluation, 1 April 2006 to 31 March 2007 | 170 |
| Table 33: Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2006 to 31 March 2007 | 171 |
| Table 34: Employees whose salary level exceed the grade determined by job evaluation, 1 April 2006 to 31 March 2007 (in terms of PSR 1.V.C.3) | 171 |
| Table 35: Profile of employees whose salary level exceed the grade determined by job evaluation, 1 April 2006 to 31 March 2007 (in terms of PSR 1.V.C.3) | 172 |
| Table 36: Annual turnover rates by salary band for the period 1 April 2006 to 31 March 2007 | 172 |
| Table 37: Annual turnover rates by occupation for the period 1 April 2006 to 31 March 2007 | 173 |
| Table 38: Reasons why staff are leaving the department | 174 |
| Table 39: Promotions by occupation | 174 |
| Table 40: Promotions by salary band | 175 |
| Table 41: Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2007 | 176 |
| Table 42: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2007 | 177 |
| Table 43: Recruitment for the period 1 April 2006 to 31 March 2007 | 178 |
| Table 44: Promotions for the period 1 April 2006 to 31 March 2007 | 179 |
| Table 45: Employment equity distribution of disabled employees | 180 |
| Table 46: Terminations for the period 1 April 2006 to 31 March 2007 | 180 |

| | |
|---|-----|
| Table 47: Disciplinary action for the period 1 April 2006 to 31 March 2007 | 181 |
| Table 48: Performance Rewards by race, gender, and disability, 1 April 2006 to 31 March 2007 | 183 |
| Table 49: Performance Rewards by salary bands for personnel below Senior Management Service, 1 April 2006 to 31 March 2007 | 183 |
| Table 50: Performance Rewards by occupations, 1 April 2006 to 31 March 2007 | 184 |
| Table 51: Performance related rewards (cash bonus), by salary band, for Senior Management Service | 185 |
| Table 52: Foreign Workers, 1 April 2006 to 31 March 2007, by salary band | 185 |
| Table 53: Foreign Worker, 1 April 2006 to 31 March 2007, by major occupation | 185 |
| Table 54: Sick leave, 1 January 2006 to 31 December 2006 | 186 |
| Table 55: Disability leave (temporary and permanent), 1 January 2006 to 31 December 2006 | 186 |
| Table 56: Annual Leave, 1 January 2006 to 31 December 2006 | 187 |
| Table 57: Capped leave, 1 January 2006 to 31 December 2006 | 187 |
| Table 58: Leave payouts for the period 1 April 2006 to 31 March 2007 | 187 |
| Table 59: Steps taken to reduce the risk of occupational exposure | 188 |
| Table 60: Details of Health Promotion and HIV and AIDS Programmes | 188 |
| Table 61: Misconduct and disciplinary hearings finalised, 1 April 2006 to 31 March 2007 | 189 |
| Table 62: Types of misconduct addressed at disciplinary hearings | 189 |
| Table 63: Grievances lodged for the period 1 April 2006 to 31 March 2007 | 190 |
| Table 64: Disputes lodged with Councils for the period 1 April 2006 to 31 March 2007 | 190 |
| Table 65: Strike actions for the period 1 April 2006 to 31 March 2007 | 190 |
| Table 66: Precautionary suspensions for the period 1 April 2006 to 31 March 2007 | 190 |
| Table 67: Training needs identified 1 April 2006 to 31 March 2007 | 191 |
| Table 68: Training provided 1 April 2006 to 31 March 2007 | 191 |
| Table 69: Injury on duty 1 April 2006 to 31 March 2007 | 192 |
| Table 70: Report on consultant appointments using appropriated funds | 192 |
| Table 71: Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs) | 192 |

Index of Figures

| | |
|---|----|
| Figure 1: NPA Strategy Map 2020 | 17 |
| Figure 2: Status of backlog cases in the Lower Courts | 30 |
| Figure 3: Backlog/outstanding cases ratio | 30 |
| Figure 4: Diversions in the Lower Courts | 31 |
| Figure 5: Conviction rates in the Lower Courts | 31 |
| Figure 6: Finalisation rates in the Lower Courts | 31 |
| Figure 7: Average court hours in the Lower Courts | 32 |
| Figure 8: The DSO's stakeholder network | 57 |



Adv Vusumzi Pikoli,
National Director of Public
Prosecutions

SECTION 1: GOVERNANCE

Report of the Office of the National Director of Public Prosecutions

Introduction

The National Prosecuting Authority of South Africa (NPA) sees its role in the Criminal Justice System (CJS) as not only a prosecutor of crimes, but also as a key driver in creating a safer and more secure South Africa. By prosecuting speedily and effectively in conjunction with all its partners, the NPA can significantly reduce national crime levels. The result will be a faster-growing economy, able to attract foreign and local investments that will continue to create more jobs.

More jobs translate into more people earning legitimate incomes, people who are then less inclined to turn to crime as their means out of poverty. An efficiently administered CJS can and should help to drive a virtuous cycle of increasing civic morality and prosperity for all in South Africa.

Highlights, successes and challenges

Strategy 2020

Realising that South Africa's disturbing crime situation would not be solved by simply allocating more manpower and resources to it, the NPA deeply and extensively re-examined during 2005 how it engages its mandate as outlined in the National Prosecuting Authority Act, 1998 (NPA Act). This examination highlighted that the NPA's purpose, as a key CJS component, is not only to stem the tide of crime, but to play an active and strategic role in driving it back to acceptable levels.

The NPA wants to build and maintain a prosecuting authority unlike any other in the world, which would stand the test of time so that future generations would reap the benefits. Strategy 2020 details the initiatives now underway to set standards of excellence in all aspects of the NPA's operations, for it to transform into a prosecuting authority equal in efficiency and impact on crime to any in the world.

Flowing from this Strategy, each business unit developed detailed annual plans that set out their focus areas for the year ahead. Individual performance contracts and the required evaluation mechanisms were then linked to these annual plans.

Each business unit and section now presents formal and structured quarterly reports in terms of their annual plans to the NPA's Executive Committee (Exco), which provides feedback for corrective action where necessary. This process is now re-aligning and re-organising all components of the NPA with the unpacking of Strategy 2020.

Risk management

A risk management framework was introduced and is being implemented, with key risks having been identified throughout the NPA and contingency plans put into place. Key persons have been identified to monitor and manage risks in their areas. The NPA-wide risk system is not yet perfect as it is still being bedded down, but in this year the NPA made significant progress in this key area of governance.

Vacancies and recruiting – an ongoing challenge

Currently the NPA's most serious challenge is recruiting and retaining appropriate human capital. A major stumbling block has been the actual recruitment process of appropriately skilled personnel. The NPA found that, although it was filling prosecutor vacancies, its actual number of overall vacancies wasn't reducing, as these promotions mainly involved people already in the organisation.

A particular concern is the higher salary packages earned by magistrates, which prompts experienced prosecutors to leave the NPA for more lucrative magistrate positions in the broader Department of Justice and Constitutional Development (DoJ&CD). Until this major disparity is resolved, the consequent drain of skills and expertise from the NPA will continue to negatively affect service delivery.

Highlights of operational units

National Prosecutions Service (NPS)

A significant majority of the NPA's prosecutors are housed in the NPS, which is by far the organisation's single biggest unit. Due to its size and spread of responsibilities across most South African courts, the NPS was heavily impacted by a 20 per cent prosecutor vacancy rate. This resulted in heavier volumes of work for the remaining prosecutors, which consequently adversely affected some of the targets set by the NPS.

Both Higher and Lower Court prosecutors met their conviction rate targets of about 85 per cent, but case finalisation numbers dropped to below the previous period.

Keeping in mind that a CJS motivated to improve its effectiveness, will inevitably mean a larger number of court cases, the NPA is tackling the problem through various initiatives. These initiatives, combined with the actions of other partners in the CJS and those of CJS stakeholders, should deliver consistently satisfactory future results.

The immediate and obvious remedy is to get sufficiently trained prosecutors into the system. A total of 652 prosecutor vacancies was advertised and these vacancies are presently being filled. The chronic problem of experienced prosecutors being recruited as magistrates is in the process of being addressed.

Other remedies being energetically pursued include rolling out community courts across the country, encouraging the use of justice processes such as admissions of guilt, plea bargaining, and diversions to move first and less-serious offenders through the system quicker, and once-off "clean-up" projects to sharply reduce case and administrative backlogs.

Innovative projects such as Community Prosecutions and Restorative Justice are currently being piloted and show promise as avenues for faster and targeted justice in the near future.

Asset Forfeiture Unit (AFU)

The AFU continued gaining momentum to record its best results yet. In this financial year the AFU initiated 252 cases, froze assets of over R1.25 billion, completed 242 cases and seized assets worth more than R100 million. The AFU also won 27 of 33 judgments on contested issues, with a success rate of 82 per cent. In total, R19 million was contributed to the Criminal Assets Recovery Account (CARA). The AFU also facilitated the disbursement of just under R74 million in funds from CARA to crime-fighting agencies, and support centres for abused women and children, as well as for finding persons identified as missing by the Truth and Reconciliation Commission (TRC).

A relatively new concept in South African jurisprudence, the courts are now familiar with the asset forfeiture principle, which is proving an increasingly successful tool in ensuring that crime doesn't pay.

Directorate of Special Operations (DSO)

In this period the DSO (aka the Scorpions) assessed its own performance as being at about 60 per cent of its ideal, if measured against its optimal capacity when fully staffed and resourced. Nevertheless, the DSO initiated 368 new investigations and finalised 264. It also finalised 214 prosecutions with a conviction rate of 85 per cent, arrested 617 suspects and restrained assets worth about R1 050 billion.

Notable successes included the arrest of suspects in the Kebble murder, confiscating illegal drugs worth over R600 million, and instituting successful prosecutions in the Leisurenet and Travelgate matters. Investigations into certain other major cases are still ongoing.

The DSO took major strides to rebuild and broaden its capacity in the aftermath of the Hefer and Khampepe Commissions, with 280 vacant and new posts being advertised as part of its recruitment drive.

GOVERNANCE IN THE
NPA IS THE PROCESS
BY WHICH THE NPA
CONSISTENTLY ENSURES
THAT IT DELIVERS VALUE
TO ITS STAKEHOLDERS
WITHIN THE FRAMEWORK
OF THE CONSTITUTION,
APPLICABLE LAWS AND
GENERALLY RECOGNISED
GOVERNANCE
PRINCIPLES.



Priority Crimes Litigation Unit (PCLU)

This is a specialist unit mandated to tackle cases that threaten national security, as well as issues arising from the final report of the TRC hearings. The PCLU was involved in various high profile cases, with several highly sensitive matters still under investigation.

The Unit assisted prosecution authorities around the world in various cases and continues to make invaluable inputs into international law. Probably its most noteworthy responsibilities at this time are the forthcoming “nuclear technology” trial of Geiges, Wisser & Krisch Engineering, which will attract the attention of many governments and lawmakers, and its ongoing activities in the wake of the TRC’s final report.

Specialised Commercial Crimes Unit (SCCU)

For more than five years the SCCU has maintained its proud record of a 95 per cent plus conviction rate, with 134 cases of direct prison sentences handed down in this financial year. A total of 3 574 cases were finalised - a satisfying 36 per cent above the previous financial year. Cases included prominent business people, NPA personnel, senior police officials and other civil servants.

Major cases include that of TP Cornwell Tshavunghwa, a former Deputy Director of Public Prosecutions at the DSO, convicted of fraud, perjury and driving under the influence of alcohol. He was sentenced to seven years’ imprisonment. GA Keet, a former Magistrate, was convicted of 28 counts of corruption and sentenced to eight years’ imprisonment, while B du Preez, a former SAPS Superintendent, was convicted of stealing R4.6 million and sentenced to eight years’ imprisonment.

The SCCU, in partnership with the SAPS Commercial Branch and other stakeholders, is spearheading the development of a Prosecution-guided Investigations (PGI) methodology for tackling criminal investigations. PGI is proving to be clearly superior to earlier procedures and is being rolled out wherever it can be applied appropriately.

Sexual Offences and Community Affairs Unit (SOCA)

SOCA acts against the victimisation of women and children, with specialised prosecutors positioned in dedicated Sexual Offences Courts. Supporting activities operated by SOCA include its multidisciplinary Thuthuzela Care Centres (TCC’s), which are recognised by the UN General Assembly as a “world best practice model” in the field of Gender Violence Management and Response.

In this period, SOCA launched its “365 National Action Plan (NAP) on No Violence Against Women and Children”, which is aimed at streamlining initiatives between Government, the private sector and NGOs.

Other projects included a consultative conference for Southern and Eastern African countries, and a series of actions aimed at tightening the entire South African legal system to ensure that single parents and their children receive their court-ordered maintenance payments.

Witness Protection Unit (WPU)

The WPU has for the past six years maintained an outstanding record of not having a single witness who complied with its protection programme, being threatened, harmed or assassinated.

The WPU’s best practices philosophy has led it to be consistently acclaimed as being among the top five witness protection agencies in the world, with countries such as Germany requesting internships for their employees to learn from the WPU’s witness protection best practices. The WPU also routinely cooperates with international organisations such as the International Criminal Court for Rwanda (ICTR), the International Criminal Court former Yugoslavia (ICTY) and the United Nations Office on Drugs and Crime (UNODC).

Working partnerships in the Criminal Justice System (CJS)

Each year the NPA’s working partnerships are deepening with regular and specialist stakeholders such as the South African Police Service (SAPS), the National Intelligence Agency (NIA), the Department of Correctional Services (DCS), the Special Investigating Unit (SIU) and the State Information Technology Agency (SITA).

The PGI methodology that is proving so successful entails close cooperation between NPA prosecutors and SAPS investigators. An organised crime initiative between the NPS, AFU and SAPS was launched in August 2006 and will lead to specialised prosecutors being appointed to strategically located courts.

Building international cooperation

Every year, organised crime becomes more sophisticated and increasingly multinational. Developing countries like South Africa are prime targets for international criminal activities.

As one of the key role-players in the CJS, the NPA is compelled to rise to these challenges and find mechanisms to deal effectively with such crime trends. A further focus area is the opportunities for crime created by the information technology revolution, which allows data to be transmitted globally and transactions to be made at the touch of a button.

For these reasons the NPA is reaching out to develop wider and more effective cooperation with its global counterparts and more closely within Southern Africa. Memoranda of Understanding (MoU) were signed with Namibia and Mozambique during the 2006/2007 financial year as part of a broader initiative to formalise agreements with the relevant authorities in all South African Development Community (SADC) countries. These agreements seek to achieve or arrange:

- professional training through exchange programmes
- joint research, studies and projects
- study visits between countries to discuss issues of common interest
- exchange of information, laws and legal publications to develop common understandings and positions on shared issues
- sharing of information around crime-fighting best practices, systems, processes, techniques and structures
- mutual cross-border assistance in investigations and prosecutions
- ensuring that perpetrators of crimes cannot flee to neighbouring countries to escape justice.



Ms Kalyani Pillay,
Special Director of Public Prosecutions:
Office of the NDPP.

International and regional protocols

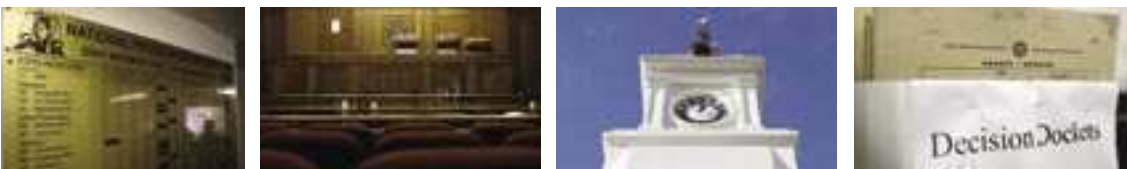
The South African Government has ratified international and regional instruments on organised crime and corruption that include the following:

- United Nations (UN) Convention against Transnational Organised Crime and its three Supplementary Protocols (passed by the UN General Assembly in 2000, implemented in 2003)
- UN Convention against Corruption (adopted by the UN General Assembly in 2003, came into force in December 2005)
- AU Convention on Preventing and Combating Corruption (adopted in 2003, entered into force in 2006).

Coordination of crime-fighting efforts

NPA representatives attended the following conferences and meetings, as well as presenting numerous papers at several local and international forums during this reporting period:

- Third session of the Conference of the Parties to the United Nations Convention against Transnational Organised Crime and its Protocols – Vienna, October 2006
- UN Expert Group meeting: Preparation for 12th Crime Congress - Bangkok
- International Association of Prosecutors Conference – Paris
- Establishment of International Association of Anti-Corruption Agencies -Vienna
- First Annual Conference and Meeting of International Association of Anti-Corruption Agencies – Beijing
- First session of the Conference of the States Parties to the United Nations Convention against Corruption – Jordan, December 2006
- Signing of MoU with Prosecuting Authority, Ukraine.



Members of the NPA Exco 2006/07:
(Front row): Ms Beryl Simelane (DCEO), Adv Vusumzi Pikoli (NDPP), Ms Kalyani Pillay (Special Director).
(Back row): Adv Leonard McCarthy (DNDPP: DSO), Ms Marion Sparg (CEO), Dr Silas Ramaite (DNDPP: NSSD), Adv Mokotedi Mpshe (DNDPP: NPS), Ms Bulelwa Makeke (Executive Manager: Communications). (Absent): Ms Dipuo Mvelase (Executive Manger: IMU), Mr Willie Hofmeyr (DNDPP: AFU).

The NPA hosted prosecution and anti-corruption delegations from Russia, Kenya, Benin, Vietnam, Sudan and Mozambique to share information and strategies on dealing with common crime trends.

Requests for Mutual Legal Assistance and Extradition

The NPA received 36 applications for mutual legal assistance (MLA) from other countries during 2006/07. During this period the NPA also made 16 applications to several other countries for MLA's. To date, the NPA has benefited from excellent cooperation and assistance with its MLA applications.

With regard to extradition applications, the NPA dealt with 36 extradition applications on behalf of foreign states and managed seven applications for the extradition to South Africa of fugitives.

Recognitions and awards

In this period I was honoured to be nominated as an executive member of the International Association of Anti-corruption Agencies (IAACA), as well as being presented with a certificate of appreciation by the Ukrainian Prosecutor's Association.

The NPA also presented special awards to the former National Director of Public Prosecutors, Mr Bulelani Ngcuka and the former Media Spokesperson of the NPA, Mr Makhosini Nkosi, acknowledging them for their important contribution to the work of the NPA.

Conclusion

In the 2006/07 financial year the NPA moved past the deep self-examination, or "understand", phase of its renewal and started developing the actual plans and processes that will transform the organisation from within. At the same time, the NPA needs to build capacity and fill the vacant posts that are hampering it in fulfilling its duties.

The NPA is a young, but astonishingly high profile organisation due to the intrinsic nature of its responsibilities. Its strength lies in four principles that guide its work, namely independence, accountability, integrity, and transparency.

Although the NPA has had to endure severe pressure and a morale-draining battering in recent years, I am confident that the NPA has passed through its shadowed valley of introspection and is rebounding as a tougher, more keenly effective national and criminal justice asset than ever before.

.....
Adv Vusumzi P Pikoli
National Director of Public Prosecutions

Report of the Chief Executive Officer

Introduction

This report of the Chief Executive Officer (CEO) will cover the areas of transformation, strategy, governance, enterprise risk management, enterprise performance management, integrity management, policy management, internal audit, and management structures.

Transformation

The ambitious enterprise transformation programme of the NPA launched in August 2004, the Serurubele¹ Transformation Programme, made significant progress and impact during the reporting period. Aimed at improving the overall performance and functioning of the NPA through solution design and implementation in the areas of governance, delivery and resourcing, the programme has the following six objectives - To:

- achieve optimal levels of governance
- create a best-in-class customer management capability
- achieve optimal levels of cooperation with the NPA's partners in the CJS
- engineer organisational processes so that these deliver an excellent service to the NPA's customers
- create a best-in-class operations management capability
- ensure that the management of people enables the organisation to become an employer of choice.

The Serurubele Transformation Programme is set to transform the NPA into an effective, high-performance organisation that will not only enhance criminal justice service delivery, but will also contribute to the well-being and growth of South Africa. During 2006/07, the programme was primarily engaged in its solution design phases. Concurrently to these, the implementation phase kicked into action with the organisation seeing the first wave of solutions being rolled out. The major achievements for these phases during 2006/07 are highlighted in Table 1.

Table 1: Serurubele Transformation Programme Achievements 2006/07

| Design Phase I (May 2005 to March 2006) |
|---|
| A set of 250 generic governance processes was designed to enhance governance in the NPA. |
| A long-term strategy, the NPA Strategy 2020, was developed for the NPA, with supporting strategic plans for Governance, Delivery and Resourcing. Strategic initiatives for 2006/07 and 2007/08 were identified, based on the new strategy of the NPA. |
| A policy segmentation framework, a Policy on Policies, with a template for policies and a guideline for the policy template, were developed. |
| Design Phase II (April 2006 – December 2008) |
| Reporting on deliverables for April 2006 – March 2007 |
| Business unit annual plans were developed to implement the Strategy 2020 according to a standardised template that ensured horizontal and vertical integration across the NPA. |
| Enterprise risk management and enterprise performance management were enhanced. |
| All priority delivery processes were designed and validated. |
| Design of priority resourcing processes commenced, and included a significantly enhanced recruitment process. |
| Work commenced on a macro-structure redesign for the NPA. |
| Hosting of the NPA Stakeholder Conference 2007. |



Ms Marion Sparg,
Chief Executive Officer: NPA



The NPA is dedicated to transforming itself to suit the needs of its stakeholders

¹ 'Serurubele' is the Sesotho word for a butterfly. The butterfly symbolises the transformation programme of the NPA, depicting the encompassing, fundamental and constant change and agility required of organisations of the future to ensure sustainability and stakeholder value delivery.



An electronic Governance Calendar was designed and launched to be piloted, and is set for finalisation in 2007. This calendar schedules all high-level meetings and events in the NPA, in alignment with major sessions and events at Cluster, Government, Parliamentary and Cabinet level.

Create Phase (February 2006 – December 2008)

Reporting on deliverables for April 2006 – March 2007

Execution of the NPA Strategy 2020 commenced.

Designed priority governance, delivery and resourcing processes, and commenced roll-out to standardise and enhance governance, operations and service delivery to customers.

Implementation of a new recruitment process for the NPA.

Roll-out of a set of 23 strategic projects launched to support and enhance execution of the Strategy 2020.

Serurubele further took on the content guidance and programme management oversight of a set of 23 strategic projects launched to commence execution of the NPA's new Strategy 2020. These strategic initiatives were adopted in February 2006 and assigned top management ownership.

Strategic Management

Outcomes

The NPA adopted its first long-term strategic planning document, the NPA Strategy 2020, in February 2006. It successfully launched Strategy 2020 at the NPA Stakeholder Conference held in March 2007, receiving a significant 88 per cent approval and acceptance rating from stakeholders for the Strategy 2020. Being the strategic response to the issues, challenges and service requirements expected of the organisation, the Strategy 2020 gives principled strategic guidance to the NPA, and shapes the organisation's thinking over a period of 15 years.

The NPA is re-shaping itself by focusing on its mandate and the execution of the Strategy 2020. The organisation has committed itself to building civic morality and greater confidence in the CJS, by working with its partners in crime prevention initiatives, community engagements and dealing with the root causes of crime. The NPA's new strategic approach will enable the organisation to be more proactive and deal more justly with victimisation, in striving to contribute to the creation of a safer and more secure environment. This in turn will be a catalyst for greater foreign and domestic investment into economic and social development in South Africa.

The NPA envisages a future in which it will not only be an effective provider of prosecution services, but one that fulfils its role in building a better and safer South Africa, by being advocates for justice as lawyers for the people of this country. The NPA wants to build and maintain a prosecuting authority unlike any other in the world that can stand the test of time for future generations to reap the benefits such a stable and safe environment will provide. This outcome is embraced by the NPA's vision and mission.

NPA Vision

The NPA's Vision 2020 is: *Justice in our society so that people can live in freedom and security.*

NPA Mission

The vision is supported by the NPA Mission 2020:

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.



NPA Strategy 2020

NPA Strategy 2020

The NPA Strategy 2020 rests on three strategic pillars that set out the execution strategy across Governance, Delivery and Resourcing, routed through four time horizons up to the year 2020. The Strategy 2020 will be sustained through annual plans, strategic initiatives and projects, and a medium term strategic framework. Its objectives are reflected in a Strategy Map 2020, which sets out the impact, outcomes and strategic objectives for the NPA (as revised during November 2006) (Figure 1). Much of the work done by the NPA during this reporting period started to pick up on this new strategic direction and promises to deliver positive and enhanced results across the spectrum of the NPA's service delivery, governance and resourcing.

A strategy review session was conducted in the third quarter to review the Strategy 2020 and identify areas for enhancement, particularly the refinement and identification of appropriate performance measures and targets. This review resulted in the refinement of the Resourcing Perspective of the Strategy Map 2020.

The refinement entailed the changes as depicted in Table 2. The revised Strategy Map 2020 is depicted in Figure 1, though reporting in this Annual Report is done according to the previous map, with Resourcing objectives as listed in Table 2.

Figure 1: NPA Strategy Map 2020

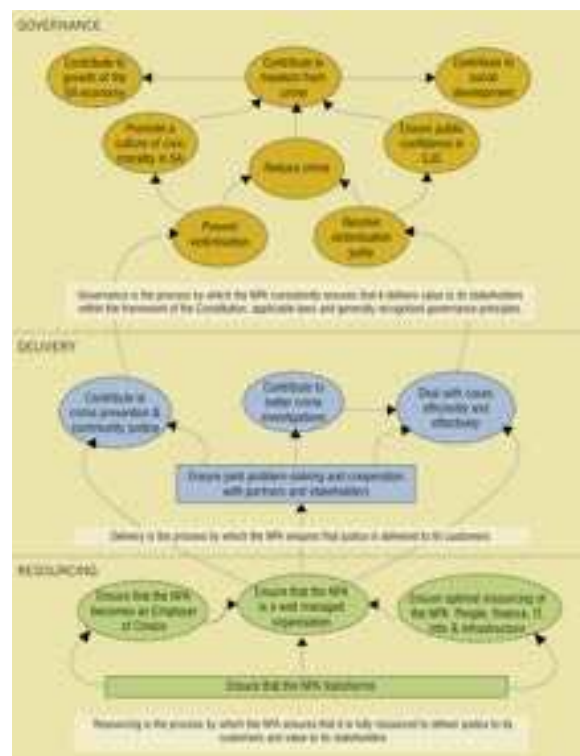


Table 2: 2006/07 Revisions to Strategy Map 2020

| Original Strategy Map 2020 | Changes | Revised Strategy Map 2020 |
|---|--|---|
| Develop and enhance governance capability | Focused and clear description to depict the capabilities and capacity required | Ensure that the NPA is a well-managed organisation |
| Develop and enhance delivery capability | | Ensure that the NPA becomes an Employer of Choice |
| Develop and enhance resourcing capability | | Ensure optimal resourcing of the NPA: people, finance, IT, information and infrastructure |
| Ensure that the NPA transforms | Moved from side bar to positioning in Resourcing Perspective | Ensure that the NPA transforms |

The NPA commenced with a project in the third quarter to develop a set of organisational values that will support the Strategy 2020 and assist in embedding an enabling culture, attitudes and behaviours in the NPA. This is a highly inclusive process in which employees and stakeholders are invited and encouraged to propose values and participate through a voting system in determining the final core values that will guide the NPA.

Strategic alignment

Following the adoption of the NPA's Strategy 2020, all units developed new annual business plans for 2006/07, using a standardised template that ensured 100 per cent vertical integration of unit annual plans with the Strategy 2020, as well as horizontal integration across the various business units. The annual plans of all the units are aligned with the strategic objectives as contained in the Strategy 2020. These are unpacked into key deliverables (outputs) and activities with related measures and targets to be achieved for the 2006/07 financial year.



For the first time, all annual plans had sections specifying deliverables to be attained per strategic objective, which detailed activities with assigned ownership, deadlines, measures and targets. This was further expanded by requiring risk assessment to be done per deliverable, hence for the first time, reflecting risks based on the annual business plans. This work was followed up in the fourth quarter with annual planning sessions to develop business plans for 2007/08.

The NPA will amend its Estimated National Expenditure (ENE) framework during 2007/08, in order to ensure the ENE transition to align with the reflection of the outputs, measures and targets as contained in the Strategy 2020 and its unit annual plans that support the sub-programmes.

Performance Management

The NPA adopted a new process and template for performance progress reporting on annual business plans to support the execution of the NPA Strategy 2020 and strategic projects. Although a new approach for the organisation, significant progress has been made to stabilise and consolidate enterprise performance progress monitoring and reporting. Performance reporting is now on a solid footing. Business units report progress every quarter on their performances against annual business plans and strategic projects to Exco and its Enterprise Performance Management sub-committee.

The quarterly review process of the NPA serves to interrogate performance information and reports submitted, and to provide guidance on corrections and improvements to be made to ensure integrity of reports and information. The NPA is confident that the integrity of this process has improved each quarter as the organisation became more familiar with performance reporting requirements and understanding of the progress-reporting process and template improved. Particular emphasis is placed on the verifiability and accuracy of performance data and outputs reported.

Governance

Statement of commitment

The NPA's Exco and the National Management Meeting (NMM), which is constituted from the national and regional leadership of the organisation, are committed to sound corporate governance. Exco and NMM recognise the responsibility of the NPA to conduct its affairs with fairness, accountability, responsibility, social responsibility and transparency, in order to safeguard the interests of all its stakeholders. The NPA is committed to account thereon in accordance with the statutory requirements of the PFMA, Treasury Regulations and the DORA, 2006. The NPA strives to comply fully with these legislative requirements, as well as with generally recognised governance principles, as espoused among others, in the King Report on Corporate Governance (King II). Furthermore, the leadership of the NPA motivates all employees to conduct organisational activities with prudence and integrity. In the spirit of good governance, the NPA endeavours to incorporate the best possible mutual interests of all stakeholders into its actions.

Governance Structures

Executive Committee

The NPA's Exco meets on a weekly basis and supports the NDPP in directing the affairs of the NPA.

Exco sub-committees

The NPA established the following sub-committees to support Exco:

- Budget Committee
- Enterprise Performance Management Committee
- NPA Moderation Committee.

National Management Meeting

The NMM consists of national and regional business unit heads, divisional unit heads and executive service centre managers. The NMM meets bi-monthly and serves as an integrating mechanism across business units, as well as to support Exco in the review and adoption of policies, and other matters of strategic and operational nature.

Risk Committee

The Exco serves as the Enterprise Risk Committee of the NPA, and as such reviews the strategic risks of the NPA based on the NPA's Enterprise Risk Management Guideline.

Audit Committee

The NPA shares the same Audit Committee with the DoJ&CD. The NPA submits oversight reports to and attends the quarterly Audit Committee meetings.

Enhancing governance capability

The NPA defines governance in the organisation as the process by which custodians of the NPA consistently ensure that the organisation delivers value to its stakeholders within the framework of the Constitution, applicable laws and generally recognised governance principles. The NPA built on the foundation laid in the previous reporting period by commencing design, enhancement and implementation of priority governance focus areas through standardised and documented processes, templates, policies, roles, responsibilities, plans and scorecards.

Governance performance information

The NPA made good progress during the reporting period to ensure focused attention to governance imperatives. All business units' annual plans contain a standardised Governance section with a set of six deliverables specifying activities, metrics and targets, with assigned ownership and responsibilities. These deliverables focus the organisation on priority activities to be engaged in to enhance and ensure improved governance levels, understanding, awareness and performance. Annexure A², Table 21 reflects the NPA's performance during 2006/07 against these deliverables in order to achieve the objective of ensuring good governance in the NPA.

Enterprise Risk Management

The NPA views Enterprise Risk Management (ERM) as imperative for successful delivery on its mandate and its obligation to deliver value to stakeholders. The NPA Exco acts as the Risk Committee for the organisation and as such is responsible for strategic risk management.

Even though enterprise risk management is still a new process, the NPA managed to make good progress in embedding an enterprise risk culture through the standardised business unit annual plan template. This template required all business units to identify and manage risks as part of their annual business plans. Quarterly reporting on business unit performance includes reporting on the management of these risks.

The NPA engaged the services of a consulting firm to assist with conducting risk assessments, the design and development of its ERM system, as well as to develop and conduct awareness and specialist training on ERM. This process is still ongoing and will be finalised in the next financial year.

Internal Audit

As announced in the previous reporting period, the decision to combine the internal audit units of DoJ&CD and NPA was implemented in 2006/07. The aims of integrating the NPA Internal Audit section into the Internal Audit Unit of the DoJ&CD sought to optimise the utilisation of auditing resources under the control of the Chief Audit Executive of DoJ&CD. This arrangement has however not proved successful, as capacity and capability constraints prevented the required standard of internal auditing services to be rendered

² Annexure A: Performance Information Reporting on Governance 2006/07. Table 21 of this annexure reflects the NPA's performance against governance objectives and deliverables.



Ms Mariaan van Kaam,
 Executive Manager: Strategy and Risk
 Programme Director: Serurubele Trans-
 formation Programme



to the NPA. Management is of the view that the internal auditing services for the NPA will need to be comprehensively reviewed in 2007/08.

Policy Management

The NPA continued with the prioritisation of the development and adoption of policies, as well as to bring its overall policy management capability onto a sound footing. The NPA adopted its first ever Policy on Policies to guide the development of policies in the NPA. This policy is accompanied by a standardised template for policies and a guideline to the template. Solid progress was made with the design of a documented policy management methodology. The NMM is the body assigned with the adoption and review of policies for the NPA. The NPA currently has a set of 36 approved policies, with eight new policies adopted in the reporting period. A further 12 policies are in draft format.

Integrity Management Unit (IMU)

Established in 2001, the Integrity Management Unit (IMU) is mandated with infusing a culture of irreproachable integrity into the NPA so that it always enjoys the confidence and trust of its stakeholders. Hence, the activities of the IMU are significant to South Africa's broader community, by ensuring that the NPA remains a rigorous champion of integrity in the ongoing struggle against crime and corruption.

The IMU has identified two approaches, proactive and interventionist, to ensure that all activities and conduct in the NPA remain aligned with the Constitution, government policies and the NPA mandate.

Promotion of a culture of integrity in the NPA

This programme aims at creating and promoting a culture of integrity through continuously assessing the integrity health status of the organisation, recommending appropriate interventions, as well as educating and raising awareness of integrity issues in the NPA ranks.

Integrity culture assessments were conducted for all NPA business units and the outcomes of this survey will be an input into developing future integrity plans. Integrity KPA was incorporated in the performance contracts of all NPA senior managers and also included as a governance deliverable in all business unit annual plans. Integrity's fundamental standing in the NPA was bolstered by the following activities:

- Integrity becoming a standing item on the agenda of the NMM
- A successful leadership conference on integrity held for all NPA senior managers
- An Integrity resource manual was launched to support managers in promoting integrity.

The IMU conducted 12 workshops involving 503 employees, with further inputs made into the induction programme for new employees. In this period 180 integrity champions were recruited from among the staff and underwent a certified ethics training programme facilitated by the Ethics Institute of South Africa (Ethics SA).

Prevention of unethical conduct in the NPA

This programme identifies and reduces systemic weaknesses that may render the NPA vulnerable to unethical, fraudulent and corrupt practices. Constant monitoring, evaluation, implementation of early warning systems, and investigating when necessary, is intended to deter, detect and prevent corrupt practices. Individual profiling was performed on 182 members of NPA senior management. The IMU also analysed organisational conduct in three areas: labour relations, recruitment and attrition. A report on findings, trends and recommendations was presented to the Exco and NMM. A compliance framework and index were finalised and are used to monitor compliance in the NPA. Of the 19 cases of alleged unethical conduct being investigated, nine were finalised in the year under review. These cases are often complex and can drag on for several years.



Ms Dipuo Mvelase,
Executive Manager: Integrity
Management Unit.

Communication Unit (CU)

The CU is responsible for the external and internal public relations of the NPA, and for ensuring that its brand is properly represented in the public domain. Internally, the CU supports and enhances the NPA culture by regularly communicating to NPA employees, particularly through the revamped in-house Khasho newsletter. Externally, the CU has a spokesperson and a deputy spokesperson who interface with the public media, and it performs other activities to educate the broader public and raise awareness of the NPA and its work.

The CU monitors and reports on media coverage of the NPA through its linkages to the Government Communication and Information System (GCIS) and a media information agency.

A brand audit was completed in December 2006 as the first phase of a comprehensive brand review process. The second phase of this process entails developing a brand strategy in which the NPA's brand identity will be updated and a specific corporate identity (CI) instituted, supported by a CI manual.

The CU has undertaken numerous activities to educate the broader public and raise awareness of the NPA and its work. The NPA participated in the SABC 3 legal programme, Rights and Recourse, in which legal topics spanning across the work of all NPA business units were discussed, with NPA representatives as panel members presenting prosecutorial perspectives on court cases and other legal matters. The NPA also participated in a public event sponsored by Kaya FM as part of the "16 Days of Activism" campaign. Furthermore, the NPA participated in three consecutive weekly spots focusing on topics related to gender violence and abuse.

Themed advertorials were taken out in the BBQ and Service Leadership in Government publications. These advertorials focused on the NPA's strategic direction in terms of Strategy 2020 and the successful work of the DSO against organised crime. A comprehensive article about the core work of the NPA was published in the February issue of Enterprise.

The CU arranged the launch of the Mafikeng TCC in November 2006. This successful event was hosted in the format of an Imbizo, with the enthusiastic participation of the community of Mafikeng. The NDPP, North West Premier, Judge President of the region, NPS Head and other prominent government dignitaries participated in the Imbizo. Other successful events that the CU helped organise and arrange media cover for were the following:

- Launch of SOCA's 365 Days Campaign
- Launch of SOCA's Project Ndabezitha
- NPA's first participation in the Rand Show, through an outstanding exhibition stand
- NPA Restorative Justice Conference
- NPA Stakeholder Conference
- Senior Managers (SMS) Conference on Integrity
- TRC exhumations.

Stakeholder Management

The NPA solidified its work in enhancing its engagement with stakeholders, its value delivery to stakeholders and its stakeholder management process during 2006/07. This was done in line with its Governance definition of consistently ensuring that the NPA delivers value to its stakeholders, and with the intent of Strategy 2020 to follow an outward-in focus and outcomes-based approach to service delivery.

The NPA's new Strategy 2020 rests strongly on joint problem-solving and cooperation with partners and stakeholders. The NPA built on this first engagement with stakeholders during 2005, by hosting the NPA Stakeholder Conference during 28 – 30 March 2007. The Conference received wide acclaim and appreciation from attendees, with several delegates indicating that the Conference either met or exceeded their expectations. The NPA intends to build on this type of engagement with stakeholders in future.

The design of a documented stakeholder management process is at an advanced stage. In order to enhance accessibility of information and feedback dissemination to stakeholders, the NPA will for the first time issue a Stakeholder Report towards the second half of 2007. Furthermore, executive summaries of the Stakeholder Report and the Annual Report 2006/07 will be produced in IsiZulu, TshiVenda and Sesotho, as well as a Braille and audio version. These will be available in hard copy as well as on CD and the Internet.



Ms Bulelwa Makeke,
Executive Manager: Communications



Mr Panyaza Lesufi, NPA Spokesperson



The NPA hosted a successful Stakeholder Conference during March 2007



Stakeholders appreciated the opportunity to engage with the NPA during the Stakeholder Conference 2007.

The NPA continues to play a role in various partner and stakeholder forums in a formal and informal capacity. Operational partner engagements, liaison and consultation take place at national, provincial and regional level. On the international front, various business units and the NDPP continue to build relations – this is further elaborated on in the Report of the Office of the NDPP and the various business unit reports contained in this Annual Report.

A stakeholder value delivery focus was built into the annual business plans of all business units, with the standardised Annual Plan Template requiring business units to anticipate the value delivery and expectations required by NPA stakeholders. The units then had to respond in the Annual Plans by indicating what value will be delivered through the objectives, deliverables and activities, and reported on progress during the quarterly performance reviews.

The NPA cannot implement the NPA Strategy 2020 on its own and the organisation is firm in its resolve to work with partners and stakeholders to deliver justice for the greater good of South Africa and the continent. The NPA is committed to harness opportunities to take hands, work together, and share experiences, lessons, information, skills and expertise, and even resources where necessary, with partners and stakeholders.

.....
Ms Marion Sparg
Chief Executive Officer